

posal to allow the Postmaster General to change the zones, weight limits, and rates of postage.

Here are Senators living around the great mail-order houses of Chicago, in near-by States. The reason the Senate committee made the first zone 50 miles was because we did not think it was fair to put the merchants of small towns around these mail-order houses and large cities at the mercy of the great business houses. We thought, furthermore, that the people in the small towns were entitled to the natural benefit that distance gave them in the carriage of freight. We thought it would be unfair for the Government, even though it had the power and, of course, could appropriate the money to do it, to put those people in competition with the mail-order houses and enable them to get their goods into the hands of the constituents of the country merchant without the payment of even a freight rate.

I am not a hero-worshiper, Mr. President. I have no doubt Mr. Lewis of Maryland has given great study to this question. I had the honor to serve upon the subcommittee with Senator Bourne. At that time his proposition was, as I remember, to buy out the express companies, and to pay them \$40,000,000.

Mr. BRISTOW. Mr. President—

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

Mr. BRYAN. I do.

Mr. BRISTOW. That was the proposition of Mr. Lewis.

Mr. BRYAN. That is what I say. That was his proposition then. What did we need with the franchises of the express companies? So that went by the board. Now, we, in the Senate committee, are held up as the great enemies of this law.

Several Senators have quoted from what Mr. Lewis had to say, but none of them have quoted what seems to me to be a demonstration of the inadequacy of these rates that are to be put into effect not by the Postmaster General but by two or three clerks under him, who tell him what he ought to charge for doing the business.

The references to what Mr. Lewis said on the floor of the House made it permissible for me to call attention to this statement under by him.

But, sir—

Says Mr. Lewis—

if this rider should prevail, the surplus would be short lived. The express companies, free to readjust their rates, would readjust them to divert all the profitable traffic from the post, leaving us with scarcely any except the rural route and star-route traffic. Two facts justify this assertion:

First. The profitable parcel traffic flows between the cities and on the rails. As to this traffic the express companies are paying the railroads an average of about 4 cents a ton-mile, while the Post Office pays about 8 cents a ton-mile.

Second. The unprofitable traffic is along the rural and star routes. Their maintenance costs the Post Office about four times as much as the revenues derived from the mail and parcels delivered over them.

It would be an unwise provision to make any rates that were not self-sustaining; but, above all, the rates for the carriage of parcels upon the rural routes ought to be self-sustaining, because otherwise, with the express companies having half the transportation expense that the Government has, of course they can carry the parcel to the point where the rural route will take it and deliver it at a loss of 75 per cent to the Government, according to this expert cited by several Senators. In whose interest is that done? In the interest of the express companies.

I take an illustration that he gives:

The 10-pound express rate from New York—

Quoting from Mr. Lewis—

to Lincoln, Nebr., is 57 cents, which, added to the rural postal-route rate of 10 cents, makes 67 cents. The complete parcel-post rate from New York is now 81 cents, or 14 cents above the express and rural-route rates combined. Of course, people will ship by the cheapest means, and so if this Senate rider is adopted we must expect the rural routes to be exploited by the express companies to the limits of the wants of the 20,000,000 of farming population. The express companies will use the nonpaying part of the postal institution to push their traffic to and from the farm at a postal economic loss of 75 per cent—

He changes a little. A while ago it was 4 to 1; now it is 3 to 1—

and when it reaches the rails and becomes profitable by a system of rates, they are left free to devise for that purpose—they will appropriate all this traffic substantially to themselves.

A very pertinent question may now be asked. Why did the Postmaster General propose and the Interstate Commerce Commission approve a rate of 51 cents for a 10-pound parcel from New York to Lincoln when they had knowledge that the express rate was 57 cents? The answer is that the Post Office has to pay the railroads 60 cents to transport that parcel.

So there is the situation. We actually have to pay to the railroad companies more money than the express rate is. Now, how much are you going to reduce it?

Mr. OWEN. Mr. President—

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

Mr. BRYAN. I do.

Mr. OWEN. I should like to ask the Senator from Florida if there is no way of amending that so that the railroads will be required to carry this freight for the Government of the United States as cheaply as for the express companies?

Mr. BRYAN. Whenever that is done that will be the time to reduce these rates; but, as the Senator from Kansas said on a former occasion, when a railroad commission reduces an express rate it reduces what the express companies pay to the railroad companies, but when we fix by statute the payment to the railroad companies that remains fixed. We can reduce the amount we receive, but we can not reduce the expense. The Senator asks a very pertinent question.

Mr. OWEN. I really wanted to know what the truth was about it, why we do not get as low rates from the railroad companies as the express companies do, and why the Government of the United States, through the party now responsible for government, does not take the necessary steps to accomplish it.

Mr. BRYAN. I will say to the Senator, as perhaps he knows, that there is a commission now studying the question of railway mail pay, and this bill carries an extension of time for them to make their report. If we pay twice as much as the express companies for railroad transportation, then it follows absolutely that in the carriage of large packages the Post Office Department can not compete with the express companies without the loss of a tremendous amount of money.

Mr. OWEN. With that premise, I agree with the conclusion; but I am not willing to have that premise remain a fact.

Mr. BRYAN. I will join the Senator as readily as any man in this Chamber to change it, but it is a fact; and yet the express rate from New York to Lincoln, according to Mr. Lewis, is less than the money the Government pays to the railroad company for the transportation of a 10-pound package. What does that lead up to? That as to that 10-pound package, between those two cities, we can not compete without an absolute loss.

It is stated by the Interstate Commerce Commission in its report—and the comparison will bear it out—that the rates now in effect disclose that the prescribed express rates for packages over 4 pounds, when carried for distances of more than 200 miles and less than 3,000 miles, are generally lower than the parcel-post rates. For distances of more than 3,000 miles the parcel-post rates and the express rates are practically the same.

Another fact which will be ascertained by an examination of that report is that practically country wide the parcel-post rates up to 4 pounds are cheaper than the express rates, and that in shipping small packages it will be to the advantage of the people to use the parcel-post rates. Now, why is that? Because the Government has its equipment, the rural carriers; it has its city delivery carriers; it has a more thorough organization for the handling of small packages than the express companies; but when you come to large packages, especially packages of 20 pounds and more, because of the rates we have to pay in comparison with the rates the express companies are supposed to pay we are eliminated by reason of the vast difference.

Another argument made is that it will not do for Congress to say, "Hold on, Mr. Postmaster General; we do not know whether these rates are self-sustaining or not. Let us wait long enough to find out. Here you abolished the distinctive stamp; in August you cut the rates in two over some of the zones, and raised the weight limit to 20 pounds on the first two zones and on the rural routes and let it remain the same on the others; and then, before an examination and a determination could be made as to the effect of that order, on the 1st of January another order was made raising the weight limit on two of these zones to 50 pounds and on the other zones to 20 pounds, and you appear here and say that a weight limit of 100 pounds has no terrors for you. Let us let the rates that are now in effect, and the weights that are now in effect, and the zones as now established remain long enough for you and for a commission that Congress has had appointed here to find out the truth about this matter."

It is said that by the adoption of this amendment we withhold from the Postmaster General the power to make any change, but that the express companies can make a change any day. Mr. President, that is not so. The express companies are bound to maintain the rates established by the Interstate Commerce Commission. They can not raise them and they can not lower them without permission, upon 30 days' notice. Congress is in session practically all the time; and all this provision requires is that they must come and let Congress, by a joint resolution or in some other manner, approve a further change.

We have taken it for granted for the purposes of this amendment that the rates are self-sustaining as now existing; but, Mr. President, if we examine the method by which that result is arrived at, I doubt very much if any man would concede that they are self-sustaining.

It is claimed by the department, by the Postmaster General and his assistants, that the increase of expense due to the parcel post is about \$5,000,000, made up as follows:

First Assistant:	
Clerks first and second class offices-----	\$80,000
Watchmen-----	25,000
Contract stations-----	65,000
Rent, light, and fuel-----	150,000
Miscellaneous items first and second class offices----	32,000
City delivery carriers-----	250,000
Substitute carriers-----	200,000
Horse hire-----	670,000
Car fare, bicycles, etc-----	50,000
Second Assistant:	
Power boat, natural growth, and parcel post-----	135,000
Mail messenger, natural growth, and parcel post-----	90,000
Screen wagon, natural growth, and parcel post-----	667,000
Post car service, statutory rate on additional space----	436,000
Terminal post offices-----	410,000
Fourth Assistant:	
Natural growth, parcel post (office)-----	20,000
Office supplies, parcel post-----	40,000
Trucks, laborers, parcel post-----	10,000
Miscellaneous items, natural growth, parcel post-----	18,000
Star routes-----	1,570,000
Total-----	4,918,000

They overlook the increase of 5 per cent involved in this paragraph of this bill, amounting to two and a half million dollars, put in the appropriation bill of last year. In the report they make they say that there is no cost for 73 per cent of the deliveries made, because those deliveries are made by the rural carriers. Well, now, let us see if there has been any additional cost.

In last year's appropriation bill we added a hundred dollars a year to the pay of each rural carrier, did we not? There were at least 42,000 of them. That is \$4,200,000 added to the cost. This year there are 42,805. That is \$4,280,500 more, because this bill carries another raise of a hundred dollars a year each. That makes about eight and a half million dollars. Five million dollars more is over thirteen million. Yet they expect to make from eight to ten million dollars a year. Of course you can make it if you credit everything you take in and do not charge any of your expenses.

Mr. SMITH of South Carolina. Mr. President—

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

Mr. BRYAN. I do.

Mr. SMITH of South Carolina. I should like to ask the Senator from Florida if the increase in the pay of the Rural Carrier Service last year and this year was on account of the increased service that they rendered on account of the parcel post? Was it not rather because of the extension of the Rural Carrier Service?

Mr. BRYAN. Not at all; it was because of the increased work put upon them.

Mr. President, we might as well face the situation. This committee was fortunate to get off with a raise of \$100 a year. Amendments have been introduced to pay the rural-route carriers \$1,400 a year. If they are going to have to carry so many of these parcels as to make them go to that expense, I do not know but that we will have to come to that compensation. We are going to have to raise their pay, and it is not very fair figuring to say that we will not take into account any of the raises given directly and absolutely because of the increase in the work put upon the rural carriers and the star-route men.

Mr. President, there is very great contention as between the railroad companies and the Government as to the justice of the railway mail pay. That is a question that is being investigated by a commission of Congress. As was said by the Interstate Commerce Commission, "so far as the rail carriers are concerned, it is of no consequence to them whether they furnish rail transportation for the express respondents herein or for the Post Office Department." Because if we should pay to the railroad companies more than the express companies pay to them they would not be damaged, but, on the contrary, they would be benefited if all of the express were carried by the parcel post.

Of course the express companies will be injured. I do not enjoy the position of appearing even to appeal for them, because in my judgment they have no right to exist in this country. I believe if the State railroad commissions and the Interstate Commerce Commission would simply say to the railroad corporations "You are common carriers; you have to do the transportation business, and if you see fit to farm out a part of

your profits to express companies in order to hide away from the railroad commissions a part of your earnings in the fixing of rates, we will ignore the fact that you have done so."

The arrangement between the express companies and the railroad companies to-day is this: The railroad companies furnish the cars. They furnish all the equipment, all the freight, free of charge. The express companies handle it at the terminals, deliver it, and divide with the railroad companies about 50 per cent of the net earnings, amounting, I believe, to about \$20,000,000.

So it ought to be perfectly apparent, Mr. President, that we can not compete in large packages with a situation of that kind. If the railroad commissions and the Interstate Commerce Commission would bend their energies toward getting a ruling by a court of final resort upon the question whether they have not the right to ignore the express companies in the fixing of rates, then rates might be reduced, and the Government and the public alike would derive benefits from it.

But the proposition is true that the Government no more than an individual can force a railroad company to carry for less than a reasonable charge. We can not get merchandise carried by parcel post, however large the package we make, for any less than a railroad commission can force a railroad company to carry it.

But, Mr. President, I have found it always dangerous to dispute with an expert. I do not base my opposition to the order of the Postmaster General to change rates and zones and weight limits upon the pure question of whether his rates are self-sustaining.

I was very much interested yesterday in hearing the Senator from Virginia [Mr. SWANSON] read from Washington's Farewell Address this paragraph:

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation, for, though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Mr. Tucker, in his work on the Constitution, quotes from Baron Montesquieu as follows, and it has gone down in our constitutional history as Montesquieu's Maxim:

In every Government there are three sorts of power: The legislative; the executive, in respect to things dependent on the law of nations; and the executive, in regard to matters that depend on the civil law. By virtue of the first the prince or magistrate enacts temporary or perpetual laws, and amends or abrogates those that have been already enacted. By the second he makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions. By the third he punishes criminals or determines the disputes that arise between individuals. The latter we shall call the judiciary power, and the other simply the executive power of the State. \* \* \* When the legislative and executive powers are united in the same person or in the same body of magistrates there can be no liberty, because apprehensions may arise lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner. Again there is no liberty if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression. There would be an end of everything were the same man or the same body, whether of the nobles or of the people, to exercise those three powers—that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.

In the act establishing the Department of State, the Department of Justice, and the Post Office Department provision was made that the heads of those departments should report to the President of the United States; but when Congress constituted the Treasury Department provision was made that the Secretary of the Treasury should report to the Speaker of the House of Representatives. So to-day the Secretary of State reports to the President, the Attorney General reports to the President, the Postmaster General, the Secretary of the Interior, and all the others report to the President, but even down to the latest report the Secretary of the Treasury directs his reports to the Speaker of the House of Representatives.

It is hardly necessary to refer Members of the Senate to the reason for this. It was found in the great proposition fought over and won by the House of Commons against Charles I on

Another reform that should be embraced is that a factory or importer should be legally bound to sell and deliver to any retail dealer any order for the goods they manufacture or import, regardless of the quantity ordered, and at their regular price.

We are now able to buy some goods direct from the factory and importer, much that we can not—that is to say, we can purchase from the factory, but the goods will be shipped through the jobber, and the price we pay contemplates the passing of the goods and account through the jobber.

To sum up, the small retailer is a necessity in the distribution of goods, he performs a service that can not be entirely dispensed with, and to eliminate him will require the substitution of some other agency to perform this service.

That it is not justice to eliminate those now in business involving such a great financial sacrifice in order to substitute other agencies which can do no more nor any better.

Inasmuch as all administrative action and legislation so far has been in the interest of big business, unless something is done now for the small dealers there is but one result possible.

And the first relief should be along the lines above indicated. They would injure no one and would bring equity and balance in a very large way to commerce.

Action along these lines would be fought by catalogue houses and jobbers, of course, but it will not injure catalogue houses. They would still have the advantage of capital, and the only elimination of jobbers would be only as jobbers in some instances, as the jobber also performs a service that would still be necessary, and such as could not meet this would simply transform to mail-order or catalogue houses.

Yours, truly,

A. W. ANDERSON.

EMORY SCOTT LAND.

Mr. JOHNSON. I am directed by the Committee on Claims, to which was referred the bill (S. 67) for the relief of Emory Scott Land, to submit an adverse report (No. 285) thereon. I call the attention of the Senator from Wyoming [Mr. WARREN] to the report.

Mr. WARREN. I should like to have the report go to the calendar.

The VICE PRESIDENT. The bill, together with the adverse report, will be placed on the calendar.

DISTRICT OF COLUMBIA REVENUES AND EXPENDITURES (S. DOC. NO. 432).

Mr. SMOOT. From the Committee on Printing I report back favorably an opinion prepared by the Comptroller of the Treasury on the 3d of January, 1914, in relation to the half-and-half system of paying the expenses of the District of Columbia, which was submitted by the Senator from Virginia [Mr. MARTIN] on the 20th instant. I am directed by the Committee on Printing to request that the article be printed as a public document.

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

BILLS AND JOINT RESOLUTIONS INTRODUCED.

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

By Mr. SHAFROTH:

A bill (S. 4604) to provide a civil government for Porto Rico, and for other purposes; to the Committee on Pacific Islands and Porto Rico.

By Mr. SIMMONS:

A bill (S. 4605) granting an increase of pension to Susannah S. Ramsey (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 4606) to correct the military record of James Capehart; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 4607) granting a pension to Mary Adair Kendall (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 4608) to amend subdivision 8 of section 24, Chapter II of the Judicial Code of the United States; to the Committee on the Judiciary.

By Mr. McLEAN:

A bill (S. 4609) granting an increase of pension to Austania E. Barrows (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 4610) for the relief of the Right Rev. N. S. Thomas; to the Committee on Indian Affairs.

By Mr. REED:

A bill (S. 4611) granting a pension to Eugene P. McFadden; A bill (S. 4612) granting a pension to Nettie Nieschang (with accompanying papers); and

A bill (S. 4613) granting an increase of pension to Leonidas Recob; to the Committee on Pensions.

A bill (S. 4614) to remove the charge of desertion from the military record of Joseph Clark; to the Committee on Military Affairs.

By Mr. MARTINE of New Jersey (for Mr. O'GORMAN):

A bill (S. 4615) granting an increase of pension to Isaac Nebbenburgh; and

A bill (S. 4616) granting a pension to Francis I. Helm, alias Francis Boyd (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 4617) granting an increase of pension to August Schnelle (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 4618) granting an increase of pension to Thomas P. Moore (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4619) authorizing and directing the Secretary of the Interior to vacate certain lands in Oklahoma reserved for a town site, and for other purposes; to the Committee on Indian Affairs.

By Mr. POMERENE:

A joint resolution (S. J. Res. 115) to authorize the Commissioner of Patents to make temporary loans of models, deposited with the Patent Office as exhibits and not as part of the record, to certain educational institutions in the continental United States; to the Committee on Patents.

By Mr. SIMMONS:

A joint resolution (S. J. Res. 116) making appropriations for reimbursement of appropriations for the support of the Army for the transportation and care of interned Mexican soldiers and refugees; to the Committee on Appropriations.

OMNIBUS CLAIMS BILL.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the omnibus claims bill, which was referred to the Committee on Claims and ordered to be printed.

AMENDMENT TO DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. MARTINE of New Jersey submitted an amendment proposing to appropriate \$6,000 for the instruction and employment of the blind of the Columbia Polytechnic Institute who are actual residents of the District of Columbia, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WOMAN SUFFRAGE.

Mr. ASHURST. I desire to give notice that on Friday, February 27, 1914, immediately upon the conclusion of the routine morning business, I shall move that the Senate proceed to the consideration of Order of Business No. 52, being the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

The SECRETARY. Senate resolution 277, by Mr. NORRIS, directing the Attorney General to inform the Senate if any contract has been entered into or contemplated with the officials of the New York, New Haven & Hartford Railroad regarding the reorganization of said company.

The VICE PRESIDENT. An amendment was offered to the resolution by the Senator from Minnesota [Mr. CLAPP].

Mr. NORRIS. I should like to suggest that the pending question is the motion of the Senator from Alabama [Mr. BANKHEAD] to refer the resolution.

The VICE PRESIDENT. The pending question is on the motion to refer the resolution to the Committee on Interstate Commerce.

Mr. LODGE. Mr. President, the Senator from Alabama [Mr. BANKHEAD] moved to have the resolution referred to the Committee on Interstate Commerce. I think a resolution of this importance ought certainly to be referred, but—

Mr. CLARK of Wyoming. Mr. President, owing to the importance of the resolution, 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	Dillingham	Martine, N. J.	Shepard
Bankhead	Fall	Myers	Sherman
Bradley	Gallinger	Nelson	Simmons
Brady	Gronna	Norris	Smith, S. C.
Brandegee	Hughes	Overman	Smoot
Bristow	Johnson	Page	Stephenson
Bryan	Jones	Perkins	Sterling
Catron	Kern	Polindexter	Thompson
Chamberlain	La Follette	Ransdell	Townsend
Clapp	Lane	Reed	Vardaman
Clark, Wyo.	Lodge	Robinson	Weeks
Cummins	Martin, Va.	Shafroth	Works

Mr. KERN. I desire to announce that the Senator from Tennessee [Mr. LEA] is absent owing to illness. He is paired with

the Senator from South Dakota [Mr. CRAWFORD]. This announcement may stand for the day.

I desire also to announce that the Senator from Georgia [Mr. SMITH] is detained from the Senate on account of illness. This announcement may stand for the day.

Mr. REED. My colleague [Mr. STONE] is detained from the Senate by illness. This announcement may stand for the day.

Mr. RANSDALL. The senior Senator from Louisiana [Mr. THORNTON] is detained on account of illness.

Mr. SHAFROTH. I desire to announce the absence on account of illness of my colleague, the Senator from Colorado [Mr. THOMAS]. He is paired with the senior Senator from New York [Mr. ROOT].

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from West Virginia [Mr. CHILTON] on important business. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. KERN. I wish to announce the unavoidable absence of my colleague [Mr. SHIVELY] on account of public business.

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

Mr. ASHURST. I wish to announce the unavoidable absence of my colleague [Mr. SMITH of Arizona].

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is a quorum present. The question is on the motion of the Senator from Alabama [Mr. BANKHEAD], to refer the resolution to the Committee on Interstate Commerce. The Senator from Massachusetts will proceed.

Mr. LODGE. Mr. President, when the call for a quorum of the Senate was made I had just said that I hoped this resolution, which I regard as one of very great importance, would be referred to a committee, and I was proceeding to say that I also hoped the Senator from Alabama would move to refer it to the Judiciary Committee instead of to the Committee on Interstate Commerce, because it is clearly a matter that comes within the jurisdiction of the former committee. The questions are asked of the Attorney General; they are purely legal questions; the resolution in its nature relates to the Department of Justice and its operations, and that department and all appointments under it under our rules and practice come before the Judiciary Committee.

Mr. ROBINSON. Mr. President, if the Senator from Massachusetts will yield to me for a moment I will say that the chairman of the Committee on Interstate Commerce is unavoidably absent from the Senate on public business. He communicated with me a moment ago, asking me to look into the matter and to request that such action be taken as seems to be proper. It appears to me from an inspection of the resolution that the jurisdiction of it would probably lie in the Committee on the Judiciary, as has been suggested by the Senator from Massachusetts [Mr. LODGE]. I am of the opinion that the resolution should be referred to some committee. I therefore make no objection to its reference to the Committee on the Judiciary.

Mr. BANKHEAD. In view of the suggestion made by the Senator from Arkansas [Mr. ROBINSON] and the Senator from Massachusetts [Mr. LODGE]—the Senator from Arkansas being a member of the Interstate Commerce Committee—I will move that the resolution be referred to the Committee on the Judiciary.

Mr. CLAPP. Mr. President—

Mr. LODGE. I think I have the floor.

Mr. CLAPP. I was going to ask the Senator from Massachusetts if he would yield to me for a moment.

Mr. LODGE. Certainly.

Mr. CLAPP. There is an amendment to this resolution which is pending and printed, and is now on the table, to which I suppose, of course, it is proper to refer.

Mr. LODGE. Certainly; but the amendment would go with the resolution.

Mr. CLAPP. That amendment, in addition to making the inquiry as proposed by the Senator from Nebraska [Mr. NORRIS], asks that the Attorney General lay before the Senate his agreement, arrangement, or understanding, which would not involve any judicial inquiry, but would simply bring before the Senate the fact itself for the Senate to deal with either directly or, if in the opinion of the Senate that involved a subject that should go to the Committee on the Judiciary, it would then be so referred.

Mr. LODGE. Mr. President, that amendment also is a matter which concerns the Attorney General, and it seems to me that all matters relating to the Department of Justice belong, and always have belonged, to the Committee on the Judiciary; but the Senator from Alabama [Mr. BANKHEAD] has made his mo-

tion in that form, and I do not care to enter into any further discussion on that point. It seems to me that is the proper reference.

The VICE PRESIDENT. The Senator from Alabama now changes his motion and moves that the resolution be referred to the Committee on the Judiciary.

Mr. LODGE. Mr. President, I desire to speak in regard to the resolution itself. The Senator from Nebraska [Mr. NORRIS], in speaking of the inquiry contained in the resolution, said—and said very truly—that in his opinion it could be answered only in one way. In that I entirely agree with him. Therefore we can not look to this resolution for anything in the nature of information; and I am a little at a loss to understand just what the actual purpose of the resolution is, as it is not calculated to give us any information. Whatever the purpose of the resolution may be, however, it will have a very bad effect, in my opinion, upon what the Department of Justice and the governors of the States through which this railroad system passes, especially the governor of my State, are trying to bring about.

Although the New York, New Haven & Hartford is the only railroad mentioned in the resolution, the matter under consideration affects at this moment the Boston & Maine Railroad—that is, it relates to the separation of the Boston & Maine from the New York, New Haven & Hartford road. The resolution seems to imply that the Attorney General is entering into a contract with somebody. I can not understand—perhaps it is my own fault—how the Attorney General can enter into any contract with anybody. He may be contemplating a suit for dissolution, unless he is satisfied that such a dissolution is to be brought about voluntarily in a proper and satisfactory manner and in a way beneficial to the public interest. Therefore I presume the arrangement, whatever it may be, will be submitted to him for his approval; but he certainly does not himself, in his official capacity, enter into any contract with anybody.

Now, Mr. President, I wish to say a word about the situation as it is where this railroad actually exists. It is not necessary to go over the whole history of these two roads, but the situation of the Boston & Maine, which it is now proposed to separate from the New York, New Haven & Hartford system, is totally different from that of the New York & New Haven road. In the first place, it is not conceded by everybody, as the Senator from Nebraska stated yesterday, that the taking possession of the Boston & Maine by the purchase of a majority of its stock by the New York & New Haven was a lawless proceeding. It was done in full light of day, after protracted public discussion, under the laws of the State of Massachusetts, which is the State from which the Boston & Maine holds its franchise; and whether it was in contravention of the Sherman Act is a point not raised at the time and is now, as then, a point open to considerable doubt.

The Boston & Maine system is not suffering because it has been plunged into debt by extravagant or unwise expenditures in buying up other properties, as is the case with the New York, New Haven & Hartford. The Boston & Maine system proper has no bonded debt; it has some debenture bonds, but not a large amount. The trouble with the Boston & Maine is that the road for many years has been starved and, in ordinary parlance, has been "skimmed." No money has been spent on it for improvements for many years. The former president of the road, Mr. Tuttle, a very able and most competent officer, again and again, I know, represented the need of expenditures on the road in order to keep it up to a proper condition, but was not permitted to expend the money that was necessary for this purpose.

Mr. GALLINGER. Mr. President—

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

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

Mr. GALLINGER. I think the Senator from Massachusetts might well add to what he has said that the Boston & Maine Railroad was very unwise in leasing a great many small lines of railroad and promising to pay an annual charge upon those roads which their earning capacity did not warrant. In other words, the Boston & Maine Railroad has a great many leased lines that do not pay sufficient to enable them to meet their obligations without taking from the funds of the Boston & Maine Railroad proper.

Mr. LODGE. That is undoubtedly true in regard to some of the leased lines; but I think the Senator will agree with me that the road also was starved, that it was not kept up as it should have been, and that the board of directors would not permit the former president to spend even the money that was absolutely necessary for that purpose.

Mr. GALLINGER. Certainly; that is undoubtedly so.

Mr. WORKS. Mr. President—

present to the Senate a little later some practical suggestions on the subject. Therefore we did not attempt to change the regulations of the Post Office Department, because we thought if we did the suggestion would be made that it was new legislation inasmuch as it changed existing law. We did not think this amendment could be so construed, because it does not change existing law. It simply provides that the existing law shall be maintained until Congress acts otherwise.

Mr. OWEN. Mr. President—

Mr. BRISTOW. I yield to the Senator from Oklahoma.

Mr. OWEN. I only wanted to observe that I did not feel content to have the remark of the Senator from North Carolina, that there was no question made on this side as to the premises laid down by the Senator from Kansas, go without a challenge so far as I am concerned.

I do not concede the premises of the Senator from Kansas, I do not agree to his conclusions, and I do not agree to the parliamentary propriety of this whole procedure. We have now been debating here a day and a half over a matter which is obviously legislation; a violation of parliamentary law and a violation of our own rules of procedure in this body. When the Senator from Kansas has concluded, I shall submit some observations upon that matter.

Mr. SIMMONS. Mr. President—

Mr. BRISTOW. I yield to the Senator from North Carolina.

Mr. SIMMONS. My remark to the Senator from Kansas was that I had heard no dispute on the proposition submitted by him. I have not been in the Chamber during the whole day; but when the Senator from Kansas was making his statement and giving his illustrations to show the discriminations which have been brought about by reason of the abolition of this zone, I was amazed, if it was not true, if the Senator from Kansas was wrong, that some member of the committee or some Member of the Senate who might be advised as to the facts did not controvert his statements.

I do not know whether the statements of the Senator are entirely warranted by the facts or not, but up to this time I have heard no one controvert them. I have heard no member of the committee controvert them. If they are true, as the Senator states them, then it would seem to me that a condition that is discriminatory has been brought about as the result. As I say, I am not myself familiar with the subject, and have ventured no opinion of my own with regard to the matter.

Mr. BRISTOW. So far as the facts and figures are concerned, no one will question them who has looked them up at all, because there is no doubt as to their accuracy, and they will not be denied by anyone. Whether it will be advisable for the Government to carry this merchandise for some people at less than cost and charge others an exorbitant price for it is a question of opinion. If the Senator from Oklahoma thinks that is just and desirable, of course he is entitled to his opinion. So far as this debate is concerned, which seems to have offended the Senator from Oklahoma, running on here for a day and a half without any authority, according to his opinion, of course I take it that the Senator thinks this amendment is not a limitation of the appropriation, and therefore is out of order. I disagree with him. That is a question which the Senate later on is to determine.

Mr. OWEN. I did not intend to say that the debate was out of order. I think the debate is entirely in order under the rules.

Mr. BRISTOW. Now, take the State of South Carolina. From Charleston to Chester is 194 miles. That is within the first zone. The rate on 50 pounds is 54 cents. It costs the Government 55.4 cents to deliver the package from Charleston to Chester, which is 1.4 cents more than the postage receipts. Rockhill is 19 miles beyond Chester and 213 miles from Charleston.

The postage rate which the Government charges from Charleston to Rockhill is 54 cents for 50 pounds. The package is carried from Charleston, through Chester, to Rockhill. It costs the Government, according to the department's figures, 60.4 cents—6.4 cents more than the postage receipts. The Government will charge the citizen of Chester 54 cents for carrying a similar package 19 miles to Rockhill, though it costs the Government but 9.9 cents, or practically 10 cents. That is, it charges the citizen of Chester 54 cents for less than 10 cents' service, while it renders the citizen of Charleston 60.4 cents' worth of service and charges him but 54 cents. Now, the Senators from South Carolina may think that is just. I do not.

Now, take the rate from Atlanta to Spartanburg. A mail-order house in Atlanta, say, sends to Spartanburg, a distance of 192 miles, a package of 50 pounds for 54 cents. It costs 54.9 cents to carry it, or nine-tenths of a cent more than the postage receipts. Clifton is 8 miles beyond Spartanburg, 200 miles from Atlanta. It is within the first zone from Atlanta. The rate

from Clifton to Atlanta is 54 cents. The cost is 56 cents; 2 cents more than the entire postal receipts. The Government will charge the citizen of Spartanburg 54 cents for carrying the package from Spartanburg to Clifton, 8 miles, though it costs the Government but 7 cents to do it, while it renders 56 cents' worth of service to the mail-order house at Atlanta for 54 cents. Now, the Senators from South Carolina may think that is just. I do not.

Take Texas: From Houston to Taylor, a distance of 165 miles, which is within the first zone, the charge is 54 cents on 50 pounds. It costs 47.9 cents. If a citizen of Taylor sends the same kind of a package to Elgin, 16 miles away, he has to pay the same rate of 54 cents, though he gets but 16 miles of service, which costs the Government but 9.2 cents. The Senator from Texas may think that is just to his constituents about Taylor, but I do not.

Mr. SHEPPARD. Mr. President, I am not prepared to pass judgment upon the merits of the system. I think the proposition before us is as to whether or not this is general legislation on an appropriation bill. It was for that reason that I raised the point of order, from a parliamentary standpoint.

Mr. BRISTOW. Of course I do not think it is general legislation. I think it limits the appropriation. I will discuss that matter a little later; but the question has been thrown open so that the discussion as to the merits of the amendment is really on the point of order, and that is my reason for submitting these figures.

Now, I want to call attention to just two more sets of figures and then I will pass on, because I have wearied the Senate with these figures; but I wanted to illustrate the indefensible position which the department has taken in abolishing this zone.

Take the State of Colorado. Glenwood Springs is within the first zone from Denver; that is, it is within the radius of 150 miles. The distance by rail on one route from Denver to Glenwood Springs is 360 miles. The rate on 50 pounds from Denver to Glenwood Springs is 54 cents. According to the departmental figures, it costs the Government 98.6 cents to carry that package from Denver to Glenwood Springs, but the Government charges the citizen of Denver only 54 cents for carrying that package. Now, if the citizen of Glenwood Springs wants to send a package of exactly the same quality and weight to New Castle, 13 miles away, he will have to pay 54 cents. The citizen of Denver can ship that package through Glenwood Springs to New Castle, a distance of 373 miles, and the Government charges him 54 cents, though it costs the Government \$1.02 to carry it; yet it charges exactly the same rate to the citizen of Denver that it charges the citizen of Glenwood Springs for carrying it 13 miles. Now, the Senators from Colorado may think that is just. I do not.

Another illustration to the same effect, from Denver to Glenwood Springs and New Castle by another railroad, which carries out the same principle, I ask to incorporate in my remarks without reading.

The VICE PRESIDENT. In the absence of objection, that may be done.

The matter referred to is as follows:

Colorado.		Cost for
		50 pounds, cents.
From Denver, by Colorado Midland Railroad (unit 3819) to—		
Glenwood Springs (unit 4069; miles, 289)-----	75.1 + 5 =	76.5
New Castle (unit 4119; miles, 301)-----	78.3 + 5 =	83.3
Glenwood Springs to New Castle (miles, 12)-----	3.1 + 5 =	8.1

Mr. BRISTOW. Now we come to the last illustration I have, and that is in New Mexico. To me it is the most interesting one that has been presented, and I want to say that this New Mexican illustration is not the only one of this kind that can be found. There are many others, so I am advised, in the sparsely settled regions of the country. From Farmington to Gallup is 591 miles by rail. Gallup is within the first zone from Farmington. It costs the Government \$1.59 to transport a 50-pound package from Farmington to Gallup, yet the postage rate on this package is 54 cents.

It may be a wise provision on the part of the Postmaster General to abolish the first zone, impose upon the revenues of the department such enormous losses, and confer such discriminating advantages upon one community as against another. Senators may want to vote to approve such an iniquitous exercise of authority which we conferred. Personally I do not intend to do it.

I want to call attention now to another matter, and then I will soon be through, unless I am interrupted, because I know I have already wearied the Senate. I should especially like to have the attention of Senators who have had experience in transportation matters to this proposition:

It is a well-known rule of transportation, which I think will be admitted, that the through rate should not be more than the

sum of the locals. No system of transportation can be defended where the direct through rate is more than the sum of the locals; but under the system that has been submitted by Mr. Burleson, in many instances, the through rate is more than the sum of the locals.

To illustrate, you can send a 20-pound package from St. Louis to Kansas City—Kansas City being within the third zone from St. Louis—for 44 cents. A package going from Kansas City to Emporia, Kans., 100 miles away, comes within the first zone under Mr. Burleson's rule. The rate from Kansas City to Emporia is, therefore, 24 cents; 44 plus 24 is 68. That is, if that 20-pound parcel is sent to Kansas City, and remained there to Emporia, the sum of the two rates is 68 cents. If it were sent directly over the same route from St. Louis to Emporia through Kansas City, without stopping at Kansas City, the rate would be 83 cents, Emporia being in the fourth zone from St. Louis.

That is repeated all over the United States. If you are sending these packages to Emporia or Newton or Hutchinson or Wichita, Kans., you can stop them at Kansas City or at Topeka and have them sent to the post office and delivered to the citizen anywhere within the delivery of that office; he can readdress them to the towns west—Hutchinson, Emporia, or any of the towns there—the Topeka post office goes to the citizen's place of business, gets the package, takes it down to the depot, reloads it on the train, and it goes on; and for every 20-pound package that is mailed by this process of stopping at intermediate points the shipper will save 15 cents in postage.

Is there any Senator here who thinks that is a wise system of rate making? Yet that is exactly the system which the Postmaster General has put in force under the authority which we gave him. A mail-order house at St. Louis can send a thousand packages to Hutchinson or Wichita, stop those thousand packages at any point from Kansas City as far west as Topeka, re-mail them there, impose all of that burden and expense on the department, and save \$150 in postage by so doing.

Mr. SUTHERLAND. I should like to ask the Senator from Kansas how that condition arose. Was it by changing the law which we made?

Mr. BRISTOW. Yes.

Mr. SUTHERLAND. That is, if the law had been left as it passed Congress that condition could not have arisen?

Mr. BRISTOW. It would have been impossible.

No one is going to defend that. It can not be defended. It violates every principle of transportation. I should like to have any Senator show me what justification there is for conferring our authority—for it is our business to fix these zones and rates; that is the function of Congress—on a department and letting the department make these mistakes that not a single Member of Congress can defend.

It has been alleged that those of us who are criticizing the rates which Mr. Burleson put in force are "owned by the express companies." There have been some very interesting articles sent out from the Post Office Department—not by the Postmaster General, but by the publicity bureau there, I understand—which declare that the chairman of this committee and the Democratic members are reactionaries; and I think even the Senator from Arizona suggested that he was amazed that the Senator from Kansas should have joined any such association of Senators as those who were perpetrating this "outrage" upon the American people.

Let us see about this. Mr. Lewis of Maryland, who has been quoted with approval here quite freely by Senators, admits in the speech which he made, and which was read yesterday by the Senator from Florida [Mr. BRYAN], that the Government is losing money on these short hauls; that the express companies are letting the Government make the short hauls, where the rates are so low, and that the express companies are making the long hauls, where there is a profit. Therefore he says it is necessary for the Postmaster General to have authority to reduce the long-haul rates in order to enable the parcel-post service to compete with the express companies in those hauls where the express rates are lower than the parcel-post rates which the Postmaster General has put in.

Now, let us look at this a minute. Let us see how the Postmaster General can reduce the high rate which he has established here and meet the competition of the express companies successfully.

The express rate from New York to Grand Rapids on a 20-pound package is 62 cents. The parcel-post rate, under Mr. Burleson's order, is \$1.22. The cost to the department for carrying that 20-pound package, according to Mr. Burleson's estimate, is \$1.03; that is our cost for carrying 20 pounds from New York to Grand Rapids is \$1.03. The express company's charge to the public is 62 cents. The express company pays the railroad one-half of the total charge, or 31 cents.

Now, how can Mr. Burleson meet that competition? How can he reduce his rates, because in so doing he would be carrying the package, if he meets the express company rate, at far less than the cost to the Government?

I suppose if he is justified in abolishing the first zone and carrying packages, as he is, to some points in Colorado, New Mexico, Washington, Kansas, Texas, and other points for less than cost in the first zone as created by him, it will be argued that he would be justified in carrying the business for less than cost in the other zones, if it is necessary to meet the express rate.

Mr. LANE. I should like to ask the Senator, Why not secure the same rate of transportation?

Mr. BRISTOW. I think we ought, but—

Mr. GRONNA. Mr. President—

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

Mr. BRISTOW. I do.

Mr. GRONNA. The Senator from Kansas has given us the express rate in the fifth zone. Can the Senator give us the express rate in all the zones?

Mr. BRISTOW. Yes; I have them here.

Mr. GRONNA. I should like to have the Senator give them.

Mr. BRISTOW. I realize that the Senate is weary. I am perfectly willing to close for to-night, as the Senator from Indiana [Mr. KERN] said that he wished an executive session. If he wants an executive session now, I will proceed to-morrow or I will close up this evening, just as the Senate may prefer. I can go on and give the rates clear through in the different zones and show just how it is that the order of the Postmaster General operates.

Mr. GRONNA. I do not ask the Senator from Kansas to give all the rates. I simply want to know the rates in the different zones on a 20-pound package.

Mr. BRISTOW. I have it here.

Mr. BANKHEAD. Mr. President—

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

Mr. BRISTOW. I do.

Mr. BANKHEAD. I should like to ask the Senator from Kansas if he believes that the Post Office Department in making the estimate of the cost of transportation of the Parcel Post Service takes into consideration the fact that at the present time the Government is paying practically nothing for the transportation of its parcel-post matter; and when the time comes for the next weighing, when we can adjust the charges, how will it affect the cost of this transportation?

Mr. BRISTOW. That point has not been discussed, and I am glad the Senator called my attention to it. Of course, the Senate understands that the railroads are paid by weight for carrying the mails, and the mails are weighed once every four years; that is, there is a quadrennial weighing of the mails. The country is divided into four zones, and there is a weighing in one of the zones every year. That weighing fixes the compensation of the railroads for four years.

Since the Parcel Post System was adopted of course there has been a reweighing in but one of the four zones, and in the other three zones there is no additional compensation for the railroads except the 5 per cent which was added in the last appropriation bill. That additional compensation has been given.

Now, as to whether that makes up for the additional weight or not, is a question which, of course, Congress will have to deal with. The railroads claim that it does not anything like compensate them for the additional tonnage that is imposed upon them, while the department has a contention in regard to the matter. However, I am free to say—

Mr. POINDEXTER. I should like to ask the Senator whether, after the extensive investigation he has made, he is of the opinion that the rates paid the railroads are reasonable.

Mr. BRISTOW. I think the rates paid on first-class mail probably would be all right, but since the Government has gone into the transportation business in transporting merchandise it is absolutely necessary, in my opinion, to classify the freight which the Government is sending over the railroads. It is preposterous, it seems to me, from the standpoint of practice, to carry cabbages and potatoes and baled hay and brick and articles of that character and pay the same that we pay for handling first-class mail, which is of great value. We must have a reorganization of the system of payment to the railroads for handling the United States mail. It absolutely has to come.

Mr. POINDEXTER. So far as the cost of the parcel post is concerned, it would be materially affected if it should be ascertained that the rates paid the railroads are too high and that those rates should be reduced. I understand that the Senator is satisfied they are too high.

Mr. BRANDEGEE presented a memorial of Local Union No. 200, Bartenders' Union, of Hartford, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the Men's Union of the First Baptist Church of Burlington, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented memorials of sundry citizens of Waltham, Cambridge, Auburndale, Newton Center, Watertown, Maynard, Newton, and Fall River, all in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of George Washington Branch, American Continental League, of Newton, Mass., remonstrating against an appropriation for the celebration of "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

Mr. BRADLEY presented a petition of sundry citizens of Carlisle County, Ky., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented memorials of the Pike Street Mutual Aid Society, of Covington; the West End Men's Society, of Covington; the German Pioneer Society of Covington; and of St. George's Mounted Commandery, Knights of St. John, of Covington, all in the State of Kentucky, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of the State Council Daughters of America, of Kentucky; of Custer Council, No. 15, Daughters of America, of Dayton, Ky.; and of Ida McKinley Council, Daughters of America, of West Covington, Ky., praying for the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigration.

#### REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (S. 4262) for the relief of the trustees of the Davenport Female College, reported it with an amendment and submitted a report (No. 286) thereon.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4159) to acquire, by purchase, condemnation, or otherwise, additional land for the post office, courthouse, and customhouse in the city of Richmond, Va., reported it without amendment and submitted a report (No. 287) thereon.

Mr. NORRIS, from the Committee on Public Lands, to which was referred the bill (H. R. 11102) providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent, after compliance with the law a year, to apply to existing entries, reported it without amendment and submitted a report (No. 288) thereon.

Mr. SMITH of South Carolina, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately, reported it with amendment and submitted a report (No. 289) thereon.

Mr. SHIVELY, from the Committee on Foreign Relations, to which was referred the bill (S. 4437) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908, reported it without amendment and submitted a report (No. 290) thereon.

#### BILLS INTRODUCED.

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

By Mr. KERN:

A bill (S. 4620) granting a pension to Mabel C. McCauley (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 4621) to establish the University of the United States; to the Committee on the University of the United States.

A bill (S. 4622) granting an increase of pension to Daniel Prince (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 4623) to restore to the active list of the Navy for special duty Capt. Washington Irving Chambers, United States Navy, retired (with accompanying papers); to the Committee on Naval Affairs.

By Mr. STEPHENSON:

A bill (S. 4624) granting a pension to Fred Kamm (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 4625) relating to fees and mileage of United States marshals; to the Committee on the Judiciary.

A bill (S. 4626) to correct the military record of George W. Cathers (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4627) granting a pension to Bert Goodknight (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 4628) extending the period of payment under reclamation projects, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 4629) granting an increase of pension to Rachel A. Chadwick; to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 4630) granting a pension to Emma E. Bear (with accompanying papers); and

A bill (S. 4631) granting an increase of pension to Bessie Pearce Dummer (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 4632) for the relief of settlers on the Fort Berthold Indian Reservation, in the State of North Dakota, and the Cheyenne River and Standing Rock Indian Reservations, in the States of South Dakota and North Dakota; to the Committee on Indian Affairs.

By Mr. BRADY:

A bill (S. 4633) authorizing the submission to the Court of Claims of the claims of sundry citizens of Idaho for damages sustained by reason of the overflow of their lands in connection with the construction of the reservoir to irrigate lands belonging to the Indians on the Fort Hall Reservation in Idaho (with accompanying papers); to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 4635) authorizing and directing the Secretary of War to appoint a commission to designate, define, and survey the battle field of The Crater, at Petersburg, Va., and to collect certain data concerning the same and make report thereupon; to the Committee on Military Affairs.

#### FOREST RESERVES MONEYS.

By Mr. BRADY:

A bill (S. 4634) apportioning the moneys received from forest reserves in each State and providing the manner in which such moneys shall be expended.

The VICE PRESIDENT. The bill will be referred to the Committee on Forest Reservations and the Protection of Game.

Mr. CLARK of Wyoming. Mr. President, I desire that the title of the bill shall again be stated.

The VICE PRESIDENT. The Secretary will state the bill by title.

The Secretary again read the bill by title.

Mr. SMOOT. Mr. President, if the Senator from Idaho [Mr. BRADY] has no objection, I think the bill ought to go to the Committee on Agriculture and Forestry. The subject matter involved has always been dealt with by the Committee on Agriculture and Forestry, and I think that the bill ought to go to that committee.

The VICE PRESIDENT. The Chair does not care to what committee the bill goes, but would like to refer it to the most appropriate committee.

Mr. SMOOT. I will say to the Senator from Idaho that legislation upon this subject has been in the Agricultural appropriation bill a number of times, and I think that the Committee on Agriculture and Forestry is the committee to which the bill should be referred.

Mr. BRADY. I shall be satisfied with whatever assignment of the bill the presiding officer makes, but I much prefer that it should be referred to the Committee on Agriculture and Forestry.

Mr. LANE. I beg to differ with the Senator from Idaho. I understood the presiding officer to assign the bill to the Committee on Forest Reservations and the Protection of Game. That is a very good committee; I am chairman of it. [Laughter.] I do not see why it can not be well handled by that com-

mittee. I notice there has been a great deal of prejudice in these matters heretofore. Do I understand the bill is indorsed to be referred to the Committee on Agriculture and Forestry?

Mr. SMOOT. It is so indorsed.

Mr. LANE. Well, I shall not object to having it go to that committee this time.

The VICE PRESIDENT. The bill will be referred to the Committee on Agriculture and Forestry.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMOOT submitted an amendment authorizing the Court of Claims to assume jurisdiction in law and in equity and moral right of the claim of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children, against the District of Columbia, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LIPPITT submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

#### COLON FIRE CLAIMS.

Mr. POMERENE submitted the following resolution (S. Res. 281), which was read and referred to the Committee on Printing:

*Resolved*, That Senate Document No. 264, Fifty-seventh Congress, first session; Senate Document No. 264, part 2, Fifty-seventh Congress, first session; Senate Document No. 123, Fifty-seventh Congress, second session; and Senate Document No. 199, Fifty-eighth Congress, second session, all relating to the Colon fire claims, be, and they are hereby, ordered to be printed as a Senate document.

#### AMENDMENT OF THE RULES.

Mr. OWEN. I desire to give notice of a proposed amendment to the standing rules of the Senate, which I ask may be read.

The Secretary read as follows:

*Resolved*, That Rule XIX of the standing rules of the Senate be amended by adding the following:

"Sec. 6. That the Senate may at any time, upon motion of a Senator, fix a day and hour for the final vote upon any matter pending in the Senate; *Provided*, That upon the motion of a Senator, sustained by one-fourth of the Members of the Senate, debate of not to exceed 48 hours shall be allowed within the time fixed for such final vote, one-half of the time for debate to be controlled by the proponents and one-half by the opponents of the pending question.

The VICE PRESIDENT. The notice of the Senator from Oklahoma will lie over under the rule and be printed.

#### CALLING OF THE ROLL.

The VICE PRESIDENT. The morning business is closed.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Gronna	Nelson	Shively
Bankhead	Hughes	Norris	Simmons
Brady	Jones	Overman	Smith, Ariz.
Bristow	Kern	Page	Smith, S. C.
Bryan	La Follette	Perkins	Smoot
Catron	Lane	Pittman	Stephenson
Chamberlain	Lippitt	Pomerene	Sterling
Clark, Wyo.	Lodge	Ransdell	Sutherland
Cummins	McCumber	Robinson	Swanson
Dillingham	McLean	Root	Thompson
Fall	Martin, Va.	Sheppard	Townsend
Gallinger	Martine, N. J.	Sherman	Works

Mr. CUMMINS. I desire to announce that my colleague [Mr. KENYON] is absent from the city and will probably be absent during the week. I make this announcement for the day, so that it may apply to any other roll call.

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

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from West Virginia [Mr. CHILTON] on official business. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Tennessee [Mr. LEA], and also the unavoidable absence of the senior Senator from Missouri [Mr. STONE], both Senators being absent on account of illness.

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

#### POST OFFICE APPROPRIATION BILL.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of the Post Office appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11333)

making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes.

The VICE PRESIDENT. The question is, Is the amendment reported by the committee inserting the proviso, beginning in line 22 and ending in line 25, on page 15, in order?

Mr. BRISTOW. Mr. President, when the Senate adjourned last evening I was discussing some of the irregularities and inconsistencies of this new rate system which has been adopted by the Post Office Department, and I now desire to call the attention of the Senate to a few more of them. I am referring to the system of transportation which these alleged experts think is a just and equitable one.

Suppose the Senator from Massachusetts [Mr. LODGE], living here in Washington, should desire to send a package by parcel post to Boston. The natural thing would be, of course, for him to mail it here directed to Boston. That would cost him 83 cents, if the package weighed 20 pounds; but if he is as shrewd a financier as most New Englanders are, under this new system he would send that package to some friend in New Haven, Conn., which would cost him but 44 cents, and the friend would re-address it to Boston, which would cost 24 cents additional; 44 and 24 being 68, or 15 cents less than if he sent it direct from Washington to Boston; and the department in the meantime would have unloaded it at New Haven, sent it out to the house of the Senator's friend, and the friend would have readdressed it, and the department would have called for it and taken it to the train and on to Boston. That is the system of transportation which these experts have given us; and the Senator from Maryland [Mr. LEE] yesterday thought that it was a much wiser system than the Senate could provide.

Suppose the Senator from Michigan [Mr. TOWNSEND], who is a member of the committee, should want to send a package from Washington to Detroit. This system of transportation which these experts have furnished us would enable him to send that package first to a friend in Cleveland, Ohio, which would cost him 44 cents, and then his friend in Cleveland could remail it to Detroit, and that would cost 24 cents, making a total of 68 cents for transporting it from Washington to Detroit; while if he had sent it direct and not paid Cleveland the honor of having it stop there, it would have cost him 15 cents more, or 83 cents. You can take every rate in every zone beyond the third and repeat that operation; yet we are told that we must let this alone and allow these experts who know so much about transportation to handle the question.

Take Chicago. The Senator from Iowa [Mr. CUMMINS] is an expert on rate making. He lives at Des Moines. If a mail-order house in Chicago wanted to send by parcel post a large amount of merchandise in 20-pound packages to Iowa within a radius of 150 miles of Des Moines, the natural thing would be for them to send it direct to the different towns in Iowa where their customers were; but, being business men, if they had a thousand packages they wanted to send into that region, they would send the packages first to Des Moines. That being within the third zone from Chicago, the parcel-post charge from Chicago would be 44 cents per package. Some of these packages might be bound for Omaha, so they would be re-mailed at Des Moines to Omaha. The charge for that would be 24 cents more, or 68 cents from Chicago, by way of Des Moines, to Omaha; while if this mail-order house had sent the packages direct from Chicago to Omaha the postage would have been 15 cents more per package, or \$150 more on a thousand packages. That process could be repeated as to every one of the Iowa towns in the vicinity of Des Moines.

Mr. NORRIS. Mr. President, I should like to ask the Senator if this comes about from the evil of the eradication of the first zone?

Mr. BRISTOW. Yes; and the charging of too low a rate in the 150-mile radius.

Mr. NORRIS. If the Postmaster General had not abolished the first zone—

Mr. BRISTOW. If he had not abolished the first zone and had established a higher rate in the second zone than in the first, it would be impossible. Senators who have given any study to rate making—and they do not have to be experts; we have here but few experts on rate making, and it does not require an expert to see the fallacy and ridiculousness of such a proposition as this. If any intelligent attention had been given by anybody to the working out of this system, that could not have happened. As I said last night, just before closing, there is one fundamental law that relates to transportation, and that is the sum of the locals must not be less than the through rate. If it is less, it invites the rehandling of freight all along the line, because money is saved by the shipper by forcing the rehandling of it. Of course there is no sense in such a proposition.



be profitable; and, naturally, we would not be so foolish as to come here now and say that the street car companies shall charge square by square, and that the man who goes 10 squares shall pay ten times as much as the man who goes one square.

Mr. President, it is not any use for us to strain at gnats and swallow camels. The law of equation enters into this as into every business proposition, and I am glad that this is one proposition that comes before the United States Senate that is purely and distinctly a business proposition. If the President was unwise in selecting as the head of this great business department a man who is incapable of discharging its duties, he can rectify the mistake if it is demonstrated a mistake has been made. The Postmaster General very frankly says in his report that he has, with all due regard to the law, attempted to ascertain whether there would be a loss in lowering the rates and giving greater facilities to the American people or whether there would not, and that, in his judgment, the change of the zone was for the benefit of the people within the zone and all the people within that zone.

So far as the question raised a moment ago by the Senator from Kansas is concerned, that the country merchant would be practically ruined if a 100-pound weight limit should be authorized in the parcel post, I think the Senators present, if they were in favor of protecting the country merchant as against the farmers and masses of the people who want to buy where they can buy the cheapest and sell where they can sell the highest—if we were here for the purpose of legislating for the country merchant rather than for the masses of the people, merchants included, we would be more interested in seeing that a high rate was charged upon the smaller package, for the reason that if you allow a 100-pound limit and the 100-pound package to be hauled at a loss from distant quarters, the country merchant could send his order to the wholesaler and get a package weighing a hundred pounds consisting of various articles, and availing himself of the cheap rates, compete with his city competitor. So that the very argument the Senator from Kansas attempts to use against increasing the weight limit is not really an argument against it at all. It is the small individual package that would come in competition with the sales of the country merchant.

Mr. President, I think the mind of the Senate is pretty well made up as to this matter. I have but one interest in it. The Senator from Kansas [Mr. BRISROW], who has been the champion of the retention of this proviso, called attention to the fact that he did not believe the Postmaster General or anyone else was justified in changing the zones and weight limits established by Congress until the equipment was sufficient to take care of the business brought about because of the change. Any man with business experience knows that the only way to find out what equipment is necessary is to create the necessity for the equipment. If the operation of the parcel-post system under a weight limit of 50 pounds or 100 pounds demonstrates that the people will use it and that it will not result in a loss, then we as legislators and the department as administrators of the law should see to it that sufficient equipment is provided for the use of the rural carriers.

Now I want, just for a moment, to address myself to the argument made on this floor that we must choose between the rural mail service and the parcel post. It is said that the rural mail service now is operated at a loss of \$30,000,000 annually. Why? Because it is said the amount of revenue is not sufficient to pay the deficit. Of course, the parcel post being inaugurated, if the Postmaster General exercises due business judgment and increases the business, he will increase the revenue. If a rural carrier carries 10 letters and the profit on those 10 letters is 10 cents, and with the same equipment he can carry 100 letters, then the profit will be ten times as great. Therefore, as we increase the work that he does and the revenue from that work, the time being the same, we have increased the profits of the service rather than decreased them. Even if that were not true; even if it would not increase the profits, if the parcel post demonstrates that it can be operated without a loss, we, as legislators, the American people standing back of us, can make appropriations to furnish the equipment or see that the parcel post, if necessary, shall be segregated from the rural carrier, and the people accommodated as they have commanded you and me to accommodate them. I, for one, Mr. President—

Mr. VARDAMAN. Mr. President, I want to suggest to my friend—

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

Mr. SMITH of South Carolina. I do.

Mr. VARDAMAN. I want to suggest to my friend, if it will not delay or interrupt him in his very excellent argument, that

in order to bring about just what he desires and just what the American people need, we must give a free hand to the Post Office Department. To illustrate: As has been suggested to me, if there are two competing lines of railroad between Chicago and New York, and one of them has its maximum rates fixed, definitely, inexorable, unchangeable, while the other is left free to meet conditions as they may arise, it will only be a little while until the untrammelled, untied railroad will have all the business. So it is with the Government.

All of the difficulties, all of the troubles that Senators have complained of, the mare's nests which they have found, can be discovered and corrected. If the zones are too large or if they are not large enough, give the department the free hand which the law intended it should have; these irregularities, these imperfections, will be eliminated and the system perfected, and it will then be used for the benefit of all the people.

I want to say, with the indulgence of my friend, for a moment, that it is a singular thing to me that the agents of the express companies and the public carriers are the ones who are most active and solicitous now—

Mr. MARTINE of New Jersey. And hired attorneys, too.

Mr. VARDAMAN. About the efficiency of the Parcel Post Service. Before the Committee on Post Offices and Post Roads yesterday, as has been suggested by my friend from New Jersey, there were a dozen men who seemed to me very anxious lest the people of New England should be denied the facilities which they have heretofore enjoyed when the express companies exercised this governmental function. I, for one, am willing to leave the matter in the hands of the Post Office Department until they demonstrate to me that they are not working in the interest of the public rather than in the interest of the public-service corporations.

Mr. SMITH of South Carolina. Mr. President, I am much obliged to the Senator from Mississippi for so ably buttressing my efforts.

It is needless for me to go further in this argument, but there is one thing that I would like to call attention to in passing. I can not exactly understand the mental operations of the Senator from Kansas in spending hours and hours here attempting to prove that the act of the Postmaster General was disastrous and ruinous, and at the same time, by incorporating and keeping in this bill this amendment, making that disastrous act statutory law, that can only be changed by Congress, petrifying forever the very thing which he says is disastrous and ruinous. I am afraid that the parcel post is proving even more than some of its erstwhile advocates thought it would prove, and I, for one, am going to vote for the Postmaster General and his corps of assistants to be given a free hand in the beginning, the experimental time of this new venture, to serve the American people as they think they have a right to be served, with the least possible cost and with the greatest possible benefit to them. From the inception of our modern system of organized transportation the people have been held up from time to time—in fact, all the time—so that in numbers of instances the freight on articles shipped has been more costly than the article itself. We are entitled to relief. This door has been opened, and I am amazed at any set of Senators standing here and inveighing against giving the Post Office Department a free hand.

It has been said that giving the Postmaster General the power to change rates and so forth was a joker. Then the man who perpetrated the joke in giving the Postmaster General a free hand was wiser than the men who wrote the bill, for the most commendable clause in our parcel-post legislation, aside from the establishment of the system, lies in that provision which gives to the Postmaster General the power to put into operation that which the American people are demanding. I shall vote not to restrict the Postmaster General to a weight limit of 50 pounds or to a weight limit of 5,000 pounds, but to let him determine what can be shipped without loss to the American people and for their benefit, whether it be a paper of pins or a steam engine. If it is necessary for us to furnish the equipment, let us do so. This is a government of the people, by the people, and for the people; and I do not propose to say it shall be a government of the people, by the people, for some of the people; and if we can through the parcel post solve the vexed question of transportation rates, I, for one, shall never cast my vote to tie any man or set of men who are honestly and patriotically attempting to solve that problem.

Mr. OWEN obtained the floor.

Mr. ASHURST. Mr. President—

The PRESIDING OFFICER. The Chair has recognized the Senator from Oklahoma. Does the Senator from Oklahoma yield to the Senator from Arizona?

Mr. OWEN. I yield to the Senator from Arizona.

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

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

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

Ashurst	Gronna	Page	Smith, S. C.
Bankhead	Jones	Perkins	Snoot
Bradley	Kern	Pittman	Stephenson
Brady	La Follette	Poindexter	Sterling
Brandeggee	Lee, Md.	Pomerene	Sutherland
Bristow	Lippitt	Ransdell	Swanson
Bryan	Lodge	Robinson	Tillman
Cañon	Melan	Saulsbury	Townsend
Chamberlain	Martin, Va.	Shafroth	Vardaman
Clark, Wyo.	Martine, N. J.	Sheppard	Warren
Cummins	Norris	Sherman	Weeks
du Pont	Overman	Shively	
Fall	Owen	Smith, Ariz.	

Mr. LIPPITT. I beg to state that the senior Senator from Connecticut [Mr. BRANDEGEE] and the senior Senator from Nevada [Mr. NEWLANDS] are necessarily absent from the Senate, attending a session of the Committee on Interstate Commerce.

Mr. ASHURST. I have been requested to announce that the junior Senator from Missouri [Mr. REED] is absent on important business and the senior Senator from Missouri [Mr. STONE] is absent by reason of illness. I will let this announcement stand for the day.

Mr. MARTINE of New Jersey. I am requested to announce that the senior Senator from Mississippi [Mr. WILLIAMS] is detained at home by reason of illness.

Mr. RANDELL. I wish to announce the unavoidable absence of my colleague [Mr. THORNTON], on account of sickness.

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

Mr. OWEN. Mr. President, the question pending before the Senate is a proposed amendment with regard to the appropriation of \$56,000,000 for inland transportation by railroad routes, reading as follows:

And provided further, That there shall be no change in existing weight limits, rates of postage, or zones for fourth-class mail matter until authorized by law

I have very great respect for the committee which makes the report, and the most cordial good will for it; but I can not support this amendment, first, because it is in violation of the parliamentary law of the Senate, and second, because it violates the proprieties of legislation upon which the parliamentary rule of the Senate was based. That rule is paragraph 3 of Rule XVI, which provides:

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received.

I call the attention of the Senate to the parliamentary position of this matter. It is now objected to, as I understand, under the second part of that paragraph, by which the question of relevancy may be submitted to the Senate; but I give notice that I shall also make a point of order against it under the first part of that paragraph, which provides that no amendment which proposes general legislation shall be received to any general appropriation bill.

The VICE PRESIDENT. The Chair will state to the Senator from Oklahoma that that is the very point of order that has been submitted to the Senate and is now before the Senate for its determination.

Mr. OWEN. I understand the Chair to have left the matter to the Senate for determination as to the relevancy of the amendment under the second part of that paragraph.

The VICE PRESIDENT. No; it is under the first part, that it is general legislation proposed to a general appropriation bill. That point of order the Chair has left to the Senate to determine under the last paragraph of the rule, which permits the Chair to do that.

Mr. OWEN. Mr. President, the legislative vice of general legislation on an appropriation bill is so well known in every parliamentary body in the world that it is almost a universal rule that general legislation shall not be proposed upon an appropriation bill. Senators who are not present have a right to believe that the appropriation bills which are brought into the Senate do not propose general legislation. They have a right to believe that these bills come before the Senate free from legislative proposals.

The pending amendment is intended to amend and to nullify the act of Congress approved August 24, 1912, in this paragraph:

The classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this act, if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby authorized, subject to the consent of the Interstate Commerce Commission after investigation, to reform from time to time such classification, weight limit, rates, zone

or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

In other words, by this original act the Postmaster General was authorized, in the interest of economy and efficiency, to make these changes. Now it is proposed to deprive him of that right and to say that he shall no longer exercise it.

In justification of this amendment it is urged that the Postmaster General and the Post Office Department, acting through the Postmaster General, have made various errors in their rulings. The Senator from Kansas [Mr. BASTROW] has spent a great deal of energy to establish the fact that the Postmaster General's abolition of the first zone was highly improper, unwise, and inexpedient.

When a Member of this body asks for information in regard to this question, and looks for the report of the committee to be advised as to what justified the committee in proposing this general legislation repealing a previous act, he finds that the report is merely a formal, short report of five lines, submitting the bill with amendments and recommending its passage. When I ask for information as to what justifies this change of policy I am told that the report of the Postmaster General will indicate it. I send for that report; I look over it; I examine it in the light of what I am advised by the chairman of the committee. The chairman of the committee tells us that if we do not adopt this amendment it means the abolition of the rural delivery or the free city delivery; it means a cataclysm in the departmental service. He goes so far as to say:

We are conducting the Rural Delivery Service to-day at a clear loss of \$30,000,000 or \$35,000,000, or perhaps \$40,000,000, to the Treasury. Does anybody dispute that? That is the best estimate the Post Office Department can make. Of course we can go on and spend \$50,000,000 more than the receipts; we can go on and spend any amount of money for the parcel post that we desire—

And so forth.

When I look at the report of the Postmaster General I find that he says, on page 15, in the second paragraph:

The function of the Post Office Department is to serve the public, and it should not attempt profit making. It is expected that after the allowance of proper compensation to railroads for all service rendered there will come annually hereafter as the result of the development of the Parcel Post Service an increasing surplus.

That is very confusing to a Member looking to this authority for a large deficit. There was a surplus in 1912. There was a surplus in 1913. The Postmaster General says there will be a surplus in 1914. We are now advised to strike down this authority in the Post Office Department, where it ought to be properly exercised, because otherwise we will have an enormous deficit. We have no proof of that furnished to the Members of the Senate. It shows the unwisdom of legislating upon an appropriation bill.

This appropriation bill has been before the Senate for three days now upon this one item. All day yesterday Senators were discussing this general legislation on an appropriation bill. On the day before the same matter was fully discussed.

Mr. BANKHEAD. Mr. President—

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

Mr. OWEN. I yield to the Senator from Alabama.

Mr. BANKHEAD. I understand the Senator from Oklahoma is arguing that this amendment is subject to a point of order because it is new legislation and changes existing law. Am I correct as to that?

Mr. OWEN. In part.

Mr. BANKHEAD. Now, I should like to ask the Senator a question. There is another amendment proposed by the committee which changes existing law, that amendment being one increasing the pay of rural carriers to \$1,200. Will the Senator make the same argument against the amendment increasing the pay of rural carriers?

Mr. OWEN. I will.

Mr. BANKHEAD. The Senator will make a point of order to strike out that amendment?

Mr. OWEN. I will.

Mr. BANKHEAD. All right. That is all I wanted to know. Mr. OWEN. The Senator very ingeniously attempts to put me in an attitude which he thinks will be unpopular with the rural carriers of Oklahoma.

Mr. BANKHEAD. No, Mr. President; I do not do anything ingeniously. I simply ask the Senator a plain question. Mr. SWANSON. Mr. President, will the Senator permit me to interrupt him there?

Mr. OWEN. I will.

Mr. SWANSON. The rule is that no general legislation shall be proposed, not that existing law can not be changed in any particular. The rule says there shall be no general legislation on an appropriation bill.

Mr. OWEN. I think the appropriation for the pay of the carriers and other employees is a matter that is properly within the bill; but, answering the spirit of the Senator's question as to general legislation, I say I will object to any general legislation upon this bill in any particular, and if I had been present I should have objected to other general legislation that has come up on this bill.

Mr. SWANSON. If the Senator will permit me, I was making this distinction: The rule says there shall be no general legislation on an appropriation bill.

Mr. OWEN. Yes.

Mr. SWANSON. It does not say there shall be no change of existing law, no change in salaries, and so forth. The only thing that would make that increase obnoxious to the rule would be, possibly, that no estimate has been made for it by the department. This rule is limited to a prohibition against general legislation. That is the language of the rule. It does not forbid changes in existing law.

Mr. OWEN. I have favored in the past increasing the compensation of rural carriers. In this case I should favor that, too, so far as the merits of the matter are concerned; but I will not favor putting general legislation on these appropriation bills. I do not think it is a good thing to do. There is one bill in which that has been permitted with such uniformity—

Mr. BANKHEAD. Mr. President, would it disturb the Senator to yield to me again?

Mr. OWEN. No; I yield to the Senator again.

Mr. BANKHEAD. I should like to ask the Senator if he believes a provision in this appropriation bill which simply puts a limit on the expenditure of an appropriation is subject to a point of order? That is all the amendment now being considered means. There is no suggestion made here that existing conditions should be changed by the amendment. The rates, zones, weights, and everything else remain just as they are now and as they are being operated.

Mr. OWEN. The Senator would simply paralyze the Postmaster General by that amendment; that is all he would do. It reminds me of the famous story of the catfish.

Mr. BANKHEAD. That is the question generally. Now, here is the proposition: In the same bill there is a change in existing law which is just as much general legislation as this amendment, and that is a proposal to increase the salary of rural carriers by \$100 a year. There can be no distinction drawn between the two.

Mr. OWEN. The diversion which the Senator proposes does not divert. I come back to the real question—that this is general legislation.

The vice of it is shown by the fact that day before yesterday we were debating this question; all day yesterday it was a matter of debate, and all day to-day it has been a matter of debate. Because it is general legislation, because in the minds of many it vitally affects the efficiency of the Post Office Department, I say very frankly and freely that I believe the Post Office Department, with its large number of skilled employees, with men who are trained experts studying the question of these zones, these weights, and these rates, is better equipped than I am to pass upon it, and better equipped than our Committee on Post Offices and Post Roads to pass on it.

I know the conscientious care which members of the committee give to these problems. I do not question that in the least, nor do I question in any degree their perfect sincerity of purpose in proposing this amendment. I do say, however, that it is against the rule of parliamentary propriety to put upon an appropriation bill general legislation changing the policy of administering the parcel post; and when we do change that policy we ought to have both sides before us. We ought to have before us what the department would have to say in regard to the matter.

I ask the chairman of the committee, Did the department recommend this?

Mr. BANKHEAD. I did not quite catch the Senator's question.

Mr. OWEN. I ask the chairman of the Committee on Post Offices and Post Roads, Did the Postmaster General recommend this legislation on the appropriation bill?

Mr. BANKHEAD. He did not.

Mr. OWEN. Did he oppose it?

Mr. BANKHEAD. I have not heard from him on the subject.

Mr. OWEN. I have in my pocket a letter from him which I should like to read.

Mr. BANKHEAD. The Senator may give the Senate some information by doing so. He did not confide it to me.

I desire to say in this connection that the Postmaster General has never said that he wanted to increase the limit to 100 pounds, so far as I know. We have no official information of

that sort. We have every reason to believe, however, that that is the purpose. The only object in the world this amendment has is to say to the Postmaster General not that we distrust his honesty or his capacity or his ability to work out this problem as he has worked it out, but that we fear he has reached the danger line; and we simply ask him to halt and not go any further until the matter can be thoroughly looked into. We do not propose to disturb anything he has done.

Mr. OWEN. It is obvious that the chairman of the Committee on Post Offices and Post Roads has not received a letter which was sent to him on February 13, 1914, by the Postmaster General, and which reads as follows:

HON. JOHN H. BANKHEAD,  
Chairman Committee on Post Offices and Post Roads,  
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to Senate committee print of bill H. R. 11338, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes, I submit the following for consideration in connection with the proposed amendment to the bill, beginning at line 22, page 15, reading as follows: "And provided further, That there shall be no change in existing weight limits, rates of postage, or zones for fourth-class mail matter until authorized by law."

The weight limits, rates of postage, classification of matter mailable, zones, and other features of the Parcel Post System, as established under the provisions of the act of August 24, 1912, were from the very nature of things more or less tentative and experimental. Congress, apparently recognizing this, and realizing the necessity for readjustment from time to time, conferred on the Postmaster General, subject to the approval of the Interstate Commerce Commission, authority to modify the conditions fixed by the parcel-post law, in order to promote the service to the public. Under this provision the rates of postage have been decreased in certain zones, and the limit of weight has been increased in all zones, as experience demonstrated the necessity and advisability of such changes, thus enlarging and promoting the usefulness of the service to the public and according to the public the lowest rates possible consistent with the maintenance of the service on a self-supporting basis.

The Parcel Post Service is still in an experimental stage, and the need for additional modifications manifests itself from time to time in the conduct of the business. In order that such adjustments may be promptly made, and the usefulness of the service to the public increased as rapidly as is consistent with good administration, it is believed that the proposed amendment should not be enacted into law.

Yours, very truly,

A. S. BURLINSON,  
Postmaster General.

I think the attention of the chairman of the committee ought to have been called to that letter, because it deals directly with this amendment, and is opposed to it. I think the attention of the Senate ought also to have been called to it, because it is the expression of the administrative branch of the Government opposing this proposal. I got the letter by a mere accident. I did not think this was a good provision, and I asked the Post Office Department whether they agreed to it or not. They indicated to me, through one of the clerks there, that they had not agreed to it. I asked what expression they had made on it, and asked that they send it to me, and that is how I happened to get this letter.

These considerations show, however, that it is not a wise thing to legislate on an appropriation bill, because both sides can not be conveniently or well heard. I think obviously the administrative branch of the Government ought to be heard in regard to this matter, and at such length as may be necessary to give to every Senator a proper comprehension of the view of the department, and its reasons for its view, and the answer it might make to such arguments as those made by the Senator from Kansas.

Mr. President, when asking in regard to this matter I was informed that the losses which we are told might occur—I do not know upon what that statement is based, except upon the surmises that are doubtless due to conclusions based on some state of facts found in some of the hearings somewhere, of which I have no knowledge and of which I do not pretend to speak with knowledge at all—were due to the fact that the express companies could carry this matter much more economically than the Government could, because they had special contracts by which they could carry the packages at much lower rates.

Mr. BANKHEAD. Mr. President—

Mr. OWEN. I yield to the Senator from Alabama.

Mr. BANKHEAD. Will the Senator be kind enough to state who told him that—who had that conversation with him?

Mr. OWEN. I think it appears in the Record of day before yesterday.

Mr. BANKHEAD. But who was it that said that?

Mr. OWEN. It appears in the Record of day before yesterday.

Mr. BANKHEAD. I wanted to know who the gentleman was that suggested to the Senator that the express companies had contracts, and they ought to be permitted to take care of this business. Did I understand the Senator to say that?

Mr. OWEN. No; I said nothing of the kind. I made no such suggestion.

Mr. BANKHEAD. What reference did the Senator make to the express companies just now?

Mr. OWEN. My reference to the express companies was that it had been stated that they had lower rates over the railways for transporting packages, and therefore that they could do this work better.

Mr. BANKHEAD. That is exactly the point. Now, who states that? That is what I want to learn.

Mr. OWEN. It was stated, as I understand, by the Senator from Florida [Mr. BRYAN] day before yesterday, when I asked the question.

Mr. BRYAN. Mr. President, at the time the Senator interrupted me I was commenting upon some remarks read from the CONGRESSIONAL RECORD by the Senator from Arizona [Mr. ASHURST], supposed to have been delivered in the House of Representatives by Mr. LEWIS, in which the statement was made that the expense to the express companies was 4 cents per ton per mile and that the expense to the Post Office Department was 8 cents per ton per mile. There was an illustration cited by Mr. LEWIS of the shipment of a package from New York to Lincoln, Nebr., in which it was stated that the total charge by the express company was 57 cents, and in which it was also stated that the expense to the Government, the transportation expense to be paid to the railroad company for the carriage of that package of 20 pounds, was 60 cents. I think it is a fact that under the arrangement between the railroad companies and the express companies the express companies pay less than the Post Office Department pays.

Mr. OWEN. I have no doubt that is true.

Mr. BRYAN. And that is one of the very reasons why some of us contend that we can not compete with the express companies without a loss.

Mr. OWEN. Yes. Now, I will ask the chairman of the committee why he challenges that statement. Does he think it is untrue?

Mr. BANKHEAD. Oh, no. I had not any such information; that is all.

Mr. OWEN. The Senator has it now?

Mr. BANKHEAD. Yes; I have it now.

Mr. OWEN. That appeared in the RECORD day before yesterday, because that is where I got the information. I have not much information about it; I do not pretend to have; but I did think, under all the circumstances, that I would offer this amendment:

*And provided further,* That no part of the \$56,188,000 or any future appropriation shall be paid to any railroad for the transportation of the mails of the United States at rates greater than the rates paid to such railroad by the express companies for like class of service in the same zone or territory until authorized by law.

Mr. BANKHEAD. Mr. President, I understand the Senator proposes to offer that amendment.

Mr. OWEN. As an amendment to this amendment.

Mr. BANKHEAD. I ask the Senator if he does not think that that is general legislation and out of order?

Mr. OWEN. Oh, yes; I agree to that; but if the Senate holds that the other is not general legislation, then I ask the Senate to adopt this provision. I send the amendment to the desk.

Mr. VARDAMAN. I understand the Senator from Oklahoma holds that the amendment proposed by the committee is general legislation.

Mr. OWEN. I do; and my amendment is also general legislation; and I shall vote on the theory that it is general legislation and obnoxious to paragraph 3 of Rule XVI. I think there is no doubt about it; but if the Senate wants to take the other view and vote that it is germane, then I will ask the Senate to allow this amendment to become a part of the law if they vote in favor of the law.

Mr. SWANSON. Mr. President, I will not detain the Senate long in expressing my views upon the proposed amendment contained in the bill reported by the Committee on Post Offices and Post Roads. I fully concur with what the Senator from Oklahoma [Mr. OWEN] has stated, that this is general legislation upon an appropriation, and as such should be held not to be in order. I concur with him as to the inadvisability of enacting legislation of this kind upon a general appropriation bill.

I am not prepared to say what I think is the wisest and best course now in connection with the establishment of zones and the fixing of rates for the parcel post. At the time when the act was passed a commission was created to investigate the matter thoroughly and report to Congress as to what its findings of fact were and what its recommendation should be. I have confidence in that commission. I have confidence that they will make a thorough investigation. I believe they can make such an investigation far better if the Post Office Department, with the concurrence of the Interstate Commerce Commission, is permitted to change rates pending that investigation. I believe we

shall get better results and be better prepared at the next session of Congress to dispose of the matter in a sensible way and a way most potential for the betterment of the service.

It seems to me it can not be disputed that this is general legislation. The Senator from Oklahoma has stated what the present law is. Under the present law the Postmaster General has authority to change zones, rates, and weights, provided the Interstate Commerce Commission will consent to the change. That is the existing law. This proposes to make statutory the existing orders issued to the Post Office Department, with the concurrence of the Interstate Commerce Commission—that is, to give him no power to increase or decrease rates, no power to change what was done by him in the order recently issued.

There can be no dispute but that it is general legislation. It is not confined to the appropriation. It does not limit the appropriation. None of this money will be diverted if that provision is made law. If the provision is passed it will be a general statute, not limited for one year but good for all time to come.

The Senator from Alabama [Mr. BANKHEAD] has alluded to the fact that there is a provision here increasing the salary of rural carriers, and he wanted to know of the Senator from Oklahoma if that was not also general legislation. I take the contrary view. It is not general legislation; it is simply an increase of salary. It changes no existing law; it appertains to no general legislation.

Mr. BANKHEAD. Is not the salary of the carriers fixed by law?

Mr. SWANSON. But that is not general legislation. I can prove by the rules that that is true. Rule XVI, section 1, provides that no motion shall be made to increase salaries or increase expenses on an appropriation bill coming from certain committees unless the amendment is offered by a standing committee of the Senate or included in the estimate of the department.

Mr. BRYAN. Mr. President—

Mr. SWANSON. The amendment increasing the salary of rural carriers has been offered by a standing committee of the Senate, and as such, under the rule, it is in order. An increase of appropriation is not general legislation if it has been included in the estimates of the department, and even if it had not been recommended by the committee, if it had been included in the estimates of the department under that rule, it would have been in order. I now yield to the Senator from Florida.

Mr. BRYAN. Does the Senator think the amendment put on by the committee as to the pay of rural carriers is subject to a point of order?

Mr. SWANSON. I do not; and the reason is plain, under the rule. The committee report to strike out \$1,100 and insert \$1,200. That is an increase of salary, without general legislation.

Mr. POINDEXTER. Mr. President—

Mr. SWANSON. If the Senator will permit me, I will yield in a minute, but let me answer the question. Rule XVI, section 1, goes on to state that no motion shall be in order to increase a salary or appropriation unless on certain conditions, one of which is unless the same be moved by direction of a standing or select committee of the Senate. This has been moved by the Committee on Post Offices and Post Roads, a standing committee of the Senate. Another condition is unless it is included in the estimates of the department. This was not included in the estimates of the department, but it has been moved by a standing committee of the Senate and comes clearly under the rule.

I now yield to the Senator from Washington.

Mr. POINDEXTER. I merely wish to make the suggestion that the question which the Senator is now arguing, originally suggested by the chairman of the Committee on Post Offices and Post Roads, has no bearing whatever on the pending question which is before the Senate. Whichever way I for one might conclude to vote upon the pending parliamentary question I would not consider it as in any way determining the further question which the Senator from Virginia is discussing. I do not think that we ought to be burdened in deciding this question with a consideration of the increase of salaries in the Postal Service.

Mr. SWANSON. The Senator is entirely correct. I simply alluded to it from the fact that the Senator from Alabama saw proper to unite the two and show that they were similar in language and obnoxious to the rule of the Senate.

Mr. President, I am not one of those who criticize those who may differ with me upon this proposition. I think many of the Senators who have argued against the proposition are as good

The VICE PRESIDENT. In the absence of objection, the Secretary will read the proposed amendment as requested.

The SECRETARY. On page 15, line 12, after the colon, it is proposed to insert the following:

Provided, That for carrying parcel-post matter no part of this appropriation shall be paid to any railroad for such matter carried by such railroad in excess of 50 per cent of the gross receipts by the department under the following charges:

On all matter mailed at the post office from which a rural route starts, for delivery on such route, or mailed at any point on such route for delivery at any other point thereon, or at the office from which the route starts, or on any rural route starting therefrom, and on all matter mailed at a city carrier office, or at any point within its delivery limits, for delivery by carriers from that office, or at any office for local delivery, 4 cents for the first pound or fraction of a pound and 1 cent for each additional 2 pounds or fraction thereof.

For delivery within any zone, as provided in the act, "An act making

appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, except as provided in the next preceding paragraph, the rates shall be arrived at by multiplying the number of pounds of weight by the number of the zone in which delivery is to be made and adding 3 to the result so obtained: *Provided*, That the weight limit for parcel-post matter shall be 50 pounds, and that fractions of a pound over the first pound shall be charged for at the pound rate.

*Provided further*, That for delivery between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, the rates charged shall be the same as for delivery within the eighth zone.

The VICE PRESIDENT. The Senator from Kansas asks that a table of comparative rates under the amendment proposed and under the orders of the Postmaster General be printed in the Record. In the absence of objection, it is so ordered.

The table referred to follows.

Present and proposed parcel-post rates.

Weight (pounds).	First zone.		150 miles, second zone.		300 miles, third zone.		600 miles, fourth zone.		1,000 miles, fifth zone.		1,400 miles, sixth zone.		1,800 miles, seventh zone.		Eighth zone.			
	Local.		Zone.															
	Present rate.	Proposed rate.	Present rate.	Proposed rate.	Present rate.	Proposed rate.	Present rate.	Proposed rate.	Present rate.	Proposed rate.	Present rate.	Proposed rate.	Present rate.	Proposed rate.	Present rate.	Proposed rate.		
1.....	\$0.05	\$0.04	\$0.05	\$0.04	\$0.05	\$0.05	\$0.06	\$0.06	\$0.07	\$0.07	\$0.08	\$0.08	\$0.09	\$0.09	\$0.11	\$0.10	\$0.12	\$0.11
2.....	.06	.05	.06	.05	.06	.07	.08	.09	.11	.11	.14	.13	.17	.15	.21	.17	.24	.19
3.....	.06	.05	.07	.06	.07	.09	.10	.12	.15	.15	.20	.18	.25	.21	.31	.24	.36	.27
4.....	.07	.06	.08	.07	.08	.11	.12	.15	.19	.19	.26	.23	.33	.27	.41	.31	.48	.35
5.....	.07	.06	.09	.08	.09	.13	.14	.18	.23	.23	.32	.28	.41	.33	.51	.38	.60	.43
6.....	.08	.07	.10	.09	.10	.15	.16	.21	.27	.27	.38	.33	.49	.39	.61	.45	.72	.51
7.....	.08	.07	.11	.10	.11	.17	.18	.24	.31	.31	.44	.38	.55	.45	.71	.52	.84	.59
8.....	.09	.08	.12	.11	.12	.19	.20	.27	.35	.35	.50	.43	.65	.51	.81	.59	.96	.67
9.....	.09	.08	.13	.12	.13	.21	.22	.30	.39	.39	.56	.48	.73	.57	.91	.66	1.08	.75
10.....	.10	.09	.14	.13	.14	.23	.24	.33	.43	.43	.62	.53	.81	.63	1.01	.73	1.20	.83
11.....	.10	.09	.15	.14	.15	.25	.26	.36	.47	.47	.67	.58	.89	.69	1.11	.80	1.32	.91
12.....	.11	.10	.16	.15	.16	.27	.28	.39	.51	.51	.74	.63	.97	.75	1.21	.87	1.44	.99
13.....	.12	.11	.17	.16	.17	.29	.30	.42	.55	.55	.80	.68	1.05	.81	1.31	.94	1.56	1.07
14.....	.12	.11	.18	.17	.18	.31	.32	.45	.59	.59	.86	.73	1.13	.87	1.41	1.01	1.68	1.15
15.....	.12	.11	.19	.18	.19	.33	.34	.48	.63	.63	.92	.78	1.21	.93	1.51	1.08	1.80	1.23
16.....	.13	.12	.20	.19	.20	.35	.36	.51	.67	.67	.98	.83	1.29	.99	1.61	1.15	1.92	1.31
17.....	.13	.12	.21	.20	.21	.37	.38	.54	.71	.71	1.04	.88	1.37	1.05	1.71	1.22	2.04	1.39
18.....	.14	.13	.22	.21	.22	.39	.40	.57	.75	.75	1.10	.93	1.45	1.11	1.81	1.29	2.18	1.47
19.....	.14	.13	.23	.22	.23	.41	.42	.60	.79	.79	1.16	.98	1.53	1.17	1.91	1.36	2.28	1.55
20.....	.15	.14	.24	.23	.24	.43	.44	.63	.83	.83	1.22	1.03	1.61	1.23	2.01	1.43	2.40	1.63
21.....	.15	.14	.25	.24	.25	.45	.46	.66	.87	.87	1.28	1.09	1.69	1.29	2.11	1.57	2.64	1.71
22.....	.16	.15	.26	.25	.26	.47	.48	.69	.91	.91	1.34	1.13	1.77	1.35	2.24	1.64	2.76	1.87
23.....	.16	.15	.27	.26	.27	.49	.50	.72	.95	.95	1.40	1.18	1.85	1.41	2.41	1.71	2.88	1.95
24.....	.17	.16	.28	.27	.28	.51	.52	.75	.99	.99	1.46	1.23	1.93	1.47	2.54	1.78	3.00	2.03
25.....	.17	.16	.29	.28	.29	.53	.54	.78	.1.03	1.03	1.52	1.28	2.00	1.58	2.61	1.85	3.12	2.11
26.....	.18	.17	.30	.29	.30	.55	.56	.81	1.07	1.07	1.58	1.33	2.09	1.69	2.81	1.92	3.24	2.19
27.....	.18	.17	.31	.30	.31	.57	.58	.84	1.11	1.11	1.64	1.38	2.17	1.65	2.71	1.92	3.36	2.27
28.....	.19	.18	.32	.31	.32	.59	.60	.87	1.15	1.15	1.70	1.43	2.25	1.71	2.81	1.99	3.48	2.35
29.....	.19	.18	.33	.32	.33	.61	.62	.90	1.19	1.19	1.76	1.48	2.33	1.77	2.91	2.06	3.60	2.43
30.....	.20	.19	.34	.33	.34	.63	.64	.93	1.23	1.23	1.82	1.53	2.41	1.83	3.01	2.13	3.72	2.51
31.....	.20	.19	.35	.34	.35	.65	.66	.96	1.27	1.27	1.88	1.58	2.49	1.89	3.11	2.20	3.84	2.59
32.....	.21	.20	.36	.35	.36	.67	.68	.99	1.31	1.31	1.94	1.63	2.57	1.95	3.21	2.27	3.96	2.67
33.....	.21	.20	.37	.36	.37	.69	.70	1.02	1.35	1.35	2.00	1.68	2.65	2.01	3.31	2.34	4.08	2.75
34.....	.22	.21	.38	.37	.38	.71	.72	1.05	1.39	1.39	2.06	1.73	2.73	2.07	3.41	2.41	4.20	2.83
35.....	.22	.21	.39	.38	.39	.73	.74	1.08	1.43	1.43	2.12	1.78	2.81	2.13	3.51	2.48	4.32	2.91
36.....	.23	.22	.40	.39	.40	.75	.76	1.11	1.47	1.47	2.18	1.83	2.89	2.19	3.61	2.55	4.44	2.99
37.....	.23	.22	.41	.40	.41	.77	.78	1.14	1.51	1.51	2.24	1.88	2.97	2.25	3.71	2.62	4.56	3.07
38.....	.24	.23	.42	.41	.42	.79	.80	1.17	1.55	1.55	2.30	1.93	3.05	2.31	3.81	2.69	4.68	3.15
39.....	.24	.23	.43	.42	.43	.81	.82	1.20	1.59	1.59	2.36	1.98	3.13	2.37	3.91	2.76	4.80	3.23
40.....	.25	.24	.44	.43	.44	.83	.84	1.23	1.63	1.63	2.42	2.03	3.21	2.43	4.01	2.83	4.92	3.31
41.....	.25	.24	.45	.44	.45	.85	.86	1.26	1.67	1.67	2.48	2.08	3.29	2.49	4.11	2.90	5.04	3.39
42.....	.26	.25	.46	.45	.46	.87	.88	1.29	1.71	1.71	2.54	2.13	3.37	2.55	4.21	2.97	5.16	3.47
43.....	.26	.25	.47	.46	.47	.89	.90	1.32	1.75	1.75	2.60	2.18	3.45	2.61	4.31	3.04	5.28	3.55
44.....	.27	.26	.48	.47	.48	.91	.92	1.35	1.79	1.79	2.66	2.23	3.53	2.67	4.41	3.11	5.40	3.63
45.....	.27	.26	.49	.48	.49	.93	.94	1.38	1.83	1.83	2.72	2.28	3.61	2.73	4.51	3.18	5.52	3.71
46.....	.28	.27	.50	.49	.50	.95	.96	1.41	1.87	1.87	2.78	2.33	3.69	2.79	4.61	3.25	5.64	3.79
47.....	.28	.27	.51	.50	.51	.97	.98	1.44	1.91	1.91	2.84	2.38	3.77	2.85	4.71	3.32	5.76	3.87
48.....	.29	.28	.52	.51	.52	.99	1.00	1.47	1.95	1.95	2.90	2.43	3.85	2.91	4.81	3.39	5.88	3.95
49.....	.29	.28	.53	.52	.53	1.01	1.02	1.50	1.99	1.99	2.96	2.48	3.93	2.97	4.91	3.46	6.00	4.03
50.....	.30	.29	.54	.53	.54	1.03	1.04	1.53	2.03	2.03	3.02	2.53	4.01	3.03	5.01	3.53	6.12	4.11

Mr. MARTINE of New Jersey. Mr. President, if the Senator from Michigan will permit me, I merely want to ask for the printing of a brief article, and not to make any extended remarks in connection with the subject at this time.

Mr. TOWNSEND. I yield to the Senator.

Mr. MARTINE of New Jersey. In connection with this subject and at this time, I ask permission to have published an article on the subject of rates. It is an exhaustive article, not very voluminous, but it treats the subject of a flat rate very thoroughly. I am frank to say that I am not a convert to it, but I think it is well worthy of a place in the Record, and I ask that it be published.

Mr. BRYAN. By whom was it prepared?

Mr. MARTINE of New Jersey. By Mr. James L. Cowles, of New York.

Mr. SMOOT. Does the Senator ask that the article be referred to the Committee on Printing?

Mr. MARTINE of New Jersey. I am willing that it be referred to the committee.

The VICE PRESIDENT. The article will be referred to the Committee on Printing.

Mr. TOWNSEND. Mr. President, I realize—

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

Mr. TOWNSEND. I yield to the Senator.

Mr. OWEN. I desire to ask permission to withdraw the amendment which I have offered and to substitute for it the one which I send to the desk. There are changes in phraseology, but in substance it is the same. If it will interrupt the Senator, I will not trespass upon him—

Mr. TOWNSEND. Does the Senator wish to have it read?

Mr. OWEN. I want it read just so that it may appear in the Record.

Mr. BANKHEAD. Mr. President, what disposition has been made of the paper submitted by the Senator from New Jersey?

The VICE PRESIDENT. It has been referred to the Committee on Printing.

Mr. BANKHEAD. It was not authorized to be printed in the Record?

The VICE PRESIDENT. Oh, no.

Mr. OWEN. I ask that the amendment intended to be proposed by me be now read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The SECRETARY. It is proposed to insert the following:

*And provided further,* That no part of the \$56,188,000 of any future appropriation shall be paid to any railroad company for the transportation of the fourth-class mail matter of the United States at rates greater than the rates paid to such railroad company by the express companies for like class of service, and the Interstate Commerce Commission shall have power to settle all controverted questions and make its orders necessary to effectuate this provision.

Mr. BRYAN. Mr. President, will the Senator from Michigan yield to me for a moment?

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

Mr. BRYAN. Mr. President, it seems to me that the amendment offered by the Senator from Oklahoma [Mr. OWEN], if I understand it, providing that no greater rate shall be paid by the Government for the carriage of fourth-class mail matter than is paid by the express companies to the railroad companies for a like service would very much improve the administration of the parcel post. So far as I am concerned I am ready to vote for that amendment to the committee amendment, because I can not understand what reasonable objection there can be to it. If Senators are as anxious to render real service in the administration of the parcel post as we have been led to believe in this debate, then there ought not to be any question about the adoption of the amendment.

Mr. TOWNSEND. Mr. President, I realize that it is a waste of time for Senators at this hour to discuss this question, especially after it has been discussed so long. I would not now attempt to say anything were it not for the fact that I am a member of the Committee on Post Offices and Post Roads, was a member of the subcommittee which reported and framed this bill, and am also a member of the Parcel Post Commission created by the act of August 24, 1912.

I realize also that it may seem ungracious to take a position different from that occupied by my colleagues on those committees. I have been very pleasantly associated with all of the Senators on the Committee on Post Offices and Post Roads, and with no two of its members have I been more intimately connected than with the Senator from Florida [Mr. BRYAN] and the Senator from Kansas [Mr. BRISTOW], and in no two members of the committee have I greater confidence, so far as their ability and patriotism are concerned. I have not differed from them generally on matters affecting the Parcel Post Service. I feel, however, before casting my vote, that it is proper to say that I have not been entirely satisfied with the efforts of this so-called joint commission.

I believe that commission has had great possibilities, not all of which it has improved. I am rather glad it has been continued in this bill. I should not have voted to continue it, however, had I not believed it would be more active in the future than it has been in the past. The question here at issue is one which should be considered from all of its viewpoints, and all the facts materially affecting it presented to the Congress so that it can act intelligently in the matter.

I have felt that the Postmaster General has gone faster than he ought to have gone in making changes in the parcel-post law. There was not sufficient need of such haste as he has made. I have felt that he has not always been entirely frank and fair with the committees of Congress, and especially with the joint commission. I think he had a right to assume that the members of that commission were quite as much in favor of a fair and just parcel post as he was or is himself. It would have been an easy and proper thing for him to have called into conference with him the members of the commission, in order that all could have talked over the matter together; and he might have obtained some light even from Senators, and he certainly would not have been subject to the criticism of ignoring the properly constituted committees of Congress to which I feel he is now subject. I am not satisfied, however, that he has in mind any other object than that of serving the people and of administering his duties as he sees them to the best of his ability.

I was impressed with many of the arguments that have been suggested, to the effect that possibly we were entering upon dangerous ground and that we might be assuming burdens which would be too great a load for the Post Office Department to bear. But I have been to the department several times on my own account and have talked with the various experts who have been employed by the Postmaster General, and candor compels me to say that I am not convinced that the steps already taken will prove disastrous to the Postal Service. I am inclined to believe that under proper administration the parcel-post law, even as changed by the Postmaster General, can be conducted at a profit.

There are very many things connected with this law which are crude, very many things which may result in local wrong, but

the present good very much outweighs the bad, and experience will demonstrate wherein corrections should be made. The joint commission, if it gets busy, if it becomes active, can assist very much in future legislation.

This amendment not only prevents any future action on the part of the Postmaster General looking toward enlarging the service, but it prevents him from making any changes in the existing regulations which he has promulgated. If the Postmaster General is convinced that his changes are going to work so badly and are working so badly, I can not believe that he will not himself make changes which will remedy the defects.

But, Mr. President, the merits of this amendment have been discussed to a great extent, whereas the question before us now is whether or not this amendment is in order on the bill. I do believe it is in order.

I realize, of course, that I have voted for general legislation on appropriation bills; but the point of order was not raised against the items, and I would not raise the point of order on legislation in an appropriation bill which was thoroughly understood, about which there was no great controversy, upon which the minds of Congressmen had been settled and fixed and they felt that it ought to be engrafted into the law. Here, however, is a question about which there is great dispute. There is a wide difference of opinion as to this particular matter. Therefore I think we can invoke the rule and not be considered inconsistent in doing so.

There is no question in my mind but that this is general legislation on an appropriation bill. Every argument that has been produced has been to that effect. Every argument that has been presented thus far by the proponents of the amendment has been to show that a change of existing law was desired and that this provision would effect that change. The existing law, whether good or bad, is that the Postmaster General can make certain changes by and with the advice and consent of the Interstate Commerce Commission. This amendment is proposed to repeal that law. There can be no object in adopting the amendment unless it is to change the law and make it ineffective. Senators may cloud that intent and, by invoking some technicality, hope to divert it into a construction that would mean that it is a limitation. It is not the object, however, to limit this appropriation. The object is to change the law so that the Postmaster General hereafter shall not exercise the discretion that he has exercised in the past.

So, Mr. President, I shall vote to sustain the point of order. I can do it consistently; I can do it and shall do it conscientiously. I want this subject discussed further. I want more light on it than I have now.

I confess that I have doubts of the correctness of my position when I realize that I am differing from men who have given this matter greater study than I have given it, and who are certainly as intensely interested in the parcel post and as much in favor of it as I or any other man can possibly be. When I differ from them I sometimes hesitate and wonder if I am right; but I can not bring myself to the belief that it is our duty, or that it is wise for us at this time to change the law on such information as we possess.

I submit that there will be no change in vested rights during the next year. There can be no great change in the attitude of business toward this service. It will not suffer. When the joint commission does its duty, gets the facts, and presents them to the Senate, we shall be better able to act, and in the meanwhile the great parcel-post law will be unhampered in its operation.

Mr. BANKHEAD. Mr. President, I want very briefly to call the attention of the Senate back, if I can, to the question before the Senate.

Before I proceed further I desire to give notice that at the proper time I shall offer a substitute for the proposed committee amendment; and I will ask the Secretary to read it now, in order that the Senate may know what it is.

The VICE PRESIDENT. The Secretary will read the substitute for the information of the Senate.

The SECRETARY. In lieu of the amendment proposed by the committee, as printed at the foot of page 15, it is proposed to insert:

*And provided further,* That no portion of the sums so above appropriated shall be spent by the Postmaster General for carrying fourth-class mail matter of a greater weight than 50 pounds in any one package without authority therefor first obtained from the Congress of the United States.

Mr. BANKHEAD. Mr. President, it seems to me some Senators have discussed this question from the viewpoint of one who believes that there is an attempt here to destroy or impair in some way the parcel post. I am sure no member of the com-

trict of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. OWEN:

A bill (S. 4673) for the relief of William T. Tilly and W. T. Whitaker, and for other purposes (with accompanying paper); to the Committee on Indian Affairs.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. CLAPP submitted an amendment proposing to appropriate \$1,558.20 to reimburse Edward B. Kelley, former superintendent of the Rosebud Indian Agency in South Dakota, for expenses incident to the prosecution of a suit brought against him by an Indian of the Pine Ridge Sioux Tribe, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$3,500 for the purchase of 10 acres of land adjoining the Indian school grounds a Pierre, S. Dak., etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also submitted an amendment proposing to appropriate \$3,000 for the construction of a dairy barn at the Indian school at Flandreau, S. Dak., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

EDWARD B. KELLEY.

Mr. CLAPP submitted an amendment intended to be proposed by him to the bill (H. R. 6939) to reimburse Edward B. Kelley for moneys expended while superintendent of the Rosebud Indian Agency in South Dakota, which was referred to the Committee on Indian Affairs and ordered to be printed.

HARBOR AT NEW HAVEN, CONN.

Mr. BRANDEGEE submitted an amendment providing for the further development of the harbor at New Haven, Conn., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

THE COMMITTEE ON FOREIGN RELATIONS.

Mr. KERN. I ask for the adoption of the following order.

The order was read, considered by unanimous consent, and agreed to, as follows:

Ordered, That WILLIAM J. STONE, a Senator from Missouri, is hereby designated as chairman of the Committee on Foreign Relations.

Mr. REED subsequently said: Mr. President, my colleague [Mr. STONE] has been appointed chairman of the Committee on Foreign Relations. In view of the fact that it will impose upon him additional duties and burdens, and also in view of the fact that he does not wish to have more chairmanships than will seem just to his colleagues and proper under the circumstances, I have been requested by him to say to the Senate that he desires to be excused from further service as chairman of the Committee on Indian Affairs. I make this announcement, of course, at his request.

THE COMMITTEE ON PUBLIC HEALTH AND NATIONAL QUARANTINE.

Mr. RANDELL submitted the following resolution (S. Res. 282), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Health and National Quarantine be, and it is hereby, authorized to send for papers and persons, administer oaths, and to employ a stenographer, at a cost not to exceed \$1 per printed page, to report such hearings as may be had in connection with the consideration of S. 4573, to encourage rural sanitation, with special reference to the prevention and suppression of malaria and typhoid fever; to have its hearings printed for the use of the committee; that the expenses of such hearings be paid out of the contingent fund of the Senate on vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

AMENDMENT OF THE RULES.

Mr. OWEN. Pursuant to the notice I gave a few days ago I submit the following resolution and ask that it be referred to the Committee on Rules.

The resolution (S. Res. 283) was read and referred to the Committee on Rules, as follows:

Resolved, That Rule XIX of the standing rules of the Senate be amended by adding the following:

"Sec. 6. That the Senate may at any time, upon motion of a Senator, fix a day and hour for the final vote upon any matter pending in the Senate; Provided, That upon the motion of a Senator, sustained by one-fourth of the Members of the Senate, debate of not to exceed 48 hours shall be allowed within the time fixed for such final vote, one-half of the time for debate to be controlled by the proponents and one-half by the opponents of the pending question."

"ONE YEAR OF DEMOCRATIC RULE."

Mr. WORKS. Mr. President, I desire to give notice that on Friday next, March 6, immediately after the conclusion of the

routine morning business, I shall submit some remarks on the subject of "One year of Democratic rule."

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 13453. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1915; and

H. R. 13765. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1915, and for other purposes.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 13542. 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; and

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

WOMAN SUFFRAGE.

The PRESIDING OFFICER. Morning business is closed.

Mr. ASHURST. Mr. President, I move that the Senate proceed to the consideration of Senate joint resolution No. 1, proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

The PRESIDING OFFICER. The Senator from Arizona moves that the Senate proceed to the consideration of joint resolution named by him.

Mr. McCUMBER. Mr. President, I move, as a substitute for the motion, that the Senate proceed to the consideration of Calendar No. 181, being the bill (S. 120) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes.

The PRESIDING OFFICER. The Senator from North Dakota moves, as a substitute for the motion made by the Senator from Arizona, that the Senate proceed to the consideration of the bill named by him.

Mr. SWANSON. Mr. President—

Mr. ASHURST. On that motion I ask for the yeas and nays.

Mr. SWANSON. Mr. President, I desire to ask the Senators if they will wait until 2 o'clock, so that whichever motion is agreed to the business moved by that motion shall be the unfinished business. It seems to me that, under the rules of the Senate, we ought to have a right to occasionally consider the calendar. I would, therefore, suggest to the Senator from Arizona and to the Senator from North Dakota that we proceed with the calendar until 2 o'clock and then at that time to let the merits of these two motions be decided as to which of the measures shall be the unfinished business. The calendar is getting very large, and we rarely have an opportunity to consider measures upon it.

Mr. McCUMBER. So far as I am concerned, Mr. President, I am perfectly willing to do that; but it is probably a question whether one or the other of these measures will ultimately become the unfinished business. So I feel that, under the circumstances, I can not longer keep a bill in abeyance that has been before the Senate for more than 12 years and has been three times favorably reported.

The PRESIDING OFFICER. The motions are not subject to debate.

Mr. McCUMBER. No; I understand that.

Mr. SWANSON. I am not debating them; I am simply requesting the Senator from Arizona and the Senator from North Dakota to delay their motions.

Mr. LA FOLLETTE. Regular order, Mr. President.

The PRESIDING OFFICER. Objection is made to debate. The question is on the substitute motion offered by the Senator from North Dakota [Mr. McCUMBER] for the motion of the Senator from Arizona [Mr. ASHURST].

Mr. REED. Do I understand the Chair to rule that no reason can be given for or against either of these propositions?

The PRESIDING OFFICER. The rule is perfectly clear—and the Senator from Missouri is probably familiar with it—that all motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate. The rule, the Chair repeats, is clear.

Mr. REED. I understand that this motion is more than that. I understand the motion is to make these bills the unfinished business.

The PRESIDING OFFICER. It can not be done in that way; and that is not the motion. The motion of the Senator from Arizona is to proceed to the consideration of Senate

joint resolution No. 1, and the motion of the Senator from North Dakota is that the Senate proceed to the consideration of Senate bill 120. The question is—

Mr. ASHURST. I ask for the yeas and nays on the motion.

Mr. REED. I move to lay the motion on the table.

The PRESIDING OFFICER. What motion?

Mr. REED. Of course, if the motion is laid on the table—

Mr. ASHURST. The motion to lay on the table is not debatable, Mr. President.

The PRESIDING OFFICER. It is not debatable. The Chair asked for information, what motion the Senator from Missouri [Mr. REED] moved to lay on the table.

Mr. REED. The motion that I make is to lay on the table the entire proposition now before the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Missouri to lay the motion of the Senator from North Dakota on the table.

Mr. SWANSON. Mr. President, I should like to make a parliamentary inquiry, so as to be able to vote intelligently when the proposition is presented. As I understand, if these motions are laid on the table, will it then be in order to take up the calendar?

The PRESIDING OFFICER. The Chair will rule upon that question when it is presented. There is no issue of that kind pending.

Mr. SWANSON. I should like to know, so that I may vote intelligently.

The PRESIDING OFFICER. The Chair declines to make rulings in advance of any issue presented.

Mr. NORRIS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. NORRIS. As I understand, the motion of the Senator from Missouri [Mr. REED] is to lay on the table both the motion of the Senator from Arizona [Mr. ASHURST] and the motion of the Senator from North Dakota [Mr. McCUMBER], but the Chair did not so state. I should like to know if I am correct.

The PRESIDING OFFICER. The motion of the Senator from Missouri is to lay the motion on the table. That would carry with it the motion of the Senator from North Dakota. Its legal effect the Chair will determine when called upon to do so.

Mr. McCUMBER. I wish to ascertain definitely what is the motion of the Senator from Missouri. The Senator stated that he desired to lay both motions on the table. I do not know whether that is his motion or what it is; but we ought to know what we are voting on, and I wish the Senator would either renew his motion or the Secretary would restate it.

Mr. NELSON. Mr. President, the Senator from Arizona made a motion to take up the woman-suffrage joint resolution and the Senator from North Dakota moved to amend that by substituting therefor another measure. A motion to lay on the table will carry not only the original motion but also the amended motion.

Mr. McCUMBER. I do not think that is right, Mr. President, and that is the reason I am asking the question.

Mr. BRANDEGEE. I rise to a point of order, Mr. President, which is that under the rule where a motion is made to proceed to the consideration of a bill it is not amendable, and a motion can not be substituted to proceed to the consideration of some other bill.

Mr. McCUMBER. I should like to have the Senator from Connecticut point out that rule.

Mr. BRANDEGEE. I think I can do so.

The PRESIDING OFFICER. The Senator from Connecticut appears to be correct. The rule provides:

A motion to proceed to the consideration of any business is not subject to amendment and shall be determined without debate.

The Chair will state, however, that the point of order comes a little late.

Mr. BRANDEGEE. I have just come into the Senate Chamber and did not know what the parliamentary situation was in other respects.

Mr. SMOOT. Mr. President, a point of order can be made at any stage of the proceedings.

The PRESIDING OFFICER. Very well. The Chair rules, if the point of order be made, that the motion of the Senator from Arizona is not subject to amendment. The question is on the motion made by the Senator from Arizona.

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

Mr. REED. A parliamentary inquiry, Mr. President. Is it not proper to amend the motion by moving to proceed with the calendar?

The PRESIDING OFFICER. The Chair desires to call the attention of the Senator from Missouri to Rules VIII, IX, and X, which have been digested in what is called the Procedure of the Senate in this form:

A motion to proceed to the consideration of any business is not subject to amendment and shall be determined without debate.

The reason for the rule is apparent to the Chair.

Mr. REED. Mr. President, I move to lay on the table the motion of the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Missouri moves to lay on the table the motion of the Senator from Arizona. The question is on the motion of the Senator from Missouri.

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

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

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE], who is detained from the Chamber by illness. I transfer that pair to the Senator from New Mexico [Mr. CATRON] and vote "nay."

Mr. JAMES (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I understand from his colleague that, if present, he would vote as I shall vote on this question. Therefore I vote "yea."

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is absent from the city. If he were present, he would vote "nay."

Mr. OLIVER (when Mr. PENROSE's name was called). My colleague [Mr. PENROSE] is unavoidably absent. He is paired with the senior Senator from Mississippi [Mr. WILLIAMS]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE]. I transfer that pair to the junior Senator from Massachusetts [Mr. WEEKS] and vote. I vote "nay."

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the necessary absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT]. If my colleague were present, he would vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Florida [Mr. FLETCHER]. I transfer that pair so that the Senator from Florida will stand paired with the senior Senator from Maine [Mr. BURLEIGH]. I vote "nay."

Mr. CHAMBERLAIN (when the name of Mr. WILLIAMS was called). The Senator from Mississippi [Mr. WILLIAMS] is detained from the Senate by illness. He is paired with the Senator from Pennsylvania [Mr. PENROSE]. I make this announcement for the day.

The roll call was concluded.

Mr. GRONNA. I have a general pair with the Senator from Maine [Mr. JOHNSON]. I transfer that pair to the junior Senator from Iowa [Mr. KENYON] and vote "nay."

Mr. BRANDEGEE. I am paired with the senior Senator from Virginia [Mr. MARTIN]. Not knowing how he would vote if present, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. SMOOT. I desire to announce the necessary absence of the Senator from Delaware [Mr. DU PONT]. He has a general pair with the senior Senator from Texas [Mr. CULBERSON]. I will allow this announcement to stand for the day.

Mr. LODGE (after having voted in the negative). I have a general pair with the Senator from Georgia [Mr. SMITH]. As he is not present, I withdraw my vote.

Mr. OVERMAN. I desire to announce the necessary absence of my colleague [Mr. SIMMONS] and to state that he has a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I will let this announcement stand for the day.

Mr. BANKHEAD (after having voted in the affirmative). I have a general pair with the junior Senator from West Virginia [Mr. GORR]. I transfer that pair to the senior Senator from Louisiana [Mr. THORNTON] and will allow my vote to stand. I desire to announce that if the Senator from Louisiana were present he would vote "yea."

Mr. MYERS. I desire to inquire if the Senator from Connecticut [Mr. McLEAN] has voted?

The PRESIDING OFFICER. The Chair is informed that the Senator has not voted.

Mr. MYERS. I transfer my pair with the Senator from Connecticut [Mr. McLEAN] to the Senator from Oklahoma [Mr. OWEN] and vote "nay."



District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of Major Howe Post 47, Grand Army of the Republic, Department of Massachusetts, of Haverhill, Mass., remonstrating against any change being made in the United States flag, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Boston, Worcester, Cambridge, Malden, Winthrop, Winchendon, and Revere, all in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Cambridge, Boston, Somerville, Medford, Chelsea, Brookline, Hingham, and Newton, all in the State of Massachusetts, praying for the enactment of legislation to permit the wearing of uniforms by the Boys' Brigade of America similar to those worn in the United States Army, which were referred to the Committee on Military Affairs.

Mr. BURLEIGH presented resolutions adopted by Local Union No. 914, United Brotherhood of Carpenters and Joiners, of Augusta, Me., favoring an investigation into conditions existing in the mining district of Michigan, which were referred to the Committee on Education and Labor.

Mr. SMOOT presented memorials of Salt Lake Lodge, No. 83, Brotherhood of Railway Carmen of America; of Local Union No. 721, Bartenders' League; and of Local Union No. 815, Culinary Alliance, all of Salt Lake City, in the State of Utah, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of sundry citizens of Carpenter, Wyo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 820, Bartenders' League, of Sheridan, Wyo., and the memorial of H. O. Emery, of Douglas, Wyo., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRADLEY. I present resolutions adopted by the Board of Trade of Louisville, Ky., which I ask may be printed in the Record and referred to the Committee on the Judiciary.

There being no objection, the resolutions were referred to the Committee on the Judiciary and ordered to be printed in the Record, as follows:

Preamble and resolutions adopted by the board of directors of the Louisville Board of Trade at a meeting held February 25, 1914:

The Judiciary Committee of the House of Representatives is now considering a bill designed for the purpose of prohibiting and preventing monopolies and restrictions in interstate trade, and amending and defining the meaning of the existing antitrust law, and the committee is now giving hearings to those who may desire to submit their views on the subject, and the bill, when in shape to suit the views of the committee, will be presented to Congress for enactment into law.

This board of trade represents large business interests engaged in interstate trade which will be affected and which will have to conform to every requirement of the law when enacted.

The directors of this board believe the great mass of the business men of Louisville and of all sections of the country sincerely desire to conduct and carry on their business fairly and in conformity to the laws, and they fully realize that the growth of the country and of business has made necessary the adoption of Federal statutes regulating and controlling interstate trade. They believe the laws passed should be not only just, and so that business, both big and little, when fairly and honestly conducted may prosper, but that they should be plain and explicit and leave no doubt as to what business can do and what business can not do.

The directors of this board know from both observation and experience that the greatest drawback and hindrance to the satisfactory and successful conduct of business is the uncertainty as to the meaning of the law.

We are strong believers in the wisdom of the President in what he said on this subject in his address to Congress January 20, 1914. He then said:

"The business of the country awaits also, has long awaited, and has suffered because it could not obtain further and more explicit legislative definition of the policy and meaning of the existing antitrust law. Nothing hampers business like uncertainty. Nothing daunts or discourages it like the necessity to take chances, to run the risk of falling under the condemnation of the law before it can make sure just what the law is. Surely we are sufficiently familiar with the actual processes and methods of monopoly and of the many hurtful restraints of trade to make definition possible—at any rate, up to the limits of what experience has disclosed. These practices being now abundantly disclosed, can be explicitly and item by item forbidden by statute in such terms as will practically eliminate uncertainty, the law itself and the penalty being made equally plain."

In our judgment the legislation proposed in tentative bill No. 2, now being considered by the Judiciary Committee of the House, is far from meeting the suggestions and the well-considered opinions of the President as set out in his address of January 20, 1914, to the Congress. The bill as it is now before the committee does not "explicitly and

item by item state in such terms as will practically eliminate uncertainty" what the law itself means and the penalty. We believe a number of the most important sections of the bill are plainly susceptible of more than one construction, and they are susceptible of constructions that, if so construed, would cause a great injustice to honorable business people and would prevent the practical and proper carrying on of business. For the reasons here set out be it

*Resolved*, That the directors of the Louisville Board of Trade hereby most earnestly protest against the passage by Congress of tentative bill No. 2, now being considered by the Judiciary Committee of the House, for the reason that it is indefinite and does not plainly state what business may do and what it may not do without violation of law, and because important provisions in said bill are plainly susceptible of different constructions, both by business men and by the courts, and for the further reason that the passage of the bill as it now is would result in greater confusion and uncertainty as to what business can do and what it can not do than exists at present, with the consequent loss to business and to the country.

*Resolved further*, That the Senators and Representatives in Congress from Kentucky be respectfully requested to vote against said bill as it now is and until it is so altered and amended as to conform in letter and in spirit to the views and recommendations of the President as expressed in his address to the Congress January 20, 1914.

Mr. BRADLEY. I have delivered to the Chief Clerk of the Senate 12,500 individual memorials from citizens of the State of Kentucky, remonstrating against the passage of the joint resolution proposing an amendment to the Constitution for the prohibition of the manufacture and sale of alcoholic liquors. I ask that the memorials may be received and referred to the Committee on the Judiciary.

The VICE PRESIDENT. The memorials will be received and referred to the Committee on the Judiciary.

Mr. BRADLEY presented a memorial of the Progressive Mutual Aid Society, of Covington, Ky., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of Star Council, No. 56, Daughters of America, of Covington, Ky., praying for the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. POMERENE, from the Committee on Interstate Commerce, to which was referred the bill (S. 387) relating to bills of lading, reported it without amendment and submitted a report (No. 309) thereon.

Mr. BRADLEY, from the Committee on Claims, to which was referred the bill (S. 604) for the relief of Sarah A. Clinton and Marie Steinberg, reported it without amendment and submitted a report (No. 307) thereon.

THE PACIFIC CREOSOTING CO.

Mr. LANE. I am directed by the Committee on Claims, to which was referred the bill (S. 690) for the relief of the Pacific Creosoting Co., to report it adversely, and I submit a report (No. 308) thereon.

The VICE PRESIDENT. What disposition does the Senator from Oregon desire shall be made of the report?

Mr. LANE. I ask for the regular procedure—for the adoption of the committee's report.

The VICE PRESIDENT. Then, does the Senator from Oregon move the indefinite postponement of the bill?

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

Mr. BRYAN. I do, Mr. President.

Mr. LANE. I do not know what the custom has been in such cases.

The VICE PRESIDENT. The Chair understands the Senator from Oregon has made an adverse report on the bill?

Mr. LANE. Yes.

The VICE PRESIDENT. Does the Senator from Oregon move the indefinite postponement of the bill?

Mr. JONES. I hope the Senator will not make that motion, but will allow the bill to go to the calendar until I have an opportunity to examine it.

Mr. LANE. I ask for the present that the bill be allowed to go to the calendar, in order that the Senator from Washington may have an opportunity to investigate the matter.

The VICE PRESIDENT. The bill, together with the adverse report, will be placed on the calendar.

HEIRS OF SIM HARRISON, DECEASED.

Mr. WILLIAMS. Mr. President, on February 20, during my absence, Senate resolution No. 276, to pay \$7x months' salary to the heirs at law of a certain deceased employee of the Senate, was passed, and an error was made in the names of two of the beneficiaries. I ask unanimous consent for the reconsideration of the vote by which the resolution was passed, and I do so for the purpose of correcting the names.

The VICE PRESIDENT. Is there objection?

Mr. McCUMBER. Mr. President, on account of the disorder in the Senate Chamber, I did not hear the request of the Senator from Mississippi.

The VICE PRESIDENT. The request of the Senator from Mississippi is for a reconsideration of the vote by which Senate resolution 276 was passed, upon the ground that there was a mistake in the names of the persons to whom the allowance contained therein was proposed to be made. If there is no objection, the vote whereby the resolution was passed will be reconsidered, and the resolution is now before the Senate for amendment.

Mr. WILLIAMS. I propose the amendments to the resolution which I send to the desk.

The VICE PRESIDENT. The amendments proposed by the Senator from Mississippi will be stated.

The SECRETARY. In line 4, it is proposed to strike out the name "Richardson" and to insert the name "Harrison"; and, in line 5, to strike out the name "Annie S. Harrison" and to insert the name "Annie H. Richardson," so as to make the resolution read:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the miscellaneous items of the contingent fund of the Senate, to James S. Harrison, of Hattiesburg, and Sallie G. Harrison and Annie H. Richardson, of Belzoni, Miss., children and heirs at law of Sim Harrison, late messenger, acting as assistant doorkeeper, of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

The amendments were agreed to.

The resolution as amended was agreed to.

#### BILLS INTRODUCED.

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

By Mr. MYERS:

A bill (S. 4674) granting to the trustees of the Methodist Episcopal Church, at Wolf Point, Mont., lots 1, 2, and 3, in block 24, town site of Wolf Point, State of Montana, at the appraised valuation thereof; to the Committee on Public Lands.

By Mr. BORAH:

A bill (S. 4675) granting a pension to Thomas Ranahan; to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 4676) granting a pension to J. J. Peate; and  
A bill (S. 4677) granting a pension to James F. Hargett (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 4678) to carry into effect the findings of the military board of officers in the case of George Ivers, administrator; to the Committee on Claims.

By Mr. THOMAS:

A bill (S. 4679) authorizing school district No. 1 in the city and county of Denver and State of Colorado to sell and convey block No. 143 in the east division of the city of Denver, Colo. (with accompanying papers); to the Committee on Public Lands.

By Mr. BURLEIGH:

A bill (S. 4680) granting a pension to Catherine J. Hills; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 4681) to amend section 162 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

#### USE OF WATERS OF RIO GRANDE, COLO.

Mr. THOMAS. I introduce a joint resolution, and ask that it be read.

The joint resolution (S. J. Res. 117) to determine the rights of the State of Colorado and of its citizens in the beneficial uses of waters of the Rio Grande and its tributaries within the boundaries of Colorado, was read the first time by its title and the second time at length, as follows:

Joint resolution (S. J. Res. 117) to determine the rights of the State of Colorado and of its citizens in the beneficial uses of waters of the Rio Grande and its tributaries within the boundaries of Colorado.

Whereas the constitution of the State of Colorado provides that the water of every natural stream not theretofore appropriated is the property of the public dedicated to the use of the people of the State, and that the right to divert such waters to beneficial uses shall never be denied; and

Whereas this dedication and ownership was confirmed by the Federal Government when it admitted the State into the Union, on the 1st day of August, A. D. 1876; and

Whereas the Rio Grande and many of its tributaries have their sources in the mountains of that State, whose waters are needed and can be utilized for the reclamation of more than 1,250,000 acres of land within its boundaries, which without such waters must remain arid and unproductive; and

Whereas the Secretary of the Interior, on December 5, 1896, in disregard of this vested right and without notice to the State of Colorado, directed the Commissioner of the General Land Office to suspend action on any and all rights of way through public lands for purpose of irrigation by using the waters of the Rio Grande or any of its tributaries in the State of Colorado until further instructed by that department, which order has since been and is now in force, by reason whereof the citizens of the State have been unlawfully prohibited from appropriating said waters and applying them to beneficial uses, to the great and lasting injury of the Commonwealth; and

Whereas since said departmental order became effective many efforts to so appropriate portions of said waters by compliance with the requirements of the State and Federal statutes relating thereto have been made and defeated by the refusal of the Interior Department to approve and file the maps, plats, and description thereof; and

Whereas all efforts to secure the rescission of said order or a judicial determination of the rights of those directly interested in the use of said waters have been unavailing through inability to bring suit against the Federal authorities for such purpose without their consent: Therefore be it

*Resolved, etc.*, That authority is hereby conferred upon the State of Colorado in its own right and name, or in the right and name of any citizen or citizens directly interested, or both, as it may be advised, to institute and prosecute such action at law or in equity against the Secretary of the Interior or the Commissioner of the General Land Office, or both, as it may be advised is necessary or expedient to determine its right and the right of its citizens to appropriate and apply to beneficial uses the waters of the Rio Grande and its tributaries within its geographical boundaries. Such action may be instituted in any district court of the United States, and any judgment or decree therein shall be subject to review by writ of error or appeal, as provided by law in other cases.

Mr. THOMAS. Mr. President, I desire to give notice that at the close of the morning business on Monday, the 16th instant, I shall address the Senate on the subject of the joint resolution, and I should like to have it lie over until that time.

The VICE PRESIDENT. The joint resolution will lie on the table and be printed.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. PERKINS submitted an amendment proposing to appropriate \$200,000 for the construction and equipment of a storehouse at Benicia Arsenal, Cal., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. BRANDEGEE (for Mr. LEPPITT) submitted an amendment proposing to appropriate \$25,000 for the construction of a lighthouse and keeper's dwelling at Great Salt Pond, R. I., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment authorizing the Commissioner of Indian Affairs to pay out of the Creek tribal funds now on deposit in the United States Treasury and in the national and State banks of Oklahoma a sum sufficient to equalize the allotments of all persons enrolled under the original Creek agreement approved March 1, 1901, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

#### CREEK EQUALIZATION FUND.

Mr. OWEN. Mr. President, I have a memorial from R. C. Allen, national attorney, of the Creek Nation of Indians with regard to the Creek equalization fund, giving the data and reasons why it should be disposed of by the Senate. I think the memorial ought to be printed as a Senate document for the information of the Senate. I do not know whether or no the Senate has adopted a rule requiring such matters to be referred to the Committee on Printing. If so, I should like to ask a reference of the memorial to the Committee on Printing and to request a prompt report on it, because the Indian appropriation bill is now before the Committee on Indian Affairs.

The VICE PRESIDENT. The memorial will be referred to the Committee on Printing for action.

#### HOUSE BILLS REFERRED.

The following bills and joint resolution were read twice by their titles and referred to the Committee on Commerce:

H. R. 13305. An act to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Old Cotton Gin Port, in Monroe County, Miss.;

H. R. 13545. An act to extend the time for constructing a bridge across the Mississippi River at the town site of Sartell, Minn.; and

H. J. Res. 217. Joint resolution to convey the thanks of Congress to the captain of the American steamer *Kroonland*, of the Red Star Line, and through him to the officers and crew of said steamer, for the prompt and heroic service rendered by them in rescuing 89 lives from the burning steamer *Volturno* in the north Atlantic Ocean.

The following bill and joint resolution were read twice by their titles and referred to the Committee on Military Affairs:

H. R. 12806. An act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain

nipulation in your many grades. To-day you have a Federal standardization. The grades have been reduced to four primary grades, if I remember rightly, and that has been the greatest blessing that has happened to the cotton-growing States of the Union for 25 years. Under a Government standard, reducing the many discordant kinds of grades that allowed the purchaser to manipulate them, you are or will be greatly benefited.

Now, Mr. President, we are reaching—

Mr. BANKHEAD. Mr. President, in the minute remaining, if the Senator will permit me, I should like to say that his suggestion that the cotton grower, the man who makes and sells cotton, is vastly benefited by the Government standardization is entirely a mistake. The Senator from North Dakota has not had much experience with cotton raising and cotton selling. The man who raises cotton and puts it on the market and sells it as a producer is not affected at all by the Government standardization. The Government standardization may be invoked when the cotton goes on the wholesale market somewhere in New York or New Orleans or in other places, but the man who raises 5 or 10 bales of cotton on his farm and hauls it to town and sells it from his wagon does not know any more about standardization than the Senator from North Dakota does—not a bit. It is never invoked. The merchant goes out and takes his knife and samples the cotton and says, "I will give you so much for this cotton," without reference to the Government standardization. Of course if it is of a very low grade anybody can see it, and the price is different from the price of a high grade.

Mr. McCUMBER. Without yielding further, I will have to disagree with the Senator from Alabama. I wish to say now, before 2 o'clock, that I shall wish to proceed with my real address on this measure as soon as we dispose of the unfinished business, and if we do not dispose of it to-day I will proceed in the morning after the close of the morning business.

#### WOMAN SUFFRAGE.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is Senate joint resolution No. 1.

The Senate resumed the consideration of the joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

The VICE PRESIDENT. The bill is in the Senate and open to amendment.

Mr. CLAPP. Mr. President, it might be urged, in passing upon the question as to whether the two Houses of Congress should permit a constitutional amendment to be submitted for ratification by the requisite number of States, that the merits of the subject itself do not enter into the question whether or not the people should be allowed to vote upon it. But I realize that it is impossible to discuss the question of submitting a constitutional amendment without involving more or less a discussion of the real question to be submitted to the voters for their consideration, and therefore this morning I propose to submit some remarks upon the joint resolution from the viewpoint of the merit of the ultimate question itself.

The men who framed our Constitution were so fearful of the powers of the Nation that they finally took out of the draft of the proposed Constitution the word "nation" wherever it occurred; but they did leave in the body of the Constitution one of the elements of a proposed national existence, and that was that all the people of this country should have the right, so far as the organic law of the land is concerned, to pass upon amendments to that law, with one single exception, and that was with reference to the number of Senators which each State should have.

So the argument that this proposed amendment, if it should pass, might not meet the approval of any section of the Union, has no more force than if there were no State lines known to the Nation. The objection that a condition may be imposed by the constitutional amendment against the opposition of any portion of the Union has no more foundation in the spirit and theory of our Government than if it were proposed to pass a law for a State or to change a State constitution and it should be urged that some section of that State was almost solidly opposed to the proposed change.

Mr. President, I think that everyone will agree with me that human progress has developed just in proportion as activities and the right to participate in activities have developed with the rank and file of the people. In other words, democracy in its broader significance is synonymous with the term "human progress." If that be true—and I do not think anyone can gainsay it—then the final triumph of democracy must depend upon the final extension to its ultimate of the participation and the right of participation of all in the activities of government.

I think it will be agreed or conceded that taking humanity as any point in history according to the then standard of civilization an overwhelming majority have been in favor of the right and only a small minority in favor of the wrong. Yet, despite this condition, that numerically small minority has ever been able to retard the growth and development of progress as indicated by the attitude, the purposes, and activities of the many.

It would be interesting, if we had time, to consider the forces, the processes, and the instrumentalities with which at all times a small minority have been able to retard human progress; but it is so self-evident that it requires no discussion. Desirable, agreeable as liberty is, and appealing, as liberty always has, to mankind, nevertheless at every point, until the establishment of our Government, a small minority was able not only to retard its progress, but to cause the great, overwhelming majority of mankind in sympathy with the cause of progress to almost literally wade through seas of blood to establish free government.

My purpose in making this illustration is to show that in proportion as we can enlarge and broaden the activities of humanity we attain nearer and nearer to the final goal of democracy, which, by the way, we are still far from having attained. At every step there has been an element of humanity, good in itself, bearing all the attributes of respectability, that has ever stood in the way of this progress. Of all the causes, forces, and instrumentalities which the wrong, considered as an impersonal spirit, has been able to invoke against human progress there has been none so potent as the respectability of a small class of people who have ever stood in the way of progress, and behind whose respectability were the sinister forces, whatever they were, that were opposed to that particular step in progress and served as a shield to them in their struggle against progress itself.

The present situation is no exception to that rule. The effort to extend the suffrage to man was met at every step by the false cry of alarm raised by those who stood as the exponents of respectability itself, that it would not do to enlarge the suffrage. When this Government was founded, men who in their own character were the very type of the highest patriotism, men who had sacrificed upon the field of battle for free government, viewed with alarm the extension of the suffrage to the people generally, and they undertook to safeguard against that false alarm by preventing the American people from voting for President or for Senators, believing in their blindness that it was safer for the institutions of this country that the election of President and Senators should be filtered through a representative body first selected by the electorate itself, and that, too, notwithstanding the fact that they were founding a government based upon the principle of free government, a government by the people, founding a government which was the outgrowth of a struggle of ages, that had proved at every step in that struggle that liberty expanded just in proportion as democracy expanded in the struggle between right and wrong.

I shall speak a little more of those two particular phases later in my remarks. If my analysis of democracy is correct, if it is true that the welfare of a people, if it is true that the cause of human liberty has depended upon the broader extension and expansion of human activity, then it follows as a fundamental principle that in free government, when it is proposed to extend or limit suffrage, the burden is upon those who are the advocates of free government to show that the persons of whom the inquiry is addressed ought not to be clothed with the power rather than to show or attempt to show that they should be clothed with the power. All human history throws upon those who would stand against the extension of suffrage the burden of showing that that extension is hostile to the best interests of those who compose the Government, where the proposition to extend the suffrage is made rather than the burden being upon those who, through the extension of suffrage, seek to participate in government itself.

This is so true that, as applied to male suffrage, every exception to the right where the right is withheld is based upon some natural, clearly defined law or rule. As the child, in the first instance, becomes by nature the ward of the parent, so the parent exercises the function of declaring at what age the child shall reach the point where it can join the ranks of those who hold the ballot in their hands. There are the insane and those who lose their reason and those who by their own criminal acts forfeit their right to participate. No man in the length and breadth of this land to-day would attempt to justify the exclusion of the suffrage from males except he could give some good reason not why they should be allowed to vote, but why they should not be allowed to vote. I do not believe that that point can be too much emphasized.

I say again, at the risk of repetition, that when the question arises as to the extension of suffrage, in the light of the history of

human progress, the burden is upon those who refuse the right rather than upon those who would seek to secure the right.

One phase of this discussion has come into the Senate here, and I propose to refer to it briefly. In the first place, in passing, let me say that the objections which have been suggested here to women having the right to vote would be amusing if it were not the subject itself that is so serious. On the one hand, it is urged that she ought not to have the right because she will vote with her husband, and consequently you will gain nothing. On the other hand, it is urged that she ought not to have the right because she will not agree with her husband politically, and consequently you have engendered domestic broils and difficulties.

The fact that two brothers growing up under the same roof and under the political teachings of the same father are inclined to belong to the same political party would never be urged as a reason why the right of suffrage should not be vested in both those brothers. The fact that those brothers might disagree no man would urge as a reason, on the other hand, why they should not each have the right of suffrage.

Free government is based upon the fundamental principle that no matter how kind, altruistic, and generous I may be, if you are going with me into the association which we call government, the only way in which you can be absolutely sure of your rights, your benefits, moral and material, which may flow from that association, is to be vested with the same power of participation and voice in the policies of that association that I am vested with. That is the fundamental difference in principle between the basis of democracy and the old theory of the king who was the trustee for all. Centuries of experience have demonstrated that no purely human man is good enough or safe enough to be the self-constituted, intellectual, political, or financial trustee of another.

Recognizing this basic principle, then the ballot being the only weapon known to free government in time of peace, the only way in which woman can be sure of her rights in the benefits, moral and material, that flow from free government, is to be equipped with that instrument, that weapon of free government. That is fundamental, and is not affected and can not be affected by the side questions as to what she will do with the ballot, whether she will agree or disagree with her husband.

In the first place, like all side issues, when you come to analyze them they do not meet the case at all, because the question whether a good husband will sufficiently guard the welfare of his wife is not involved in the case of women who have no husbands, who may have been bereft of their husbands, who may never have had husbands, and yet who are vitally interested in the question of their property rights as well as the broader question of morals, which I will now proceed to refer to.

We have been asked to show some specific gain that has come from the right of suffrage being accorded to women.

The questions we are discussing are fundamental or they are not worth discussing. One thing is certain, that womanhood, taken in its entirety, has more of good than bad within its ranks. We believe that it has immeasurably more of good than it has of bad. No man will be found to challenge that statement. If that, then, is true, we would bring into the electorate of this country a force that is conceded to include more of the good than of the bad. That we would gain thereby is so fundamentally right that it is a waste of time to ask for specific instances of the result of the bringing in of that force.

The moral force of this country never has and never can be measured in its fullness by specific acts of legislation, because back of legislation, in the twilight zone of the administration of law, lies the danger point in free government, and it is in that twilight zone that the moral force of the country, from community to nation, must be felt.

But we all agree that there has been a marked influence, a marked improvement, during the last few years. My good friend, the great-hearted, generous, whole-souled, genial Senator from New Jersey [Mr. MARTINE] suggested yesterday that Congress had passed a red-light law for the District of Columbia, although women are not represented in Congress. But I would remind my good friend from New Jersey that no red-light law ever passed Congress until the women in several States of the Union participated in the election of those who represent those States in the American Congress. It never passed Congress until this movement for woman suffrage had become nationwide in its influence and in its effect.

So while it is true that the red-light law passed Congress before there were women Senators or Representatives, it is equally true that it never did pass Congress until the influence of woman suffrage in the morals of the Nation began to be felt and experienced.

Mr. SHAFROTH. Will the Senator yield to me for a minute?

Mr. CLAPP. Most cheerfully.

Mr. SHAFROTH. Yesterday, while addressing the Senate, I referred to the fact that a number of laws had been passed the passage of which had been influenced by women in Colorado. After enumerating one I was interrupted by a colloquy with some other Senators and did not finish the list. I should like right here, as the Senator is talking upon that great subject, to give the list of laws that have been added to the statutes of the State of Colorado largely through the influence of women.

First. The establishment of a juvenile court and a code for the treatment of juvenile delinquents, and for the punishment of those who contribute to their delinquency, and for the redemption of offenders.

Second. The establishment of a State industrial school for girls.

Third. Of a State school for dependent children.

Fourth. Of a State home for mental defectives.

Fifth. Compulsory education for all children from 8 to 16 years of age.

Sixth. Preventing child labor during terms of school.

Seventh. Establishing parents as joint heirs of deceased children.

Eighth. Making it a misdemeanor for adult children to fail to support aged or infirm parents.

Ninth. Increasing the age of consent of girls and protecting them by criminal statutes. (The age of consent of girls in some States is as low as 12 years.)

Tenth. Creating a State traveling library commission of women.

Eleventh. Establishing a pure-food bureau and providing for the enforcement of laws as to pure food.

Twelfth. Preventing husbands from mortgaging household goods without signature of the wife.

Thirteenth. Providing for examination of teeth, eyes, and ears of school children.

Fourteenth. Creating a bureau for prevention of cruelty to dumb animals.

Fifteenth. Abolishing the sweat box in getting confessions from prisoners.

Sixteenth. Authorizing punishment for prisoners so that by good conduct and work they can obtain their liberty in much shorter time.

Seventeenth. Establishing a board of charities for the supervision of all public prisons and eleemosynary institutions, and prohibiting men from taking any earnings of immoral women.

I want to say right here that every moral law or movement has had the support of the women. It was the Interparliamentary Union which declared that Colorado has "the sanest, most humane, most progressive, most scientific laws relating to the child to be found on any statute books in the world."

Of course, the legislature during this period has always had some women in its bodies, but the influence of women has been very largely by reason of the fact that they are voters and by reason of the fact that, being voters, legislators listen to them when they appeal for the passage of such laws.

Mr. OWEN. Mr. President, I also would like to supplement what the Senator from Colorado [Mr. SHAFROTH] has said by pointing out that the Senator from California [Mr. WORKS], in his memorial submitted yesterday in the RECORD, at page 4437, gave a long list of humane statutes affecting the welfare of women and children and public purpose of a similar nature, which may be considered also as an evidence of the service they are rendering in bringing about the passage of desirable laws.

Mr. CLAPP. It is very agreeable to me to have both these suggestions made at this time, although, without lessening the value of the suggestions, to be candid about it, I never argue a fundamental cause where I have to depend upon specific instances. Either the broad fundamental principle is right, either the force behind it is right, or it is wrong. There is not a human being in this land to-day who will not admit that during the last few years there has been a wonderful change in our political system and in the broad, humane spirit of our laws, and that system has been accompanied by a very broadening influence of womanhood, partially in having the electorate granted to her, partially in the discussion of the effort to extend the right, and partially in the influence of both upon the entire moral tone of this country. It stands to reason that the very moment you admit that, taking womanhood as an entirety, the good overwhelmingly predominates over the evil, that moment you admit that the closer contact of womanhood, the closer the participation of womanhood, in our political and legislative policies, the better will be the result of it. It is because of that recognized fact we find so many sinister forces arrayed against it.

Take the question with reference to girlhood. There was a time when a girl could not dispose of the simplest piece of property until she had reached the age of 18, and yet there was a time when she could barter her soul to the devil when she had just passed the age of 10. In other countries and in this

it was considered a large beautiful bouquet of flowers was placed on the desk of Senator R. M. Pickler, a leader of the opponents to woman's suffrage. On a card attached to the bouquet was written these words, "From the women of Kansas who do not wish to vote. History honors the man who dares to do what is right." When the discussion was over, it was finally discovered that no woman had anything whatever to do with sending the flowers, but that they had been purchased and presented by the liquor interests, who have always opposed woman's suffrage or any other uplift toward civic righteousness. This fact alone should be one of the strongest arguments for woman suffrage.

The effects of woman suffrage in Kansas appeared very early. One month after municipal suffrage was granted to women the "age of consent" was raised from 10 to 18 years. In 1889 the divorce law was so amended as to give the wife all the property owned by her at the time of marriage and all acquired by her afterwards, and alimony being allowed from the real and personal estate of the husband. In the same year a bill was passed creating the Girls' Industrial School at Beloit, Kans., which separated the incorrigible girls from the boys; and this school was made one of correction instead of punishment and demoralization.

In about 1900 the women began in earnest to make their fight for the strict enforcement of the prohibitory liquor law, which had become more or less a farce by reason of failure to enforce the law in some of the larger cities of the State. It was claimed by those who were inclined to wink at the law and to defeat its purposes that it was impossible to enforce the law, and this belief prevailed for several years, and a sort of an illegal license-grafting regulation arrangement was carried on in some of the cities. From 1900 to 1910 the warfare against the liquor joints and dives was continued earnestly and vigorously until not a single joint remained in the State, and it was largely through the influence of women that the law which had been on the statute books for years and thought to be the hardest law to enforce was demonstrated to be absolutely the easiest law of enforcement when an honest and earnest effort was made to do so.

None of the objections raised against woman suffrage ever materialized in Kansas. Only a few of the women sought official positions, but when they did secure them, instead of making failures, as was predicted, they almost invariably made the best officers we had in the State. Several of the small towns put their entire local government into the hands of the women. It is conceded that they make our best county superintendents, and hence are naturally sought for this office by the various political parties. From 1887 to the present time there have been about 75 women aldermen, about a half dozen police judges, a few city attorneys, several city clerks and treasurers, and numerous clerks and treasurers of school boards. About one-half of the counties have women county superintendents of schools, and there are many women serving on school boards. A number of women in the last few years have been elected county treasurer, register of deeds, and clerk of the court. Probably one-third of the county officers have women deputies. About 25 women have been elected to the office of mayor in the smaller towns, and in several instances the entire board of aldermen have been women. The business record of these women has been invariably good, and their industrious efforts to improve schools, sanitation, morals, and safe, efficient, and economic public utilities of their towns have been generally approved and aided by the men of their community. The interest of the Kansas women in their political rights, so difficultly secured, has never abated in the least, as commonly predicted would be the result by those opposed to woman's suffrage. The proportion of their vote varies in about the same ratio as that of the men. As the years go by the general average of the woman vote grows larger.

When the character of candidates or the importance of the issue commands especial attention a great many women go to the polls. Their main interest, however, always centers in questions which bear upon the morals, education, and welfare of the children, the environment of their homes, and the purity and economy in the administration of the laws. Their part in municipal elections has completely demoralized the old stock objections to the presence of women at the polls. The polling places have been moved from barns and livery stables to the public halls, churches, schoolhouses, and other decent and respectable places, and instead of wading in tobacco juice and breathing the foul smoke from cigars and pipes you now walk upon carpets and breathe the fragrance from flowers appropriately placed in the polling places. Men have learned that women command influence in politics, and the best men are nominated for office

because of the demand of the women for cleaner morals and higher and nobler standards.

One of the commissioners of elections in Kansas City, the largest city of the State, alluding to the much-mooted question as to what class of women vote, said:

The opponents of woman suffrage insist that the lower classes freely exercise the franchise while the higher classes generally refrain from voting. As women in registering usually give their vocation as "house-keeper," it is impossible to learn from that record what particular ledge of the social strata they stand upon. Therefore, in order to locate them as to trades, business, etc., I give them the positions occupied by their husbands and fathers. I take the seventeenth voting precinct of Kansas City as a typical one. It is about an average in voting population of white and colored men and women and in the diversified industries. The 149 white women who registered in this precinct, as indicated by the vocations of their husbands, fathers, etc., would be classified thus:

The trades (all classes of skilled labor), 32; the professions, 26; merchants (all manner of dealers), 16; laborers (unskilled), 15; clerks, 10; public officers, 8; bankers and brokers, 7; railroad employees, 7; salesmen, 5; contractors, 2; foremen, 2; paymaster, 1; unclassified, 16. Thus, if the opponents of woman suffrage use the term "lower classes" according to some ill-defined rule of elite society, the example given above would be a complete refutation. If by "lower classes" they mean the immoral and dissolute, the refutation appears to be still more complete, for the woman electorate in the seventeenth precinct is particularly free from those elements.

Mr. SHAFROTH. Mr. President, I should like to make a suggestion right there as to the operation of the law in the State of Colorado with respect to the red-light district or the immoral district of the city of Denver.

Mr. THOMPSON. Certainly; I yield for that purpose.

Mr. SHAFROTH. The contention is made that good women will not vote and that the bad women will vote, when the fact is absolutely the reverse. The true situation in Colorado is that the good women do vote and the bad women will not vote unless they are almost compelled to go to the polls. The reason why this condition arises is because of the fact that they are in a business that they know can be closed, and they are afraid if they vote the wrong way the authorities who win will close them. Then, again, they are registered, and if they are registered under assumed names and are challenged they have to take an oath as to their names, which discloses in some way their true names. There is a great objection to that on their part.

So, as a matter of fact, the slum districts of the city of Denver do not poll the voters of that district unless some one in authority forces them out by sending a police force for the purpose of telling them that they must get to the polls. In that way, and somewhat in terror, they do vote, but left to themselves the immoral women will not vote, while the good women will vote. That is the experience in the State of Colorado.

Mr. THOMPSON. I thank the Senator from Colorado for his good suggestion in this connection. I think the example I have given from the commissioner of elections in Kansas City, the largest city in the State, clearly shows the same state of facts in Kansas where we have had municipal suffrage. So it is that the last objection, so frequently urged against woman suffrage, has been dispelled by experience; but whether we believe in woman suffrage or not, it is here and it has come to stay and to grow. It is difficult to find a prominent man anywhere in Kansas who openly opposes woman suffrage. The most eminent men and women earnestly advocate it. We usually find those opposed to prohibition also unfriendly to woman suffrage, and well they may be, for with the woman vote the last hope of the rebusmissionist has been completely blasted.

It has been well said that "the proof of the pudding is in the eating." Woman suffrage has worked successfully and satisfactorily wherever tried. Not a single State which has adopted it would go back to the old way. Not a single objection now urged against it has ever materialized in actual practice. Why one-half of the electorate of a free and independent Nation which glories in its freedom and equal rights for all should be denied the highest right of citizenship has never, to my mind, been satisfactorily explained. The women are to-day far more ready for franchise than the men were when they first usurped the power. They would add more intelligence to the vote of the Nation than was ever added to the voting power of any Government at any one time. After all the intelligence of the Nation is given to its voting strength, then is the time to regulate the ballot and to eliminate the evils from ignorant and wrongful use of it.

I know of no better way to close my remarks than to use the words of Tennyson in defining this great movement in beautiful verse:

The woman's cause is man's; they sink or rise  
Together, dwarfed or godlike, bond or free.  
If she be small, slight-natured, miserable,  
How shall man grow?  
The woman is not undeveloped man,  
But diverse.

Yet in the long years, liker must they grow;  
The man be more of woman, she of man;  
He gain in sweetness and in moral height—  
She mental breadth, nor fail in childward care,  
Nor lose the childlike in the larger mind.  
And so these twain, upon the skirts of Time,  
Sit side by side, full-summed in all their powers,  
Self-reverent each, and reverencing each;  
Distinct in individualities,  
But like each other, as are those who love.  
Then comes the statelier Eden back to man;  
Then reign the world's great bridas, chaste and calm;  
Then springs the crowning race of humankind.

Mr. OWEN. Mr. President, when the State of Oklahoma was admitted into the Union the question of woman suffrage was brought up by an organization of good women in that State, and a poll of the constitutional convention showed that a majority of the members of that body were in favor of woman suffrage, although it had not been greatly discussed in the State. The natural sense of justice, the knowledge which men had with regard to the matter, however, had induced a majority of the members of that body to say that they favored woman suffrage. The moment that that fact was ascertained the liquor interests of the State of Oklahoma engaged in an active warfare against a favorable vote on woman suffrage and prevented it from being made a part of the constitution of the State. It will be remembered that Congress in carrying out the pledges made to various Indian tribes, that in territory occupied by them there should be prohibition, put into the constitution of Oklahoma a provision that the State of Oklahoma by a special ordinance should declare the establishment of prohibition in the eastern half of Oklahoma, which was occupied by the Five Civilized Tribes. The question then immediately arose whether the people of Oklahoma should not also by an ordinance establish prohibition for the western half of Oklahoma.

There were many saloons in western Oklahoma at that time. I recall in Oklahoma City counting 11 saloons on the principal block in the center of the city before this question arose and was determined by the people of Oklahoma in favor of prohibition. The saloon men raised a great cry in favor of continuing the open saloon in Oklahoma. The women were naturally opposed to the saloon, as they are always opposed to that which brings grief to their sons, to their husbands, to the men of their families, and thus to themselves. Because it was well known that the women would align themselves with the churches against the liquor traffic in Oklahoma the liquor interests made haste to impress their power upon members of the constitutional convention. By threats and by cajolery they changed enough votes to prevent the matter being submitted as a part of the constitution of Oklahoma. The dangerous enemies of woman suffrage are those interested in the liquor traffic, in gambling houses, in the white-slave traffic. The sentimental opponents of woman suffrage who are of pure purpose do not really amount to any serious opposition.

Before the constitutional convention in Oklahoma I made an argument in favor of giving the women in that State the right of suffrage. I did so because I desired to improve the conditions of government; I did so because I believed in the high sense of honor of women; I believed in their superior moral and ethical and intuitive sense, and believed that they would improve the tone and level of the suffrage. I had observed that about all that men seem to know of good morals, of religion, of good manners they had learned from women, and I desired that woman's spiritual force, woman's moral and ethical force, should be more actively engaged on the side of good government and that they should be given power to make effective their point of view.

The arguments in favor of woman suffrage are so numerous and so convincing to my mind that it is difficult for me to understand how it can be seriously opposed.

When we read our great fundamental law, when we take up the Declaration of Independence and examine its language, we find it begins in this way:

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another—

It does not use the word "men"; it uses the word "people"; and right through the Declaration of Independence runs the word "people"—not men, but men and women. The declaration is made in this great instrument:

That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

Are not women governed by the law of the land? Are they not subject to the civil law? May not their property be taken from them by civil process, by trial by jury? Nay, Mr. President, may they not be denied liberty by the declaration of law, by the decision of a court or of a jury? May they not be denied life itself under the criminal code on the declaration of a jury

and the decision of a court? Many a woman has had her life taken by the law of the land, but the history of this country records that where there is 1 woman convicted under the criminal law, in comparison there are 50 men who are convicted under the criminal law, because men, when compared with women, are about fifty times as bad, or, I should rather say, that women are about fifty times as good, so far as the criminal law is concerned. In truth, the men of the world are not bad; 99 per cent of the men of the world in reality endeavor to do justice, to live rightly, and to be good citizens and good neighbors.

In looking at this Declaration of Independence, all the way through is the declaration of the rights of the people—of "men and of women." When I look at the Constitution of the United States, the very first great words of that Constitution declare the rights of women, the power of women. It says:

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The people means men and women; women are people. The women of the United States had a part in establishing this Constitution; they had a part in fighting the battles of the Revolutionary War; they did their full share in that contest, just as they did their full share in the late war, and do their full share in every war that takes place.

Mr. SHAFROTH. Mr. President, will the Senator from Oklahoma allow me to make a suggestion?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. OWEN. I yield to the Senator from Colorado.

Mr. SHAFROTH. In line with what the Senator from Oklahoma has said, I want to call to his attention, and to have him discuss, the fact that, since we have no law of primogeniture in this country, practically one-half of all the property, personal and real, in the United States descends to women. By reason of that fact it is a manifest injustice that they are not permitted to make any laws with relation to their property, but are controlled solely as to the making of the laws by men.

I wish further to call attention to the fact that nearly every year in the municipal corporations of the United States improvement taxes are placed upon women's property to an enormous extent, almost equal in many instances to the value of the property itself. These special-improvement taxes are placed there without women's consent and in direct violation of the Declaration of Independence, which the Senator from Oklahoma has read, namely, that the just powers of government are derived "from the consent of the governed." I would thank the Senator from Oklahoma if he would dwell upon that subject.

Mr. OWEN. Mr. President, I will do that in due course, as I consider this matter; but, first, I want to call attention to the fact that the great original powers of our Government, as set forth in the Constitution of the United States, proceeded upon the theory of the rights of the people, not the rights of some of the people, not the rights of men only, but the rights of men and women. I want it clearly brought forth in this debate that our great fundamental law does not contemplate denial to women of their rights, but recognizes throughout that these rights of the people ought to be enjoyed in common and equally. I remind you that New Jersey at the time when it came into the Union had woman suffrage, and it was on the authority of the women of New Jersey that the Constitution itself was ratified. And the Constitution was framed in such a way as not to deny woman suffrage. It failed to assert it, and so the rule was established by individual States.

Let me call attention to the language of the Constitution. Section 2 of Article I, where it refers to the House of Representatives being composed of Members, says they shall be "chosen every second year by the people." It does not say "chosen by the men only, but shall be chosen 'by the people'; and in apportioning Representatives and direct taxes, they are apportioned according 'to the whole number of free persons,' using the term 'number of free persons,' which means men and women.

And, then, when it refers to Senators the Constitution says that—

No person shall be a Senator who shall not have attained to the age of 30 years and been 9 years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The term "person," of course, is always referred to as a relative pronoun by the word "he"; but certainly woman is a person; certainly woman is a citizen; certainly woman is an inhabitant; and certainly woman is one of the people. She fills every requirement where the descriptive term is used.

When it comes down to the constitutional amendments, we find that Article I provides that—

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

The people means men and women. If women are people and have all the acknowledged constitutional rights, why should a just man deny the vote which will protect these rights?

And the women, being people, are here now as petitioners praying for the recognition of their just rights; and, for one, I not only am willing to concede their just rights, but I insist, so far as I can, that their rights shall be recognized.

Article IV of the amendments to the Constitution provides that—

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.

And women should have the vote to enforce their guaranteed rights as people, because women, at least, are people.

Article IX of the amendments provides that—

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

That is, the rights retained by the men and women of the land.

When we come to Article XIV of the amendments, section 1, we find it reads:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Women are therefore citizens of the United States.

Will any man deny that women who are "born or naturalized in the United States, and subject to the jurisdiction thereof," are citizens of the United States and citizens of the State wherein they reside? Then follows this language in Article XIV:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

And women are citizens.

Mark the words "privileges or immunities." "Privileges or immunities" are terms not so strong as rights. A privilege would seem to imply some particular special grant, while a constitutional and natural right is a broad constitutional power vested indefeasibly in a person. You might take away a privilege or an immunity, but you can not take away the indefeasible rights of "life, liberty, and the pursuit of happiness," or of any of those rights which belong of necessity by nature to a man or to a woman. I hold that under the laws of nature and under the laws of God, written before man wrote his laws upon the statute book, a man and a woman have certain rights indefeasible, indestructible, not to be taken from him by his own hand, not to be contracted away, rights which are holy in their character—the right of liberty, the right of life, the right of the pursuit of happiness. These rights were vested in men before human law was written, and they were vested in women as well, and should not be denied; they can not be long denied and they must not be denied. If the Constitution thus forbids immunities to be taken from citizen women, how much more unjust to take the greater rights from women or to deny such rights.

The fourteenth amendment continues:

Nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

In a high, true sense it is not due process of law to take the life, the liberty, or the property of women by law in which they have no part, where they are not allowed to nominate or elect those who write the law and execute the law, where their consent is not given in due form to the law.

When you deny a woman the right of suffrage, do you not, as a matter of good conscience, deny her "the equal protection of the law"? Answer that proposal with a conscientious, upright mind! When you deny women the right of suffrage, you do most emphatically deny women the equal protection of the law. Men can vote for or against the lawmaker; men can vote for or against the representative; men can vote for or against the judge who is to sit upon the bench; men can vote for or against the sheriff who is to select the jury; but when women are denied the right of an equal voice to select the judge who shall sit upon their rights of "life, liberty, and the pursuit of happiness," the women are assuredly denied equal justice and equal protection of the law.

When we come to read the other portion of the fourteenth amendment we find again repeated this recognition of the people in apportioning the number of representatives in determin-

ing who shall be chosen as the representatives; and in Article XV we find that—

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Under that amendment the right, even, of a negro to vote can not be denied. Shall it be maintained that our Constitution intended that this right should be granted a negro man and yet denied to white women? Is that a true interpretation of the rule of reason in interpreting the laws of this Republic?

Article XVI provides:

The Congress shall have power to lay and collect taxes on incomes,

On the incomes of men alone? No; on the incomes of women as well as of men. Shall women who pay their proper part of the income tax have no right to be heard in choosing those who shall pass the laws in regard to taxation or in selecting those who administer the laws of taxation?

On May 3, 1910, in a memorial of the National American Woman Suffrage Association demanding for the women of the United States the recognition by Congress of the right to vote the officers of the association laid down several good reasons which justify a modification of Article XV of the amendments to the Constitution of the United States so as to include the word "sex." Those reasons are very compact, and I call the attention of the Senate to them:

(1) The women of the United States are citizens of the United States, entitled by nature to an equal right to enjoy the opportunities of life.

Will that be denied? Can any man say that women are not entitled by nature to have an equal opportunity to enjoy life? And do they have an equal opportunity when they are not permitted to participate in government; when they are not permitted to nominate or elect men for office who are going to write the laws which govern them and their property?

The second reason is:

(2) Women perform half the work of the United States.

Will any man deny that? Would any man exchange with a woman or be willing to attempt to perform her allotted tasks? The woman who takes care of the house, who sees that the food for the family is provided and prepared, who sees that breakfast, dinner, and supper are cooked and served properly and in an attractive manner; the woman who looks after the servants in the house, cares for the children, and makes the home a pleasant place to live in performs a difficult task.

The woman must see that the house is kept in good order. It must be kept clean and free from dust, the furniture must be kept attractive, and the innumerable details which characterize the cares of a woman's life as a housekeeper, as a mother educating the children, caring for their manners, their morals, their health, justify the claim that women do half the work of the world.

I call attention to the fact that many activities formerly conducted by women in the home have been transferred to factories, and now women must enter the factories to do work which was formerly done in the home. In these recent days we find, however, that there are 8,000,000 women, outside of domestic service, engaged in the struggle to make a living in active competition with men in factories of every description, and we find women and girls standing at machines all day long outside of the home doing the hardest labor of the world.

It has been found that giving the right of suffrage gives women a better and more equitable wage for equal service performed. Upon that ground—the ground of common honesty, the ground of common justice, the ground of permitting a woman an equal opportunity to make her living in an honest fashion without being driven to vice by harsh, cruel treatment—the suffrage is justified.

Mr. SHAFROTH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. OWEN. I yield to the Senator.

Mr. SHAFROTH. In other words, woman suffrage opens up avenues and occupations for woman which now she has not?

Mr. OWEN. It does.

Mr. SHAFROTH. And, by reason of the increased number of occupations, it makes that much more of a demand for her labor, and therefore, according to the principle of supply and demand, would naturally increase her wages?

Mr. OWEN. Yes; and it makes the politicians pass laws that will require equal wages for equal work, and it has the effect of making the employer of labor more respectful and considerate to those who have additional power. If you take away power from a man or a woman, that person can be more easily imposed on.

Mr. BRYAN. Mr. President—

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

Mr. BRYAN. Did the Senator observe that the passage of the eight-hour law in the District of Columbia, prohibiting the employment of women for more than eight hours a day, has caused the loss of employment by a great many of them within the last few days?

Mr. OWEN. Oh, Mr. President, any law which you pass has some unavoidable accidents attending it. The number losing employment has been grossly exaggerated. It will ultimately increase the employment of women. In a forward movement of an army there are always a few individuals who may possibly be harmed, a few casualties; but an eight-hour law for the protection of the women and children of this land is justified and essential, notwithstanding the observations of the Senator from Florida. I think some sinister men have discharged some women in a spirit of resentment against the law itself and as a protest, but without real justification.

Mr. BRYAN. Does not the Senator concede it to be a fact that since this law was passed prohibiting the employment of women beyond eight hours many of the women who formerly worked longer than eight hours have lost their positions and men have been substituted in their places? In what way did that benefit the women of the District of Columbia?

Mr. OWEN. It will benefit the women of the District by preventing in future injurious and ruinous hours of labor, in the conservation of the life and efficiency of the working women of the District. The retirement of a few women from the employment of harsh taskmasters to engage in other activities is not really an unmixed evil.

Mr. VARDAMAN. Mr. President—

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

Mr. OWEN. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I wish to say that the fact that they have lost their positions is in no way a condemnation of the law. It only serves to accentuate the fact that men are willing, in business, to sacrifice women, children, or anybody else to promote their material interests.

I can not vote for this amendment, because of certain conditions which I shall explain here later; but there can not be any suggestion, there can not be a reason even thought of, that will condemn the law which prohibits the working of women and girls more than 8 hours out of the 24.

Mr. BRYAN. There would be no objection to the law if you applied it to all alike; but when you undertake to say that women shall not be employed more than eight hours a day, and leave employers free to employ men beyond eight hours a day, you put it in the power of employers to deny employment to women and to discharge those who are already employed. That is just what has happened.

Mr. OWEN. Mr. President, the alleged facts in the case referred to by the Senator from Florida, in which the law prohibited women from being required to work over eight hours, and permitted their places to be filled by men because the men were not forbidden to work over eight hours, would only illustrate the defect of man-made law which does not deal equitably with the sexes. In my opinion there ought to be a rule which would prevent men being employed for over eight hours. I think human efficiency is best accomplished where eight hours is the limit of human labor for one day, whether on the part of a man or a woman; and the incident cited, if true, only illustrates that the law made by men alone is defective. If the law has unjustly injured women, it shows that women should have had more consideration. If they had the suffrage, their interests would be more tenderly considered.

But I think the facts have been seriously exaggerated to the Senator from Florida. I submit to the RECORD a statement of Constance D. Leupp, president of the Consumers' League, to which I respectfully call attention:

301 MUNSEY BUILDING, Washington, D. C.

Ever since the President signed the La Follette bill prohibiting the employment of women in industry in the District of Columbia for more than eight hours a day, we have heard nothing but complaints as to the harm this humane and necessary piece of legislation is doing to the workingwoman.

Three years ago when California passed a similar law it was discredited in the same way. When the new child-labor law came into effect in Massachusetts five or six months ago the same thing happened there.

No thinking person will conclude that because the adjustment to a reform measure is difficult that therefore we must leave bad industrial conditions to continue forever.

Women and children must be protected. We have been very slow in getting this law onto the statute books in the District of Columbia. If we had left it still longer the adjustments would have been still more difficult.

The District Commissioners wrote last year to the chairman of the Committee of the District of Columbia, recommending the passage of

the bill: "The employment of women is on the increase here as elsewhere and legislation enacted now will not only tend to correct such abuses as exist, but to prevent their further development." (P. 7, hearings before the Committee on the District of Columbia, S. 7723.)

The fact is that the adjustment will not be nearly so difficult as the employers are giving us to understand.

Where work must be done for more than eight hours in any one day, we have pointed out that it can be arranged by a shift system—having some of the women come on a little later than some of the others.

After the eight-hour law had been in effect in California for two years it was voted a success by a large number of the employers who had originally opposed it. The records of the California bureau of labor show that very few women were replaced by men as a result of the law, but that a great many more women were employed where the shift system was put into effect.

The same thing, we have every reason to believe, will result in the District of Columbia.

CONSTANCE D. LEUPP,  
President Consumers' League.

The third justification for granting to women the right of suffrage is the women bear all of the children of the United States, a labor of great anguish and pain, necessary, indeed, to the life of the Nation and outweighing any labor that men perform.

It has been said that women do not serve as soldiers, and hence should not vote. The answer to that is that the bearing of a soldier is more painful and dangerous than being a soldier. Every mother is entitled to a substitute as a just reward for this dangerous service, and the right to vote is not confined to soldiers. In fact, soldiers rarely vote.

The late "Poet of the Sierras" has thus epitomized the battle of motherhood:

The greatest battle that ever was fought,  
Shall I tell you where or when?  
On the maps of the world you will find it not,  
It was fought by the mothers of men.

Women have the courage, however, to go on the battlefield, and as nurses they do go on the battlefield with a courage that is as magnificent as men ever show. Their courage, both physical and moral, can not be denied. Every physician knows that women bear physical pain with more courage than men do.

The women not only bear the children of the Nation, they educate them. It is of the highest importance to the national interest that the children should be educated by mothers who are themselves educated, by mothers who understand government.

A fifth reason that justifies suffrage is that women inculcate in the children of the Nation lessons of morality, of religion, of industry, of civic righteousness, and of civic duty.

Is not this a great and important labor, performed in the interest of the Nation? Is suffrage too great a reward for such useful and honorable service to society?

Sixth. They deserve to be honored by the children of the country as entitled to equal dignity and honor possessed by men.

Should a son trained by a mother be given a dignity and power superior to his mother? Is a good son justified in desiring this right denied his mother?

Seventh. Women pay half of the taxes of the United States. Does not this justify suffrage? If "taxation without representation" justified our fathers in waging war, shall our mothers endure this injustice?

Eighth. Women possess half of the property of the United States, or at least they are entitled to possess half of the property of the United States by virtue of labor performed and duty well done. If they possess half the property, shall they be denied the power to protect this property? Is not suffrage necessary to protect property rights as well as other personal rights?

Their property and their right to liberty and to life are subject to law. The law controls the property rights of women and the rights of women to life, liberty, and the pursuit of happiness.

Therefore they are justified in demanding the right to a voice in the election of the representatives who write these statutes and who execute them.

Mr. President, it has been well established, beyond any possible controversy, that where women have been given the suffrage there has been an immediate and prompt response to the feminine sentiment in passing laws more favorable to the protection of child life. In Colorado, immediately after suffrage was established, there sprang up in that State the most highly perfected school system that any State in the Union has. A woman is superintendent of schools there. There followed in that State the juvenile-court law for the protection of child life; laws establishing the curfew, to prevent children being exposed to temptation at night; laws raising the age of consent; laws taking care of defective children; laws punishing those who contributed to the delinquency of a child; laws taking care of the weaker elements of society, of the deaf and dumb, the



blind, the insane, the poor; laws beautifying the cities and improving many other conditions of life.

One of the strongest reasons, in my opinion, in favor of woman suffrage is that if woman suffrage were established it would be an important factor in putting an end to machine politics, which have corrupted the governing powers of this Nation to so large a degree and in so many instances. Women will not stand for a man known to them to be immoral and corrupt, even if he be the party nominee. Women can not be persuaded to favor the liquor traffic, the white-slave traffic, gambling, or others evils of society. There can be no community of interest between the evil elements of the State and the feminine vote. I think this is of very great importance in purifying and making more rapidly effective the improvements in government which we all desire.

When you examine to see who are the opponents of woman suffrage, outside of the sentimental class, outside of those who belong to the conservative class—a constantly diminishing number, so far as woman suffrage is concerned—you will find that invariably the active, real, true enemies of woman suffrage are those who are engaged in the liquor traffic, those who are engaged in corrupt transactions around the town, in gambling, in keeping disorderly houses, and those who are machine politicians. You will always find that the machine politician is vigorously against woman suffrage, that the liquor interest is against it, and that those who are engaged in improper conduct of affairs around town are against it.

I am acquainted with the sentimentalism which builds a halo around woman and places her upon a pedestal and bows down and extends courteous admiration, and sometimes, I fear, gross flattery to woman, and then denies her fundamental justice. With that sentimental nonsense I have no sympathy. I had rather be denied courtesy than justice, and so had every thoughtful woman.

There have been many arguments made against woman suffrage, such as that women would be insulted at the polls. That argument has been exploded. Instead of their being insulted at the polls, the polls have become decent places, where men do not insult each other.

It has been said that women would be corrupted by politics. That has been shown to be utterly fallacious. The character of women will not change. They go to church just the same. They are the backbone of the church. You may go to a church, and you usually see at least two or three women to every man, and sometimes a much larger number. The women are the custodians of religion and morality in this land. The charge that they will be corrupted by giving them an opportunity to put an end to corruption springs from a corrupt reason, or from a corrupt reasoning, as you please.

It has been said by some that women would vote with their husbands, and therefore there is no need of giving them the ballot. Others say they would vote against their husbands, and therefore that they ought not to be allowed to vote at all. Well, you may take your choice of these arguments. They nullify each other. Neither one of them has any merit. If they voted with their husbands, it would be perfectly right if they chose to do so; but with an Australian ballot they could do as they pleased about it. If the husband was a sot, engaged in drunken debauches, and was in favor of the liquor traffic, you may be sure his good wife, who was afflicted by his conduct, would vote against him in that matter.

It has been said that women would neglect their homes. Nothing of the kind has proven to be true. It does not take any length of time to cast a ballot. A woman going down town, about her ordinary shopping, can drop into the voting booth and deposit her ballot and go on in five minutes. There is no trouble about it.

One of the important results shown in Colorado when they granted woman suffrage was that immediately a very large number of books upon the art of government were sold throughout the State. It demonstrated to me the fact that women immediately undertook to discharge their responsibilities with intelligence, and that as a conscientious duty they got elemental works upon government and studied the questions which were involved. In that way it is evident that a very much greater public knowledge upon questions of government would be obtained by having women as well as men interested in such questions.

The Senator from Florida [Mr. BRYAN] enlarges upon the theory that there is nothing in the contention that women are subject to taxation without representation; and he attempts, by a fine-spun theory, to show that there is no merit in that contention in favor of woman suffrage. The only way you can avoid it is upon the theory that the woman's husband, as her representative, will vote for her if she have a husband; but if she have not a husband, if she be a widow with a large family of girls,

should they be denied the right to express their opinion as to the selection of a mayor in the town, or the police officials? Are they not interested in the administration of the laws protecting the home against burglary? Are they not interested in a proper system of caring for the sewage of the town, for the health of the town, in the supply of water and gas and electric light and street car service and in the innumerable things that are done by the town administration? If they have no vote, many a town administration which is corruptly managed by the machine can neglect them, can ignore their rights, can impose unfair taxes on their property for street improvement, and can deny them an adequate remedy.

You may say that they could go to law about it and protect themselves; but the proper way to protect human beings is to give the right of suffrage to them, because any thoughtful student will agree that "the right of suffrage is the right protective of every other right." Men have fought for that right, they have died for that right, because of its importance, and no just man should be willing to deny this vitally important right to women. All generous men should insist upon freely giving this just right to women.

I want my wife and my daughter to have this right; and even if they have not studied the question and do not appreciate its value and do not ask for it or even want it, still I have studied the question, I do understand it, I know its value to them, and I know its value to honest, good government, and I insist upon providing them this right so necessary to them and so important to me and to the ideals of good government which I am anxious to see established.

The Senator from Florida enlarges upon the fact that the constitution of Massachusetts gave men only the right to vote. In the early days of Massachusetts they had self-governing town meetings. The citizens of the town would come together in a "town meeting," and they would make their law in simple, direct fashion, talking it over together and laying down the rules that should govern the town. It was not necessary for the women to come under such circumstances. There was no discrimination then that would affect their interests injuriously. The men did what was necessary. It was a primitive state of society. Now, however, with 90,000,000 people in this Republic, with conditions becoming more and more difficult all the time, with some of the States having as many as 10,000,000 people, it is absolutely necessary, if justice is to be dealt to women in this country, to give them the right of suffrage, so that they may protect themselves by their own votes, and so that they may do more—so that they may protect their children.

I think there is not in this Capitol a more pathetic speech than that engraved in marble by the State of Illinois upon the statue of Frances Willard as one of her great appeals to man. She said:

Ah, it is women who have given the costliest hostages to fortune. Into the battle of life they have sent their best beloved with fearful odds against them. Oh, by the dangers they have dared, by the hours of patient watching over beds where helpless children lay, by the incense of ten thousand prayers wafted from their gentle lips to Heaven, I charge you, give them power to protect along life's treacherous highway those whom they have so loved.

Mr. President, this Government is not based on brute force; it is based on intellect, on spiritual and moral forces directing the intellectual forces, which in turn can command material forces, and in the conduct of government women have a moral, spiritual, intellectual power which is of the greatest value to the Republic. These powers should be made as effective as possible in developing our great Republic and in speedily consummating its obvious magnificent destiny, and through the direct exercise of the suffrage alone can these powers of our splendid American women be made most effective.

Speed the day when American men shall fully appreciate the great service women can render society and government through the simple, dignified, direct power of the ballot.

It has been strenuously contended that woman's place is the home. Yes; we may all agree to that generous sentiment. We all know how splendidly women have cared for the home; how pleasant they have made it, how comfortable, how useful, how happy, when they have been permitted to do so by man-made laws, which unhappily have driven millions of them into the machine shops and factories.

Let us concede, however, that woman's place is the home, even if she has been driven by millions out of it into a labor market.

But what about the home, where woman's best place is? Does not the law vitally affect the woman's home and her happiness and her children and her health and her protection from crime?

Does not the law and its administration become of vital concern to her when in its hand is the safety, the health, and the welfare of her home?

Does not the law take charge of the teaching of her children, selecting the teachers of her children, building the school-houses, safe or unsafe, sanitary or insanitary?

Does not the law say when, where, and how the children—her children—shall attend the schools, the books her children shall use, the desks where her children shall sit, the water her children shall drink, the towels with which they may affect their eyes or their health if sanitary or insanitary?

Does not the law and its administration fix the social, moral, and intellectual administration in which her children are compelled to go?

Does not the law permit or refuse to permit the seduction of the open saloon to allure her sons to destruction?

Does not the law permit or refuse to permit the brothel which may destroy the chastity, the honor, and the physical powers of her sons?

Does not the law permit or refuse to permit the actual practice of white slavery to steal away the virtue of the daughters of the poor?

Does not the law determine whether the food which comes into her house shall be honestly measured to her or dishonestly measured to her?

Does not the law permit or refuse to permit impure food and impure drugs to be sold to her home, affecting the health and the happiness of her home?

Does not the law determine whether the streets in front of her home and in the town in which she lives shall be clean or unclean; whether the sewerage of the town shall be sanitary or insanitary, affecting the health of her home?

Does not the law determine whether the garbage and refuse of the home shall be removed or shall not be removed, thus affecting her health, her comfort, and her peace of mind?

Does not the law determine whether there shall be adequate police protection of her home against trespass, against nuisances, against assault or burglary?

Does not the law and the administration of the law determine whether the city water be abundant and pure and economical in her home?

Does not the law and the administration of the law determine whether the gas supply be abundant, pure, and economical in her home?

Does not the law control the electric lights in her home?

Does not the law control the telephone service in her home?

Does not the law determine whether the city she lives in shall be economically and efficiently administered and that the taxes exacted from her shall be honestly and wisely expended?

Does not the law in a broad way determine whether the town she lives in shall be made a pleasant place or an unpleasant place to live in?

No thoughtful man will deny that the powers of the law over the home are the powers which vitally affect the health of the home, the safety of the home, the pleasure of the home, the happiness of the home, the economy of the home; that it vitally affects the life of children, the health of children, the happiness of children, the protection of children from vice; and to say that the woman who is charged with the duty of making the home safe, pleasant, and happy shall be denied any voice in selecting men who shall wisely write the law and efficiently and faithfully administer the law that is necessary to the happiness of her children is to deny the obvious.

But in reality women are not only vitally affected in the home in all these ways and in many other ways, but absolutely her life and her liberty is subject to the courts, and the jury that may take from her her property, her liberty, and take from her her life, and to deny her the right of a voice in a Government which deals with her property, her liberty, and her life in this way is unjust to woman, an injustice to which I will never consent.

I should like to see a part of the energy of the human race diverted from pure commercialism into home building. I should like to see a restoration of society where woman could have a larger part in building real homes, in bearing children, and in raising them, in performing more fully the functions which have made them in so large a measure the custodians of homes and of children, and I do not doubt that this will be brought about much more speedily when women are given more power in electing public officers and determining with their vote questions of public policy.

Mr. President, this is a great moral question; a question of human liberty, of human rights. It must be settled with justice. I wish my wife and my daughter to have the same rights under the law which I myself enjoy and which I regard as essential to the preservation of my own life, liberty, and the pursuit of happiness; and I am not indifferent in the matter.

While I appreciate the fact that many whom I regard with great respect do not favor woman suffrage, and while it seems unpopular in many States where the reasons justifying it are not well understood, or where sentiment and conservatism still control on this question, I felt it my conscientious duty to defend what I believe is both the natural and constitutional right of women.

Mr. CHAMBERLAIN. Mr. President, as the author of the pending joint resolution it had been my purpose to discuss the subject at some length, but it has been so ably discussed by the friends of the resolution, and particularly by the distinguished member of the committee who presented it [Mr. ASHURST], that I do not feel I would be justified in taking very much of the time of the Senate in discussing a question which has been so fully presented by both sides. I feel that it is my duty, however, because I favor the joint resolution, to say a few words in its behalf, particularly as applied to my own State; and I think I may safely say that the conditions which prevail there are not essentially different from those which prevail in other States.

The agitation in Oregon commenced prior to 1880. I as a young man, new in the State, remember it particularly because it was all entirely new to me. I was born and reared in a Southern State and went to the western country with a feeling which many southern men had of antagonism to the propriety of enfranchising women. I soon overcame that prejudice, which was inborn in me, and which still lurks in the bosom of nearly every southern man, I am sure, and I became an ardent supporter of the doctrine of equal suffrage. As the youngest member of the Legislature of Oregon in 1880, I had become so far converted to the cause that I was one of the very small majority of that body which submitted the question of amending our constitution to the voters of the State. Under the constitution as it existed then, and under the constitutions of most of the States of the Union now, it is required that a resolution shall be passed by two separate votes at two sessions of the legislative bodies before it can be submitted to the people to be acted upon. So, although it was determined at that session of the legislature to submit the proposed amendment to the people of the State, it was not agreed by the subsequent legislature to submit it, with the result that the people did not have an opportunity to vote on it for a number of years after 1880. But agitation never ceased from 1880 until it was finally accomplished a year or two ago.

Much has been said about the corrupting influence of equal suffrage upon the good women of our land, and that, in the very nature of things, if suffrage is given to the latter it will result in the neglect of home and fireside. I can not resist the temptation at this time to say that the first address I ever heard delivered upon the subject of woman suffrage in Oregon was by a distinguished woman who is now living, who is loved and honored by every man, woman, and child in the State. I refer to Mrs. Abigail Scott Duniway. She was then a young woman rearing a family, and she found time in the numerous household duties which devolved upon her to devote much of her energy to the cause of woman suffrage.

In those early days, Mr. President, the home life was not an easy life, and whilst she was devoting her time to the training and education of her children, all the domestic affairs which are now done in many homes by hired help was done by this magnificent specimen of the western mother, and in her duties and in her efforts made in the cause of woman suffrage she found time to raise a splendid family of children. As an evidence of that I call attention to the fact that one of her sons, who has since grown to manhood, is the president of one of our western universities and is highly respected and honored wherever he is known. Another is a prominent lawyer in my own city, distinguished for his ability, his refinement, and his training. Another is a distinguished business man of the West. Another was elected State printer of Oregon on two separate occasions and discharged every duty that devolved upon him up to the very time of his death, as the son of a splendid woman should discharge those duties. Aside from that, the daughter attained the same distinction in her walks of life that the sons attained in theirs.

I simply state this, Mr. President, to illustrate the fact that there is nothing in the charge that if a woman is given the right to vote she is thereby compelled to neglect her domestic duties and the duties which she owes to her family. I feel honored in being afforded this opportunity to say this much of this distinguished woman, who lives to-day beyond the age of 80, loved, respected, and honored, and after having lived to see the cause in which she has battled so long finally prevail in the State of my adoption.

impossible thing that 36 States of the Union, possessing less than one-half of the population, could force an amendment of this character upon the remaining 12 States.

Mr. SHERMAN. That arises from our double form of government. I think it was written in the Constitution in a very stable way. It preserves the States. It was intended to preserve them and to give them their relative importance, the small States with the large. I am aware that the Democratic Party is perhaps more zealous in its advocacy of that principle than is my party, but when it comes to a question of that kind, I think I am in full accord with the Democratic Party on the subject, because it is not a political question; it is governmental. It is not political in the partisan sense. It is purely a question of maintaining the system with which we began our national life.

We have had an opportunity to look upon the primary law in its operation in the city of Chicago. On the 24th day of February there was a primary election held in the city. I have the figures here, which I wish to add for the proper illumination of this subject. This is woman's first effort in a primary. In the 35 wards of the city of Chicago 158,524 women registered. There are in Chicago potentially 500,000 women of voting age. So, in round figures, about one-third of the total woman population eligible to vote registered for the city primaries of last February. The total men's vote registered 433,624 in the 35 wards.

A primary was held on the 24th of February, 1914, for the nomination of municipal officers. These are the nominations of candidates for alderman, of whom one is to be elected from each of the 35 wards, covering the whole area in which this voting population exercises that right.

It has been suggested several times that woman was not sufficiently interested to go to a primary or to an election. Let me preface this statement by what has actually happened in years past with men.

I have seen primaries in the early days of primary legislation when not 10 per cent of the voters of a given area voted. I have seen other primaries when 70 per cent of the total potential vote went to the polls. That was in 1912, when there was a strenuous contest between two opposing candidates in the Republican Party, and a somewhat animated struggle between two Democratic candidates, the present Speaker of the National House of Representatives and the President. That drew a very large percentage of the potential vote, the largest in the history of the State.

I wish now to recur particularly to the primaries held in the 35 wards of the city. Out of the total registered vote, as given, of the women 47,527 voted at the primary. The total number of men voting at the same primary was 126,916.

Of course there are more men registered voters. They and their predecessors have been voting since the State was admitted into the Union. This is the first time the right was ever given to a woman in the city of Chicago to vote at a primary.

Let me figure the percentages, not mere numbers. Mere milestones do not indicate the direction in which people are going. It is necessary to take the compass to find in what direction the toes of the traveler may be pointed; and that ultimately, in the course of years, will determine his destination.

Mr. OWEN. Mr. President—

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

Mr. SHERMAN. I do.

Mr. OWEN. I should like to ask the Senator from Illinois if it is not true also that in Illinois the primary law provides that a person is compelled to vote at the regular election following it in the way that he votes at the primary, or for two years he is not permitted to vote differently than he voted in the primary? And is not that a condition which might easily preclude from voting at the primary those who wanted to be at liberty to choose between candidates in the following election?

Mr. SHERMAN. Mr. President, the primary vote does not impose any obligation, legal or otherwise, upon any voter, to vote for the candidate at the ensuing election. It does disable or restrict that voter from exercising the right to vote in any other party primary for two years.

Mr. OWEN. Yes.

Mr. SHERMAN. Unless the woman refrained from voting, she had to vote the Democratic or Republican or some other ticket in the primary, and she could not vote for two years in any other party primary.

Mr. OWEN. So that the women would be justified in not voting at the primary in order to leave themselves at liberty to choose between the contending parties at the regular election?

Mr. SHERMAN. No, sir; not at the regular election, but they could not vote at any other party primary for two years if they wished to change. Some misunderstanding, I think, arose—

Mr. OWEN. So they had full justification for not voting at the primary, which would tie their hands when it came to the election?

Mr. SHERMAN. It would not bind them in the ensuing general election, but would disqualify them from voting any other primary ticket for two years if they wished to change.

Mr. OWEN. Showing their superior sense.

Mr. SHERMAN. Yes, sir. That undoubtedly had great influence in keeping a larger number both from registering and from attending the primaries. The percentage, however, was what I was particularly solicitous about. The percentage of the registered women's vote at the primary is 29.98. The percentage of the total men's vote at the primary is 29.46. In other words, if it is reduced to the percentage test, the women have fifty-two one-hundredths of 1 per cent the best of the attendance at the primaries in Chicago.

Mr. SMITH of Michigan. Mr. President—

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

Mr. SHERMAN. Yes, sir.

Mr. SMITH of Michigan. I do not quite understand the inquiry of the Senator from Oklahoma and the answer to the Senator from Illinois. Is it possible that if a voter in the State of Illinois participates in a party primary he is precluded from voting as he may desire at election time?

Mr. SHERMAN. No.

Mr. SMITH of Michigan. I understood the Senator from Oklahoma to ask if that were not true.

Mr. SHERMAN. He did ask that question.

Mr. SMITH of Michigan. Of course that could not be true.

Mr. SHERMAN. The reply I made to him, which I aimed to make as clear as I could, was that he could vote for any candidate he pleased at the ensuing election.

Mr. SMITH of Michigan. Certainly.

Mr. SHERMAN. Let me illustrate it in this way: If he voted the Democratic ticket at the primary on February 24, 1914, he could not for two years thereafter vote at a primary as a Republican at any time within the two-year limit.

Mr. SMITH of Michigan. I understand that.

Mr. SHERMAN. But it does not affect the election itself.

Mr. SMITH of Michigan. But he can vote at election time for whomever he pleases. There is no party ballot there.

Mr. SHERMAN. He can vote for any person he pleases.

It has seemed to me that this two years' residence that is required in a party is a little excessive. I believe in a party primary being conducted by members of that party. I do not believe in my right to interfere in the nominating affairs of a party against whose candidates I intend to vote. I think party nominations ought to be made by men or women who are reasonably, and within proper restrictions, affiliated with that party. I have seen the time, in the days of soap-box primaries, when a large number of voters, or those claiming the right to vote, went to the primaries and nominated the candidate when they were not of that party. Sometimes they went from no sinister motive. Often, however, they went for the improper purpose of nominating the weakest candidate that could be selected. That candidate, when named on the ticket, was the easier defeated; so there was an influence that was entirely improper exercised by the outside voter on the party choice.

In order to protect against that, this provision was enacted in our present primary law. I think probably it administered a little too strong a dose of the medicine; nevertheless, I am in sympathy with it, when reasonably applied. I believe the present two-year limitation ought to be relaxed.

I wish to go a little further on this subject. I do not think extending to women the right to vote will interfere with the administration of justice. I think it will advance it. If I were a woman being tried for an offense of which I were guilty, I should greatly prefer to be tried by a jury composed of men than by a jury composed of women alone. Men have in countless verdicts acquitted a woman charged with crime when she was guilty. The guilt was lost sight of.

I wish now to take up particularly the effect of having women policemen in the city of Chicago. They have exercised that right.

Mr. REED rose.

Mr. SHERMAN. I shall be glad to yield, however, if there is any other order of business.

Mr. REED. How many women policemen have you in Chicago?

Mr. SHERMAN. I do not know the number.

Mr. REED. About five or six, or something like that, have you not?

Mr. SHERMAN. I think there are eight.

Mr. REED. How many male policemen have you?

Mr. SHERMAN. Four thousand, approximately.

Mr. REED. That is about the number.

Mr. VARDAMAN. Mr. President—

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

Mr. SHERMAN. Yes, sir.

Mr. VARDAMAN. It is manifest that it will be impossible to finish the consideration of the joint resolution this afternoon. Would the Senator from Illinois just as soon conclude his remarks to-morrow?

Mr. SHERMAN. Yes, sir.

#### EXECUTIVE SESSION.

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, March 5, 1914, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate March 4, 1914.*

ASSOCIATE JUSTICE OF THE SUPREME COURT OF HAWAII.

Edward Minor Watson, of Honolulu, Hawaii, to be associate justice of the Supreme Court of Hawaii, vice John T. De Bolt, term expired.

THIRD ASSISTANT SECRETARY OF STATE.

William Phillips, of Boston, Mass., lately secretary of the embassy at London, to be Third Assistant Secretary of State, vice Dudley Field Malone, resigned.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Lieut. Col. James C. Sanford, Corps of Engineers, to be colonel from February 27, 1914, to fill an original vacancy.

Maj. Herbert Deakye, Corps of Engineers, to be lieutenant colonel from February 27, 1914, to fill an original vacancy.

Maj. Charles S. Bromwell, Corps of Engineers, to be lieutenant colonel from February 27, 1914, vice Lieut. Col. James C. Sanford, promoted.

Capt. Edward N. Johnston, Corps of Engineers, to be major from December 6, 1913, vice Maj. Charles Keller, promoted.

First Lieut. Henry A. Finch, Corps of Engineers, to be captain from December 6, 1913, vice Capt. Edward N. Johnston, promoted.

Second Lieut. Howard S. Bennion, Corps of Engineers, to be first lieutenant from December 6, 1913, vice First Lieut. Henry A. Finch, promoted.

#### WITHDRAWAL.

*Executive nomination withdrawn March 4, 1914.*

James M. Underwood to be postmaster at Farmerville, in the State of Louisiana.

### HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 4, 1914.

The House met at 12 o'clock noon.

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

Father of all souls, we draw near to Thee that we may be stimulated by the contact to think well, act well in all the relations of life, that we may reflect in our thoughts and acts Thy will as we know it in the heart of the Christ, and have the approving conscience and hear the "well done" singing in our hearts, which is the crowning glory of every task, the crowning glory of every well-ordered life. In Christ Jesus our Lord. Amen.

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

JOINT MEETING OF THE TWO HOUSES OF CONGRESS.

Mr. UNDERWOOD. Mr. Speaker, the President of the United States has informed me that he desires to deliver a message to the Congress to-morrow. I therefore ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Alabama asks unanimous consent to consider the resolution which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 33.

*Resolved by the House of Representatives (Senate concurring). That the two Houses of Congress assemble in the Hall of the House of Representatives Thursday, the 5th day of March, 1914, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.*

The SPEAKER. Is there objection?

There was no objection.

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

The resolution was agreed to.

On motion of Mr. UNDERWOOD, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The Clerk will call the roster of committees.

The Clerk proceeded with the call of committees.

PUBLICATIONS OF THE BUREAU OF EDUCATION.

Mr. HUGHES of Georgia (when the Committee on Education was called). Mr. Speaker, I desire to call up House joint resolution 84.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 84) limiting the editions of the publications of the Bureau of Education.

The SPEAKER. The House resolves itself automatically—

Mr. HUGHES of Georgia. Mr. Speaker, pending that, I will be very glad indeed, if I am in order at this time, to have some time agreed upon as to the discussion of this resolution. It is a House resolution, and I think that 30 minutes will be a sufficient time. I ask unanimous consent that all general debate close in 30 minutes on this resolution.

The SPEAKER. The gentleman from Georgia [Mr. HUGHES] asks unanimous consent that general debate on this resolution be confined to 30 minutes.

Mr. HUGHES of Georgia. Fifteen minutes to be allotted to those in favor and 15 minutes to those opposed.

Mr. MANN. Why not make it 30 minutes on a side? Probably not all of that time will be required.

Mr. HUGHES of Georgia. Very well; I will make that amendment—30 minutes on a side.

The SPEAKER. The gentleman from Georgia asks unanimous consent that general debate on this resolution be closed in 1 hour, 30 minutes to be allowed on a side, the time to be controlled by the gentleman from Illinois [Mr. MANN] and by the gentleman from Georgia [Mr. HUGHES]. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Texas [Mr. SLAYDEN] will take the chair.

The House resolved itself into Committee of the Whole House on the state of the Union for the consideration of House joint resolution 84, with Mr. SLAYDEN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House joint resolution 84, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 84) limiting the editions of the publications of the Bureau of Education.

*Resolved, etc.* That the publications of the Bureau of Education, excepting the annual report of the Commissioner of Education, shall be published in such editions as recommended by the Secretary of the Interior, but not to exceed 12,500 copies for the first edition.

Sec. 2. That whenever the edition of any of the publications of the Bureau of Education shall have become exhausted, and the demand for it continues, there shall be published, on the requisition of the Secretary of the Interior, as many additional copies as the Secretary of the Interior may deem necessary to meet the demand.

The CHAIRMAN. The gentleman from Georgia [Mr. HUGHES] is recognized for 30 minutes.

Mr. HUGHES of Georgia. Mr. Chairman, the Committee on Education has had under consideration this resolution and has carefully investigated it and has made a unanimous report in its favor. Under the existing law only 1,000 copies of a circular and 12,500 copies of a bulletin can be printed for distribution by the Bureau of Education.

Now, Mr. Chairman, in the case of some of these publications the edition now permitted by law is not sufficient to meet the most urgent demands. In many cases a great many more copies are demanded. In the case especially of those publications relating to phases of rural education or secondary education or to school sanitation the maximum allowed is entirely inadequate, and the bureau is compelled to decline thousands of requests from the persons applying for those documents.

This resolution is similar to a law already in existence in the Bureau of Mines. The Bureau of Education exists almost solely

If that be the condition of things, then we men had better step aside and turn over this Government to the women.

One of the things that has been accomplished by allowing the women to participate in elections has been to elevate and purify the politics of my State. Where we formerly held our elections behind livery stables and, in some parts of the State, behind saloons, our election booths are now in the schoolhouses or in tents; and any woman of my State can go to the polls and be treated just as politely and with just as much consideration as she would be treated in her own parlor.

Some people maintain—among them, I am sorry to say, some of the women—that women are too good to participate in the politics and the elections of the country. I want to say that there is no one man or woman who is too good to be an American citizen with all that that means.

I am not going to detain the Senate by any lengthy discussion of this question. It has been thoroughly discussed by others. The women of my State can speak for themselves much better than I can speak for them. I had printed in the Record a few days ago an address from a committee of women in my home city dealing with this question. I do not know whether Senators have taken the time or have had the opportunity to read what they say on the subject. I know all these good women. I know them personally. They are women of high character, splendid American citizens capable of dealing with a great question like this. I want to read to the Senate some extracts from what they say on the subject. Under the head "Results of woman suffrage," they say:

Suffrage has given a new interest, purpose, and effectiveness to the thousands of women's clubs throughout the State and has brought scores of new organizations into being for the express purpose of equipping the women with a knowledge of government and civics.

Women have registered and voted at regular and special elections in practically the same, and in some instances larger, proportion than the men.

Equal suffrage has stimulated the men as well as the women to a greater interest in civic affairs.

It has resulted in putting better, cleaner, and more public-spirited men into office.

It has given us more convenient and respectable polling places.

It has been the means of accomplishing what male suffrage alone never has accomplished and probably never would accomplish—the recall of an unfit judge.

It has resulted in the enactment of laws concerning health, morals, child welfare, and female civil rights, for which the women while unfranchised had for years pleaded in vain.

It has not resulted in a scramble for office on the part of women; on the contrary, the women, as a class, recognizing their lack of political training, have so far deliberately refrained from seeking office.

It has not resulted in corrupting the women; it has resulted in bettering the men, precisely as men always are uplifted and strengthened in any field of endeavor in which women are permitted to share with them their labors and problems.

It has not resulted in breaking up the home; it has strengthened the home ties by reason of a broader mutuality of interests.

It has not caused the women to neglect their duties; both as citizens and as mothers, it has enabled them to meet their responsibilities with greater intelligence and efficiency.

Further than this brief summary of results, it is right that some of the lessons of the suffrage campaign and the consequent enfranchisement of women should be further developed.

Further along, under the head "What women want," they have this to say:

Women are asking simply for the right to fulfill their traditional duties, to do these things for which they are fitted by their natural instincts and long training as protectors of the home and the guardians of children. They are citizens, they have responsibilities, and yet the right to do their duty and fulfill these responsibilities is denied them.

It is proper to ask what are the results of suffrage, what women are doing with the ballot, and whether they are using it. But these things are, after all, only incidental to the main issue, which is that responsibility develops character and that the strength of a democracy rests on the intelligence, morality, and character of its citizens.

Suffrage is the right of every citizen in a democracy, and it belongs to women by every right of reason, logic, and justice. Women, as human beings and as citizens, should have the right to every possible means of education, every developing experience, every avenue of self-expression, and the opportunity of service.

Verily, the woman of California has found in the ballot an added responsibility. But the responsibility born of her being, as she earnestly believes, is one to which she promptly responds. Instinctively she welcomes it as a means to a broader and more effective expression of life.

Never in the history of the world has woman asked for any right, any privilege, save only that she might make of it a responsibility for the better discharge of her duties to the race. In the evolution of government, the State has been gradually taking unto itself the duties that the Creator Himself has labeled as feminine—the care and education of the child and the preservation of the purity and health of the home.

Therefore it is that the woman of to-day is demanding a voice and a place in the political household; and therefore it is that the woman of California rejoices in spirit that this new civic responsibility is truly hers.

To her sisters throughout the Nation and the world she extends the hand of fellowship and of good cheer, and the glad assurance that in this larger significance of life she is finding increased strength and power and manifold possibilities for good, and she hopes that her own political life will be such that it will make the entrance into political equality easier for all other women. She does not wish to take man's place in the world, but because she is a woman and man's complement, she wishes to be his comrade and coworker for the good of the community and the uplift of the race.

Mr. President, women who can present their case as these women have done ought not to be compelled to plead with the men of this country to allow them the privilege of taking on the responsibilities of American citizenship; and we have thousands of such women in the State of California. There is no more intelligent class of citizens anywhere in this country or anywhere else, better educated, better fitted to take on the duties and responsibilities of citizenship than the women of my State.

Some women do not vote, and neither do some men, Mr. President. They have not yet learned the duties and the responsibilities of citizenship in a country like ours. That, in part, accounts for the condition of apparent neglect on the part of women to respond to this duty; but there are other reasons, for which the men themselves are responsible. There are too many men who, after the franchise had been granted to women, used their influence with their wives and their daughters to prevent them from going to the polls, and much of the lack of interest on the part of the women in my State and many of the cases where they have not gone to the polls and voted have been the result of this sort of influence on the part of the men of the State. Whatever may be said in defense of the man who opposes woman suffrage, there is absolutely no defense that can be made for him, after suffrage becomes a part of the law of his State, if he undertakes to influence his wife or his daughter or anybody else to stay away from the polls. He is to that extent a traitor to his country, and is violating its laws. I have no sympathy and I have no respect for the man who uses his influence upon anyone, whether it be his wife or not, to induce her to neglect the duties of citizenship.

Mr. President, I have had but one doubt in my own mind in dealing with this question. I have no doubt of the justice of granting the franchise to women; I do not believe that the men of this country can justify themselves upon any ground for withholding it, but I have had my doubts about the wisdom or the propriety or the justice of reaching this question by an amendment to the Constitution of the United States by which we propose, if it has its full effect, to practically force woman suffrage upon States where neither the men nor the women desire it; but, looking at it from the legal standpoint, there is no reason why this may not be done. The Constitution provides for it. The separate States came into the Union under the express provision of the Constitution that three-fourths of their number might modify or change the Constitution after such a proposition had passed the Congress of the United States by the requisite number of votes. A good many amendments to the Constitution have been made that were distasteful to some of the States in the Union; that will doubtless be so in this instance, but the right can not be questioned. It is only a matter of propriety as to whether it should be done in this way or not. While I have doubted about that, I have concluded, notwithstanding, as I believe so sincerely in the principle of woman suffrage, that I shall for that reason support the joint resolution proposing this amendment.

Mr. POMERENE. Mr. President, in the few remarks I shall make this afternoon I want it distinctly understood that I speak as a friend of woman suffrage, but I am unalterably opposed to this joint resolution. I do not believe that it is proper for the people of any State to deny to the people of another State the right to vote if they want it. I do not believe that it is the right of one State to force upon another State the obligation to vote if that State does not want it.

Probably 10 or 15 years ago in my own State of Ohio the women were given the right to vote on all school questions. Since that time not 2 per cent of the women of that State have exercised that privilege. When the law was passed I felt that it was simply the first step toward complete suffrage to the women of my own State. In my judgment, they have shown by the fact that they do not exercise it that they do not want the right to vote. If there can be any doubt about this proposition, it seems to me that there was a very clear expression of opinion in 1912, when the people of my State voted upon the question of amending the constitution. During that fall 42 amendments to the State constitution were submitted. Thirty-four of those amendments were adopted and eight were defeated. Those votes were discriminating in character. Some of the amendments were defeated by a very large vote; some by a very small vote; some were adopted by a very large vote and some were adopted by a very small vote.

There were less than 600,000 votes cast out of a total voting population of over 1,250,000. For those amendments which were carried the highest majority was 220,584 and the lowest majority 4,669. For those amendments which were defeated the highest vote against an amendment was 87,455 and the lowest was 1,079. On the woman-suffrage amendment, after a very

strenuous campaign throughout the State, the vote was for the amendment 249,420, the vote against the amendment was 336,875. The majority against it was 87,455. In that campaign I had the privilege, because of engagements here in Washington, to speak only once, but I spoke in favor of woman suffrage and I voted in favor of woman suffrage; and if it is proposed again to amend the constitution of my own State I will vote for any amendment granting to the women of my State the right of suffrage; but because the people of my State have voted against it, do the people of some other State claim the right to say she shall have it? As one of those who voted for woman suffrage and on behalf of the 249,420 people who voted for it, I deny to Mississippi or any of the other Southern States the right to say that we shall not have it. On the other hand, on behalf of the 336,875 men who voted against it, I deny the right of Nevada, Wyoming, Colorado, or any other State to say that we shall have it, whether we want it or not.

I recognize the fact that the Congress has the right to pass this joint resolution if we consider it from the standpoint of power alone; but if we are to consider it from the standpoint of policy, I deny that it should be done. If because it is requested of Congress we shall say that no State shall discriminate against woman because of her sex, then, likewise, if some one sees fit to do it, a similar resolution could be presented denying to the States the right to grant women the suffrage. I would not do that; I do not believe that any Senator would present such a resolution; but if it were presented, what an outcry there would be from the States which have already granted the right of suffrage to women; and they would be justified. If they have the right—and they do have the right—to declare what shall be their own policy within their own boundaries, they ought not to claim the right to say what shall be done in other States where the environment and conditions may be entirely different.

Mr. President, there are, I believe, nine States that have granted to women the right of suffrage. In those nine States of Wyoming, Colorado, Utah, Idaho, Washington, Oregon, Arizona, Kansas, and California there is a population in round numbers of 7,800,000. If the proposition were to submit an amendment of this character to a popular vote in the United States, and it could be done under the Constitution, it would not be so objectionable; but let us analyze the figures for a moment and see what justice there is in it. None of us know it to be a fact, but I believe if it had been suggested at the time the Federal Constitution was adopted that the Government at large should control the right of suffrage and other local matters in the several States, the Constitution would never have been adopted.

In the 12 smallest States of the Union—North Dakota, Rhode Island, New Hampshire, Montana, Utah, Vermont, New Mexico, Idaho, Arizona, Delaware, Wyoming, and Nevada—there are 3,943,009 people, according to the census of 1910. In the 12 largest States—New York, Pennsylvania, Illinois, Ohio, Texas, Massachusetts, Missouri, Michigan, Indiana, Georgia, New Jersey, and California—there are 50,775,616 people, according to the census of 1910, out of a total population by that census in the 48 States of 91,972,266; so that the 12 States last referred to embrace more than one-half the population of the entire country. In the 12 smallest States to which I have referred there are less than 4,000,000 people. In those 12 States, with 3,943,009 people, they would have 12 votes in determining whether or not an amendment should be attached to the Constitution.

In the State of New York, according to the last Federal census, there were 9,113,614 people. In other words, the Empire State has about two and one-half times as many people as the 12 smallest States which I have named, and yet, when it comes to engrafting upon the Constitution of the United States an amendment of this momentous importance we are giving to less than 4,000,000 people twelve times the voice that we are giving to the more than 9,000,000 people of the State of New York.

Let us go further with this. Suppose, for the sake of the argument, that the people of the State of New York were unanimously against this amendment, with her 9,000,000 people, she would be powerless against the less than 4,000,000 people in the other 12 States. But, more than that—I am speaking now of the people as a whole—when it comes to this amendment, the people as a whole have no voice. There is no way by which we can count heads on this proposition. In the State of Nevada, the smallest State in point of population in the Union, where, according to the last Federal census, there were 81,875 people, there are, I am told, 75 members of both branches of the general assembly of that State. It is possible for a mere majority of a quorum in each house in the General Assembly of Nevada to adopt this amendment. In other words, a quorum of 75 peo-

ple in both houses would have the right to say that the women of New York shall have the right to vote; and New York can not determine that question for herself, even though the voice of that State would be unanimously against the proposition.

Let me suggest, if we are to assume that this is a movement for moral uplift, that there is no movement in favor of morality at any time that dares or can afford to adopt unfair measures or unfair means to obtain it. I hope that my own State shall soon be added to the number of those that will give to women the full right of suffrage.

Mr. BRISTOW. Mr. President—

Mr. POMERENE. I hope that the movement of woman's empire will be eastward.

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

Mr. POMERENE. In just a moment; but I hope that each State will have the right to determine that question for itself. I now yield to the Senator.

Mr. BRISTOW. Would not the argument the Senator is making against amending the Constitution in this way apply to all amendments? If 12 States contain a majority of the people of the United States, then the smaller States may force upon those 12 States an amendment upon suffrage or anything else that will be obnoxious to them.

Mr. POMERENE. Undoubtedly the Senator's statement is correct from the standpoint of law.

Mr. BRISTOW. Then does the Senator think the majority which the Constitution requires for an amendment to the Constitution is not great enough? Does the Senator think a smaller number than 12 States ought to be able to prevent the amendment of the Constitution?

Mr. POMERENE. I do not. When it comes to matters which are national in character, I have no objection to the present form of amendment provided for in the Constitution; but when it comes to matters which address themselves particularly to a locality or to a State, the situation is quite different. It is now within the power of the people in every State to give to her women the right to vote if they see fit; and I hope they will see fit so to do. It is not necessary to amend the Constitution of the United States in order to secure suffrage to women within the limits of any State. Each State can do that now for itself.

Mr. OWEN. Mr. President—

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

Mr. POMERENE. I do.

Mr. OWEN. I venture to suggest to the Senator that since the people of Ohio select Members of Congress and United States Senators who pass laws to control the remainder of the people of the United States, it would imply an interest on the part of the other people of the United States in the manner in which these representatives are selected. I will ask the Senator if that is not really true?

Mr. POMERENE. I am not sure that I catch the import of the Senator's question.

Mr. OWEN. The import is that the remaining parts of the Union are much concerned in the manner in which Senators and Members of Congress are elected in Ohio or in New York or Pennsylvania, because those Representatives and those Senators vote upon the rights and interests of other parts of the Union, and therefore other parts of the Union have really a genuine interest in their election.

Mr. POMERENE. Undoubtedly there is an indirect interest in everything which pertains to the welfare of the people; but we have not arrived in this country at the point where we are willing to blot out State lines. We are forty-eight sovereignties, joined together in the Federal Union; and when a question relates to matters which apply so peculiarly to each of the States, as the right of suffrage and kindred subjects, in my judgment, the States should control them.

Mr. President, I have heard during this discussion many stock arguments against woman suffrage and many stock arguments in favor of it. I do not attach any weight to the arguments of either class. We have heard Senators on the floor of the Senate speak of the splendid laws that have been adopted in their various States where there is woman suffrage. I am glad they have been. I am particularly glad they have woman suffrage if they can not get those laws any other way; but if we will examine the record, I think we will find that for every good law that has been passed in a woman-suffrage State a correspondingly good law has been passed in nearly every other State.

I may not be entirely exact in this statement; but I dare say that an examination of the statute books of the State of Ohio will show a good law, one for the betterment of woman-kind and for children and for men, for every good law that

tion of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Minneapolis, Duluth, Alexandria, Vernon Center, Park Rapids, Pequot, Kasson, Blue Earth, Hallock, and Windom, all in the State of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a memorial of Rich Mountain Post, No. 42, Department of Indiana, Grand Army of the Republic, and of Rich Mountain Corps, No. 125, Woman's Relief Corps, of Lebanon, Ind., remonstrating against any change being made in the United States flag, which was referred to the Committee on the Judiciary.

He also presented a petition of the Christian Temperance Society, of Berne, Ind., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of Frederick A. Hill Camp, No. 15, United Spanish War Veterans, of Stamford, Conn., praying for the enactment of legislation granting pensions to widows and orphans of soldiers and sailors who served in the Spanish-American War, which was referred to the Committee on Pensions.

Mr. SMITH of Michigan presented a memorial of Stanton Post, No. 37, Grand Army of the Republic, Department of Michigan, of Stanton, Mich., remonstrating against any change being made in the United States flag, which was referred to the Committee on the Judiciary.

He also presented a petition of the Shiawassee County Medical Society of Michigan, praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented memorials of the Federation of Labor of Flint, Mich., and of sundry citizens of Detroit, Battle Creek, and Lansing, all in the State of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Parliamentary Study Club, of Detroit, Mich., favoring an appropriation for the control and regulation of rivers and for the prevention of floods, which were referred to the Committee on Commerce.

Mr. TOWNSEND presented memorials of the Arbeiter Society, West Side, of Saginaw, and of sundry citizens of Detroit, Lansing, Battle Creek, Mount Pleasant, Flint, and Owosso, all in the State of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of Evan W. Cornell, of Adrian; of the congregation of the Church of Christ, of Adrian, and of the faculty of Adrian College, of Adrian, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the Parliamentary Study Club, of Detroit, Mich., praying that an appropriation be made for the control and prevention of floods and for the regulation of the waterways of the country, which was referred to the Committee on Commerce.

He also presented a petition of Fisher Grange, No. 790, Patrons of Husbandry, of Harrisville, Mich., praying for the enactment of legislation to establish a system of rural credits, which was referred to the Committee on Banking and Currency.

Mr. LODGE presented petitions of Colonel E. R. Shumway Camp, No. 28, United Spanish War Veterans, of Worcester, Mass., praying for the enactment of legislation to grant pensions to widows and minor children of soldiers of the Spanish-American War, which were referred to the Committee on Pensions.

Mr. BRANDLEEE presented a petition of Frederick A. Hill Camp, No. 15, United Spanish War Veterans, of Stamford, Conn., praying for the enactment of legislation to grant pensions to widows and minor children of soldiers and sailors of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a petition of Ben Miller Council, No. 11, Junior Order United American Mechanics, of Danbury, Conn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. CHILTON presented resolutions adopted by the Trans-Alleghany Good Roads Association at a meeting held at Union, W. Va., favoring the enactment of legislation for the construction of good roads, which were referred to the Committee on Agriculture and Forestry.

#### BILLS INTRODUCED.

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

By Mr. JONES:

A bill (S. 4735) granting an increase of pension to Brazil Van Dusen; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 4736) granting an increase of pension to John W. Preston (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 4737) granting an increase of pension to Susan Arthur (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 4738) for the relief of Frances L. Snell (with accompanying papers); to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 4739) granting an increase of pension to Daniel L. Talcott (with accompanying papers); and

A bill (S. 4740) granting an increase of pension to William L. Wilson (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 4741) for the protection of the water supply of the city of Salt Lake City, Utah; to the Committee on Public Lands.

By Mr. BRISTOW:

A bill (S. 4742) granting an annuity equivalent to \$30 per month to officers and enlisted men of the United States Army, Navy, and Marine Corps who have been awarded medals of honor for gallantry and heroism involving great personal peril, and authorizing the President of the United States to make rules and regulations for carrying the act into effect; to the Committee on Military Affairs.

By Mr. CHILTON:

A bill (S. 4743) granting a pension to Ida M. Goodwin (with accompanying papers);

A bill (S. 4744) granting a pension to James S. Holmes (with accompanying papers);

A bill (S. 4745) granting an increase of pension to Anthony Headley (with accompanying papers);

A bill (S. 4746) granting an increase of pension to James E. Horn (with accompanying papers);

A bill (S. 4747) granting a pension to Harrison Fox (with accompanying papers);

A bill (S. 4748) granting an increase of pension to James Fowler (with accompanying papers);

A bill (S. 4749) granting a pension to Arch B. Crawford (with accompanying papers);

A bill (S. 4750) granting a pension to William B. Ingraham (with accompanying papers);

A bill (S. 4751) granting an increase of pension to Marcene Harvey (with accompanying papers);

A bill (S. 4752) granting a pension to Hugh Chambers (with accompanying papers);

A bill (S. 4753) granting a pension to Jesse Craft (with accompanying papers);

A bill (S. 4754) granting an increase of pension to Sampson H. Wade (with accompanying papers);

A bill (S. 4755) granting a pension to Elizabeth G. Wood (with accompanying papers);

A bill (S. 4756) granting a pension to Anna Warthan (with accompanying papers);

A bill (S. 4757) granting a pension to Henry Totten (with accompanying papers);

A bill (S. 4758) granting a pension to Allen R. Vickers (with accompanying papers);

A bill (S. 4759) granting a pension to M. M. Sayre (with accompanying papers);

A bill (S. 4760) granting a pension to Susan Brobst (with accompanying papers);

A bill (S. 4761) granting a pension to Fannie A. Bordeaux (with accompanying papers);

A bill (S. 4762) granting an increase of pension to Azuba Burch (with accompanying papers);

A bill (S. 4763) granting a pension to John R. Boso (with accompanying papers);

A bill (S. 4764) granting a pension to Homer T. Bowling (with accompanying papers);

- A bill (S. 4765) granting a pension to Elizabeth Pierson (with accompanying papers);
- A bill (S. 4766) granting an increase of pension to Lucinda E. Nelson (with accompanying papers);
- A bill (S. 4767) granting an increase of pension to Martin V. Penwell (with accompanying papers);
- A bill (S. 4768) granting an increase of pension to George G. Young (with accompanying papers);
- A bill (S. 4769) granting a pension to Riley Adkins (with accompanying papers);
- A bill (S. 4770) granting a pension to Ebb Workman (with accompanying papers);
- A bill (S. 4771) granting a pension to J. C. Matheny (with accompanying papers);
- A bill (S. 4772) granting a pension to David McCollum (with accompanying papers);
- A bill (S. 4773) granting a pension to Calvin S. Morehead (with accompanying papers);
- A bill (S. 4774) granting a pension to George D. Miles (with accompanying papers);
- A bill (S. 4775) granting a pension to Samuel W. Reid (with accompanying papers);
- A bill (S. 4776) granting a pension to Bernard Savage (with accompanying papers);
- A bill (S. 4777) granting a pension to Mary E. Sheppard (with accompanying papers);
- A bill (S. 4778) granting a pension to Abraham Lanham (with accompanying papers);
- A bill (S. 4779) granting a pension to James Lynch (with accompanying papers);
- A bill (S. 4780) granting an increase of pension to Theresa Reed;
- A bill (S. 4781) granting an increase of pension to Granville Lanham (with accompanying papers);
- A bill (S. 4782) granting an increase of pension to Sarah J. Deboe (with accompanying paper);
- A bill (S. 4783) granting a pension to Nancy J. Johnston (with accompanying papers);
- A bill (S. 4784) granting a pension to Sarah M. Goff (with accompanying paper);
- A bill (S. 4785) granting an increase of pension to James H. Givens (with accompanying papers);
- A bill (S. 4786) granting an increase of pension to Emmie M. Lemley (with accompanying paper);
- A bill (S. 4787) granting a pension to G. W. Johnson (with accompanying papers);
- A bill (S. 4788) granting an increase of pension to Wilson Jones (with accompanying paper);
- A bill (S. 4789) granting an increase of pension to Cyrus Traugh;
- A bill (S. 4790) granting an increase of pension to J. Forsyth Harrison;
- A bill (S. 4791) granting an increase of pension to Mrs. M. C. Henderson; and
- A bill (S. 4792) granting a pension to Eliza Ganoe-Gilbert; to the Committee on Pensions.
- A bill (S. 4793) for the relief of P. H. Harper (with accompanying paper);
- A bill (S. 4794) for the relief of George Miller (with accompanying paper);
- A bill (S. 4795) for the relief of the Hurricane Baptist Church, Hurricane, W. Va. (with accompanying paper);
- A bill (S. 4796) for the relief of Sarah Miller (with accompanying papers);
- A bill (S. 4797) for the relief of Drusilla Adkins (with accompanying papers);
- A bill (S. 4798) for the relief of F. F. Morris (with accompanying paper);
- A bill (S. 4799) for the relief of the heirs of John R. McClanahan (with accompanying papers);
- A bill (S. 4800) for the relief of G. N. McClung (with accompanying paper);
- A bill (S. 4801) for the relief of the administrator of the estate of Isaac C. Miller (with accompanying papers);
- A bill (S. 4802) for the relief of the legal representatives of George W. McGinnis (with accompanying papers);
- A bill (S. 4803) for the relief of Leroy Douglas (with accompanying papers);
- A bill (S. 4804) for the relief of Wildly Lodge, Charles Town, W. Va. (with accompanying paper);
- A bill (S. 4805) for the relief of the heirs of George W. Craig (with accompanying papers);
- A bill (S. 4806) for the relief of W. H. Cooper (with accompanying papers);
- A bill (S. 4807) for the relief of the heirs of Henry Conley (with accompanying papers);
- A bill (S. 4808) for the relief of C. F. Cook, administrator of John Cook (with accompanying papers);
- A bill (S. 4809) for the relief of M. E. Russell (with accompanying papers);
- A bill (S. 4810) for the relief of Oakaley Randall (with accompanying papers);
- A bill (S. 4811) for the relief of James A. Showen (with accompanying paper);
- A bill (S. 4812) for the relief of the legal representatives of Isaac Stanley, deceased (with accompanying papers);
- A bill (S. 4813) for the relief of George W. Stanley (with accompanying paper);
- A bill (S. 4814) for the relief of the Methodist Episcopal Church and the Presbyterian Church, Keyser, W. Va. (with accompanying papers);
- A bill (S. 4815) for the relief of the heirs of James L. Pyne, deceased (with accompanying paper);
- A bill (S. 4816) for the relief of James W. Ward (with accompanying papers);
- A bill (S. 4817) for the relief of the legal representatives of J. W. West, deceased (with accompanying papers);
- A bill (S. 4818) for the relief of Celicia Jordan (with accompanying papers);
- A bill (S. 4819) for the relief of the heirs of J. G. Hayman, deceased (with accompanying papers);
- A bill (S. 4820) for the relief of Emma N. Warwick (with accompanying papers);
- A bill (S. 4821) for the relief of J. P. Huddleston (with accompanying papers);
- A bill (S. 4822) for the relief of the heirs of L. B. Lawson;
- A bill (S. 4823) for the relief of J. B. Johnson;
- A bill (S. 4824) for the relief of the heirs of Russell White;
- A bill (S. 4825) for the relief of Andrew J. Weese;
- A bill (S. 4826) for the relief of the heirs of Elias W. Phares, deceased;
- A bill (S. 4827) for the relief of Granville Perry;
- A bill (S. 4828) for the relief of the estate of Phillip Null, deceased;
- A bill (S. 4829) for the relief of Daniel Nihoof;
- A bill (S. 4830) for the relief of heirs of John Morgan;
- A bill (S. 4831) for the relief of lockmasters, lockmen, and other laborers and mechanics employed by the United States Government in the locks and dams of the Kanawha River, in West Virginia;
- A bill (S. 4832) for the relief of the heirs of Timothy Adkins;
- A bill (S. 4833) for the relief of Frances Arbogast;
- A bill (S. 4834) for the relief of the trustees of the Baptist college at Blue Sulphur, W. Va.;
- A bill (S. 4835) for the relief of J. D. Coleman;
- A bill (S. 4836) for the relief of the heirs of William Ewing, deceased;
- A bill (S. 4837) for the relief of Anthony Lawson;
- A bill (S. 4838) for the relief of heirs of Mary A. Rock, deceased;
- A bill (S. 4839) for the relief of J. R. Clifford; and
- A bill (S. 4840) for the relief of Mrs. C. A. Smith; to the Committee on Claims.
- A bill (S. 4841) to authorize the city of Fairmont to construct and operate a bridge across the Monongahela River at or near the city of Fairmont, in the State of West Virginia; to the Committee on Commerce.
- A bill (S. 4842) for the relief of David N. Kinkaid (with accompanying paper); to the Committee on Military Affairs.
- A bill (S. 4843) to amend section 4 of the act entitled "An act to provide for a permanent census office," approved March 6, 1902; to the Committee on the Census.
- By Mr. OWEN:
- A bill (S. 4844) to indemnify depositors in "member banks" as defined by the Federal reserve act, against loss in the event of the failure or suspension of business of such bank; to the Committee on Banking and Currency.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment authorizing the Secretary of the Treasury to place upon the books of the Treasury to the credit of that portion of the Wisconsin Band of Pottawatomic Indians in the States of Wisconsin and Michigan the sum of \$426,672.33, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.



Mr. BRISTOW. Mr. President, has this resolution been referred to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. RANDELL. It has been referred to that committee and was reported by the Senator from Mississippi [Mr. WILLIAMS] on the 6th instant.

Mr. WORKS. I should like to ask the Senator from Louisiana, the chairman of the committee, to what bill reference is made in the resolution? I do not remember it from the number.

Mr. RANDELL. Senate bill 4573 is a bill to promote rural sanitation, with special reference to the prevention of typhoid fever and malaria. It is the bill on which several hearings were held some days ago.

Mr. WORKS. I understood the hearings on that subject had been practically closed.

Mr. RANDELL. The hearings have been closed, but they have not as yet been published. We proceeded to hold the hearings really without authority.

Mr. SMOOT. Mr. President, under the law the committee has the right to have published 1,000 copies of the hearings; but I suppose what the Senator desires to arrive at is an authorization to pay for the reporting of the hearings?

Mr. RANDELL. That is exactly what I desire.

Mr. SMOOT. That is all the resolution includes?

Mr. RANDELL. That is included in the resolution.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

#### CONVICT-MADE GOODS.

Mr. HUGHES. I move that the Committee on Education and Labor be discharged from the further consideration of the bill (H. R. 1933) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory.

Mr. SMITH of Georgia. That course is entirely agreeable to the committee. I understand that a similar bill is before another committee and that it was unnecessary really to send this bill to the Committee on Education and Labor.

The VICE PRESIDENT. To what committee does the Senator from New Jersey desire to have the bill referred?

Mr. HUGHES. I ask that it may lie on the table.

The VICE PRESIDENT. The question is on agreeing to the motion to discharge the Committee on Education and Labor from the further consideration of the bill.

The motion was agreed to.

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

#### BILLS AND JOINT RESOLUTIONS INTRODUCED.

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

By Mr. CUMMINS:

A bill (S. 4869) granting an increase of pension to Camwells P. Davis (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 4870) granting an increase of pension to Samuel N. Johnson; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 4871) to increase the limit of cost of site and public building at Red Bluff, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. THORNTON:

A bill (S. 4872) to prohibit the taking or catching of commercial sponges in the Gulf of Mexico or the Straits of Florida; to the Committee on Fisheries.

By Mr. BRYAN:

A bill (S. 4873) for the relief of the heirs of the estate of Charles Morgan, sr., deceased; to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 4874) authorizing and directing the Interstate Commerce Commission to prepare and establish a single uniform classification of freight, with its rate schedule, and to prescribe rules for the ascertainment and apportionment of freight operating expenses; to the Committee on Interstate Commerce.

A bill (S. 4875) to authorize the Secretary of Commerce to exchange rights of way in connection with lands pertaining to the Lighthouse Service; to the Committee on Commerce.

By Mr. POMERENE:

A bill (S. 4876) to amend section 41 of the national-bank act, being renumbered as section 5144 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. McLEAN:

A bill (S. 4877) granting an increase of pension to Egbert Dart (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 4878) granting an increase of pension to Moses A. Sisco (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 4879) to increase the membership of the Interstate Commerce Commission, and for other purposes; to the Committee on Interstate Commerce.

By Mr. OWEN:

A bill (S. 4880) authorizing Ponca City, Okla., and the board of education of said city to convey certain lands; to the Committee on Public Lands.

By Mr. LEWIS:

A bill (S. 4881) to create a national university at the seat of the Federal Government (with accompanying paper); to the Committee on the University of the United States.

By Mr. GRONNA:

A joint resolution (S. J. Res. 123) authorizing the printing of 200,000 copies of the Special Report on the Diseases of the Horse; and

A joint resolution (S. J. Res. 124) authorizing the printing of 200,000 copies of the Special Report on the Diseases of Cattle; to the Committee on Printing.

By Mr. JONES (by request):

A joint resolution (S. J. Res. 125) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. CHILTON:

A joint resolution (S. J. Res. 126) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

#### AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. TOWNSEND submitted an amendment proposing to appropriate \$2,500 for the erection of a gymnasium and manual training building and equipment at the Indian school at Mount Pleasant, Mich., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

#### THE MONROE DOCTRINE.

Mr. CHAMBERLAIN. I offer a resolution and ask unanimous consent for its immediate consideration.

Mr. SMOOT. Let it be read.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 298) as follows:

Whereas there was published in the morning papers what purported to be a London cable to the New York American, giving an account of the annual dinner of the Associated Chambers of Commerce, in London, in which Hon. Walter Hines Page, the American ambassador to Great Britain, is reported to have said, "The Monroe doctrine simply meant this: That the United States would prefer that no European Governments should gain more land in the New World"; and

Whereas it is further stated that, amid laughter, Mr. Page declared that he would not say that the United States had constructed the Panama Canal for Great Britain, but that it had added greatly to the pleasure of building that great work to know that the British would profit most by its use; Therefore be it

*Resolved*, That the Secretary of State be requested to procure and furnish to the Senate, without delay, a copy of the speech made by the American ambassador, and particularly that part thereof giving his definition of the Monroe doctrine, and that portion thereof in which he is alleged to have stated amid great laughter that the British would profit most by the use of the Panama Canal, and that he call upon the American ambassador to furnish forthwith for the use of the Senate the evidence upon which that portion of his speech was based wherein he is alleged to have said that it added greatly to the pleasure of the people of the United States in the building of the Panama Canal to know that the British would profit most by its use.

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

The resolution was considered by unanimous consent and agreed to.

#### SOIL SURVEY OF YORKTOWN AREA, VIRGINIA.

Mr. MARTIN of Virginia submitted the following resolution (S. Res. 294), which was read and, with the accompanying papers, referred to the Committee on Printing:

*Resolved*, That 1,300 copies of the Soil Survey of the Yorktown Area, Virginia, be printed for the use of the Senate document room.

#### CLAIM OF HALL-GARRISON & CO.

Mr. MARTINE of New Jersey submitted the following resolution (S. Res. 295), which was read and referred to the Committee on Foreign Relations:

*Resolved*, That the Secretary of State of the United States be, and hereby is, directed to immediately transmit to the Senate all documents on file in his office or in or under his possession relating to the claim of Hall-Garrison & Co. against the Republic of Nicaragua.

## DISCONTINUANCE OF STAR ROUTES.

Mr. CLARK of Wyoming submitted the following resolution (S. Res. 296), which was read, considered by unanimous consent, and agreed to:

*Resolved*, That the Postmaster General be directed to furnish to the Senate detailed information as to how many and what star routes have been discontinued during the present fiscal year; what curtailment has been made in the service; and what, if any, discontinuance or curtailment has been determined upon for the ensuing fiscal year.

LUCY B. KASSON.

Mr. BURTON submitted the following resolution (S. Res. 297), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Lucy B. Kasson, widow of H. A. Kasson, late a member of the Capitol police force, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, the said sum to be considered as including funeral expenses and all other allowances.

## HEARINGS BEFORE THE COMMITTEE ON PRINTING.

Mr. FLETCHER submitted the following resolution (S. Res. 299), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Printing or any subcommittee thereof be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee and that said stenographer be paid as compensation not to exceed \$1 per printed page out of the contingent fund of the Senate.

## PAINT CREEK DISTRICT, WEST VIRGINIA.

Mr. KERN submitted the following resolution (S. Res. 300), which was read and referred to the Committee on Printing:

*Resolved*, That there be printed 10,000 additional copies of the report (No. 321) of the Senate Committee on Education and Labor on the investigation of the conditions in the Paint Creek coal fields of West Virginia.

## INITIATIVE AND REFERENDUM.

Mr. ASHURST submitted the following resolution (S. Res. 301), which was read and, with the accompanying papers, referred to the Committee on Printing:

*Resolved*, That Senate Document No. 603, Sixty-first Congress, the code of the people's rule; Senate Document No. 624, Sixty-first Congress, representative government; Senate Document No. 556, Sixty-second Congress, initiative and referendum; Senate Document No. 302, Sixty-second Congress, initiative, referendum, and recall; Senate Document No. 521, Sixtieth Congress, memorial of State Referendum League of Maine, concerning initiative and referendum; Senate Document No. 529, Sixtieth Congress, supplemental memorial of Initiative and Referendum League of America, relative to national initiative and referendum; and Senate Document No. 516, Sixtieth Congress, memorial of Initiative and Referendum League of America, relative to a national initiative and referendum, be printed for the use of the Senate.

## ADDRESSES BEFORE THE SOUTHERN COMMERCIAL CONGRESS.

Mr. FLETCHER. At the fourth annual convention of the Southern Commercial Congress, at Nashville, a number of addresses were delivered at a session which was arranged as a memorial to the late Dr. Seaman A. Knapp, formerly in charge of the farmers' cooperative demonstration work in the Department of Agriculture. In view of the achievements of Dr. Knapp, the great public interest in his work, and the great benefits derived from it, I desire to have those addresses printed as a public document, and I ask that the matter be referred to the Committee on Printing.

The VICE PRESIDENT. It will be referred to the Committee on Printing.

## COMBINATIONS IN RESTRAINT OF TRADE.

Mr. JONES. Mr. President, I have a brief but very carefully prepared statement by Mr. N. C. Richards, of North Yakima, Wash., a gentleman with whom I am very well acquainted, setting out reasons why cooperative organizations composed solely of growers of agricultural and horticultural products which are not formed for profit should be exempt from legislation looking to the control of combinations in restraint of trade. I ask that the statement may be printed in the Record and referred to the Committee on Interstate Commerce, which I understand will have jurisdiction over legislation of that character.

There being no objection, the paper was referred to the Committee on Interstate Commerce and ordered to be printed in the Record, as follows:

One of the live issues of the day is the reduction of the high cost of living, and it is the avowed policy of the present administration to endeavor to reduce the cost of the necessities of life to the consuming masses. To this end the tariff bill recently passed removed or greatly reduced the tariff on all agricultural products.

An element that enters into the present high prices which consumers of food products are paying therefor and is much more responsible for such high prices than the tariff is the cost of distribution. Our producers are only getting on an average 43 per cent of the price, which the ultimate consumer pays. Of the remaining 57 per cent, about

5 per cent pays the cost of transportation; the balance is consumed in middlemen's profits and waste in distribution.

The elimination of a part of the expense of distribution of our agricultural products is one of the great problems that confronts us, and its solution is worthy of our best efforts. As has been demonstrated in some of the European countries, one of the most potent factors in accomplishing this result is the bringing together of the producers into cooperative organizations for marketing and distributing farm products. As yet little progress has been made in this direction in this country. It has, however, been demonstrated, both in the United States and abroad, that if the growers can be united in associations so that their products can be marketed in quantity through a common selling and distributing agency a part of the middlemen's profits and of the expense of distribution can be eliminated. Thus, better prices can be obtained for the producer and also lower the cost to the consumer.

The movement for the organization of cooperative associations among our farmers is growing. Especially is this true of those engaged in fruit raising. The prosperity of those sections of our country devoted to horticulture seems to be absolutely dependent upon the ability of the growers to develop marketing organizations which will deliver them from the tribute exacted by the commission men. Associations have been formed among the growers of both citrus and deciduous fruits. Many of these associations have no capital stock, and all of them are cooperative nonprofit organizations, composed solely of growers. They are in no sense corporations in restraint of trade, and are not organized to enable anyone to corner any product or article in order to make a profit out of it. Their expenses are paid by a uniform percentage charged on the produce handled. If this amounts to more than the actual cost, the surplus is returned to the growers. These organizations have two fundamental objects—first, to obtain for the producer of agricultural or horticultural products a fair living price for what he grows and avoid having it all taken from him by middlemen; second, to get these products into the hands of the consuming masses at prices which they can afford to pay and thus increase consumption and enlarge the demand. The producers' organizations are always ready to sell at what their produce is fairly worth in the market.

Naturally, the commission men and dealers who have fattened and grown rich at the expense of the farmers are antagonistic to these organizations and use every available means to prevent their growth and to alienate their members. These men will be very quick to seize upon anything which they might use to disrupt the farmers' associations. If any law for the regulation of trusts is so framed that it can be construed to include these associations or furnish a pretext for attack upon them, it will be readily seized upon and used to deter farmers from organizing and to destroy the organizations formed by them for mutual protection.

In framing legislation for the control of combinations in restraint of trade, should be made clear that such legislation is not intended to reach or affect cooperative organizations composed solely of growers of agricultural or horticultural products which are not formed for profit and whose control is always retained in the hands of the farmers. It would not seem that there can be any legitimate objection to this, as it is for the benefit of everyone except the men who have heretofore profited by the helplessness of our agricultural classes, owing to their lack of organization. The laborer, the capitalist, the professional man, the manufacturer, and all our great mass of consumers will be benefited, as the ultimate result of the success of such organizations will be to reduce the price to the consumer.

Many of the European Governments have taken the lead in promoting and fostering cooperation among their agriculturists, with the result that they have not only greatly improved the condition of the tillers of the soil but have materially added to the general prosperity of all their people.

Any bill passed for the regulation of combinations in restraint of trade should contain an exception in favor of farmers' cooperative organizations, about as follows:

"The provisions of this act shall not apply to or be construed to include cooperative associations or organizations which are not formed for profit and in which only producers of agricultural or horticultural products can become members or stockholders."

Mr. JONES. I have been informed by the Senator from Iowa [Mr. CUMMINS] that a bill relating to the subject matter of the paper is now before the Committee on the Judiciary. That being the case, I should like to have the paper referred to the Committee on the Judiciary. I had supposed that the proposed legislation was before the Committee on Interstate Commerce.

The VICE PRESIDENT. Without objection, that change of reference will be made.

## WOMAN SUFFRAGE.

Mr. SHEPPARD. Mr. President, I ask to have read the editorial which I send to the desk with reference to the suffrage question.

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

The Secretary read as follows:

[From the News, Indianapolis, Ind., March 7, 1914.]

## A DIFFICULT SITUATION.

Senator ASHURST, of Arizona, is fairly entitled to the sympathy of the public. The distinguished statesman has been working hard to get a vote of the Senate—and a favorable one—on the woman-suffrage amendment. Yet yesterday he received a telegram from Mrs. O. H. P. Belmont, one of the suffrage leaders, in which she said: "If you allow the suffrage amendment to go to vote now, I shall consider you to be false to our interests and shall not hesitate to make that fact known in important places." We do not know what the poor man is to do. Doubtless he does not know himself. Mrs. Belmont represents the Congressional Union, which is said to have "unlimited financial resources."

On the other hand, Mrs. Medill McCormick, of the National American Woman Suffrage Association—to which the Congressional Union does not belong—asks for a vote on the amendment. "The national board," Mrs. McCormick says, "is standing firmly by the Woman Suffrage Committee of the Senate in its effort to secure this vote." Mrs. Belmont, we are assured, "holds no office in the National American Woman Suffrage Association and can not speak for its 400,000 members." As Mr. Dooley says, "There ye are."

testimony. I am satisfied that under the statute it must first go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SUTHERLAND. I caught rather imperfectly the reading of the resolution which was just passed, which provides for the employment of a stenographer for the committee. Does that resolution provide that the stenographer shall be paid out of the contingent fund of the Senate?

The VICE PRESIDENT. It does. The Chair is of the opinion that the resolution of the Senator from Indiana could have been made an amendment to Senate resolution 292, and if there is no objection it will be treated as an amendment to that resolution.

Mr. WILLIAMS. Mr. President, I do not think that can be done. In the first place, the original resolution has been passed by the Senate. That resolution provides for a stenographer, to be paid as compensation not to exceed \$1 per printed page. In the second place, nothing can be paid out of the contingent fund of the Senate, by amendment or otherwise, unless the matter has first been considered by the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

#### NAVIGATION IN BUZZARDS BAY.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 4255) to mark the approaches to the Cape Cod Canal and Buzzards Bay and Barnstable Bay, and I submit a report (No. 338) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of Commerce to make such changes in and additions to the existing lights and marks for the aid of navigation in Buzzards Bay, between Wings Neck Light and the mouth of the Monument River, as shall be necessary for the safety of vessels navigating that part of Buzzards Bay under the changed conditions caused by the construction of the Cape Cod Canal and the dredging of new channels incident thereto, and that the Secretary of Commerce is hereby authorized and required to change the lights in Barnstable Bay to conform to the requirements of navigation in approaching and leaving the eastern end of the Cape Cod Canal.

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

#### BILLS INTRODUCED.

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

By Mr. WILLIAMS:

A bill (S. 4882) to erect a monument to Ferdinand de Lesseps; to the Committee on the Library.

By Mr. STERLING:

A bill (S. 4883) for the relief of Milton C. Connors and George G. Connors, doing business under the firm name of Connors Bros.; to the Committee on Claims.

By Mr. BURLEIGH:

A bill (S. 4884) granting an increase of pension to William Wallace, 2d; to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 4885) granting a pension to Philip H. Chambers (with accompanying paper); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 4886) to place the name of Capt. Henry S. Howe upon the unlimited retired list of the Army; and

A bill (S. 4887) to place the name of Capt. Addison L. Ewing upon the unlimited retired list of the Army; to the Committee on Military Affairs.

By Mr. BRADLEY:

A bill (S. 4888) granting a pension to James T. Fitzgerald (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 4889) for the relief of the heirs or estate of Samuel N. Pryor, deceased (with accompanying papers); and

A bill (S. 4890) for the relief of the heirs or estate of Wesley W. Wallace, deceased (with accompanying papers); to the Committee on Claims.

A bill (S. 4891) to provide for the purchase and equipment of a mine-rescue car, and for other purposes; to the Committee on Mines and Mining.

A bill (S. 4892) granting an increase of pension to Julia Taylor (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4893) to amend section 5 of an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912; to the Committee on Inter-oceanic Canals.

By Mr. GORE:

A bill (S. 4894) for securing the uniform grading of grain, preventing deception in transactions in grain, and regulating traffic therein, and for other purposes; and

A bill (S. 4895) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein, and for other purposes; to the Committee on Agriculture and Forestry.

#### AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. HITCHCOCK submitted an amendment providing that all wagon transportation from the point where delivery is made by the last common carrier to the Indian agency, school, or elsewhere, shall hereafter be made from the funds appropriated or otherwise available for the support of the school, agency, or other project for which the supplies to be transported are to be purchased, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$68,800 for the support and education of 400 Indian pupils at the Indian school at Genoa, Nebr., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

#### INTERSTATE TRADE COMMISSION.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (S. 4160) to create an interstate trade commission, which was referred to the Committee on Interstate Commerce and ordered to be printed.

#### BUREAU OF LABOR SAFETY.

Mr. RANDELL submitted an amendment intended to be proposed by him to the bill (H. R. 10735) to create a bureau of labor safety in the Department of Labor, which was referred to the Committee on Education and Labor and ordered to be printed.

#### COMMITTEE SERVICE.

On motion of Mr. LODGE, it was

*Ordered*, That Mr. LEPPITT be appointed a member of the Committee on Mines and Mining and of the Committee on Expenditures in the State Department;

That Mr. GALLINGER be appointed a member of the Committee on Manufactures;

That Mr. DU PONT be appointed a member of the Committee on Railroads; and

That Mr. BRANDEGEE be appointed a member of the Committee to Examine the Several Branches of the Civil Service.

#### FEDERAL ANTI-TRUST DECISIONS.

Mr. McLEAN submitted the following concurrent resolution (S. Con. Res. 18), which was read and referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed and bound 3,000 copies of the Federal anti-trust decisions, 1911 to 1914, to be compiled by the direction of the Department of Justice, 1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives.

#### SWISS SCHOOL SYSTEM.

Mr. TILLMAN submitted the following resolution (S. Res. 303), which was read and referred to the Committee on Printing:

*Resolved*, That Bulletin No. 56 of the United States Bureau of Education, entitled "Some Suggestive Features of the Swiss School System," be printed as a Senate document, and that 5,700 additional copies be printed for the use of the Senate document room.

#### PAYMENT UNDER RECLAMATION PROJECTS.

Mr. SMITH of Arizona, Mr. President, I desire to give notice that on Wednesday, March 18, upon the conclusion of the routine morning business, I shall move to take up Senate bill 4628, Calendar No. 261, being a bill extending the period for payment under reclamation projects, and for other purposes.

#### POSTAL SAVINGS DEPOSITORIES.

Mr. MARTINE of New Jersey. I ask unanimous consent for the present consideration of House bill 9318.

The VICE PRESIDENT. Is there objection?

Mr. LODGE. Let the bill be read, Mr. President.

The Secretary read the bill (H. R. 9318) to amend the act approved June 25, 1910, entitled "An act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes."

Mr. BRISTOW. Am I to understand the Senator from New Jersey has asked for the immediate consideration of this bill?

Mr. MARTINE of New Jersey. I have.

Mr. BRISTOW. I object.

The VICE PRESIDENT. Objection is made to the present consideration of the bill.

Mr. MARTINE of New Jersey. I ask unanimous consent for the present consideration of the bill (H. R. 7967) to amend the act approved June 25, 1910, authorizing a postal savings system.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I object.

The VICE PRESIDENT. Objection is made.

W. H. PRAY.

Mr. McCUMBER. Mr. President, before the morning business is closed I desire to call attention to Senate resolution 182, directing the Postmaster General to transmit to the Senate all papers, and so forth, relating to the removal of W. H. Pray as postmaster at Valley City, N. Dak., which is still on the calendar. I note that the Senator from Maryland [Mr. SMITH] is anxious to go on with and to complete the District appropriation bill in his charge. The resolution which I desire to have passed seeks to secure certain data from the Post Office Department for hearing before the Post Office Committee. A certain nomination has been reported twice to the Senate, and I have had it recommitted to the committee because I myself desire a hearing before that committee in connection with those papers. I do not wish to take up any time now, for I know the Senator from Maryland is anxious to go on, but I wish those who have charge of post-office matters in the Committee on Post Offices and Post Roads, the chairman of that committee not being present, shall note that I desire to have that hearing upon those papers before that name is again reported to the Senate, so that I may have an opportunity to be heard. If I delay pressing the matter now in order that the appropriation bill may be considered, I do not wish it charged up to me that I am delaying the consideration of action upon the matter to which I refer. With that understanding I shall not call up the resolution at the present time.

The VICE PRESIDENT. Morning business is closed.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. SMITH of Maryland. I ask unanimous consent that the Senate proceed to the consideration of House bill 10523, being the District appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, the pending question being on the amendment reported by the Committee on Appropriations, on page 85, after line 16, to insert:

For the preparation of plans and specifications, necessary grading of site, and for the erection of hospital buildings, including power house and domestic-service building, for municipal purposes, to be located and erected on the site now owned by the District of Columbia at Fourteenth and Upshur Streets, and hereafter to be known as Gallinger Hospital, with authority to contract for the completion of said buildings at a total cost not to exceed \$300,000, which amount is hereby appropriated and made immediately available.

Mr. THOMAS. Mr. President, the amendment reported by the committee, on page 85, proposes to appropriate the sum of \$300,000 for the erection of a hospital building for municipal purposes, to be erected upon a site now owned by the District of Columbia. The reasons which have been assigned for the action of the committee are to the effect that this is a necessary structure, made essential because of the unsatisfactory and insanitary conditions of the hospital, or hospital building so called, which is now used to serve the purpose for which this new building is designed, and that the conditions of the diseased and the helpless are such as to require this appropriation.

Mr. President, I have heretofore adverted to the fact that these conditions may be, and doubtless are, as unsatisfactory as has been here stated two or three times. They are, nevertheless, conditions which are not new to the District, but seem to have prevailed for a considerable length of time. My experience—and I think I can say the experience in common of all of us—is that such conditions depend not so much upon the character of the structure in which they exist as upon the nature of the management which has characterized the conduct of the institution. A good housekeeper can make a hovel very comfortable, while a poor one can make a palace repulsive; and I have no doubt that the conditions which are so eloquently portrayed here are more largely than anything else the result of mismanagement or lack of management or careless management. But, Mr. President, I am convinced that, whether or

not that be so, there is no immediate necessity for this very large appropriation.

I am not at all sanguine that anything I shall say will change the course of this body with reference to this appropriation. Certainly, I have had but very little influence so far and have produced but very little effect in making objection to some of the appropriations contained in this bill, but I want, Mr. President, to record my objections, which I think are intelligent ones even though not convincing, to this very large appropriation which will be added to this bill.

In the first place, I find by referring to page 68 of the estimates of the commissioners that only \$60,000 was requested for this hospital. The amount of the appropriation therefore is five times the amount of that estimate. A reference is made to the subject on page 219 of the statements before the Senate committee by Mr. Wilson, who said:

Mr. Chairman, the next item omitted was on page 68, between lines 10 and 11, which was an estimate of \$60,000 for the preparation of plans and specifications, necessary grading of site, etc., for beginning the work for hospital buildings on the hospital site at Fourteenth and Upshur Streets. That is an item concerning which you have already heard Dr. Kober at length, and I presume you do not want me to discuss it. I would only like to say this, that, regardless of what the future general hospital policy might be, I hope in some way in the very near future that improved accommodations will be available for our people down at the Washington Asylum Hospital. The estimate here submitted, \$60,000, with authority to contract for an expenditure of not to exceed \$300,000, could not possibly anticipate any numbers beyond those now needing care and not cared for in other institutions, and of course the future policy as to buildings and maintenance is in the hands of the Congress entirely.

We start out, therefore, Mr. President, with the initial appropriation—

Mr. WARREN. Mr. President—

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

Mr. THOMAS. In just a moment. We start out, therefore, with the initial appropriation for this purpose of \$300,000, or five times the amount which is estimated as required at the present time by the commissioners. I now yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, it is not strange the Senator should be perhaps misled by what he has read. The facts are that they have been demanding a municipal hospital to cost \$3,000,000 instead of \$300,000, and the appropriation of money for plans referred to, and so forth, in the paragraph of the report just read was intended to lead to a total appropriation of that amount in time. In the present case it is intended to build this hospital complete for \$300,000, so that it is possible to effect a saving between hundreds of thousands of dollars and millions of dollars. All that has preceded this in past years regarding a municipal hospital is well understood by those who have worked on the committee, and the Senator is wrong in concluding that this appropriation is in the nature of a larger final expenditure, when, as a matter of fact, it is for a smaller ultimate expenditure.

Mr. THOMAS. I now yield to the Senator in charge of the bill.

Mr. SMITH of Maryland. Mr. President, I will say to the Senator that he will see, if he will notice the provision, that the hospital is authorized at a cost not to exceed \$300,000, which was the amount asked for, but only \$60,000 of that amount is appropriated.

Mr. THOMAS. I do not draw the conclusion the Senator does from the language of the amendment.

Mr. SMITH of Maryland. If the Senator will pardon me, I will read the amendment. It is as follows:

For the preparation of plans and specifications, necessary grading of site, and for the erection of hospital buildings, including power house and domestic-service building, for municipal purposes, to be located and erected on the site now owned by the District of Columbia at Fourteenth and Upshur Streets, and hereafter to be known as Gallinger Hospital, with authority to contract for the completion of said buildings at a total cost not to exceed \$300,000.

Mr. THOMAS. But the amendment provides that \$300,000 is "hereby appropriated and made immediately available."

Mr. SMITH of Maryland. That is right.

Mr. THOMAS. It is \$300,000.

Mr. SMITH of Maryland. That is so; but that does not represent the amount that was requested for the building of this hospital.

Mr. THOMAS. If I thought that this building or this improvement—because I presume it comprises more than one structure—would be confined to an ultimate cost of \$300,000, I should feel a good deal better about it; but I am reminded that in a hearing before the committee on the 12th day of February, 1914, attention was called to the fact that there exists upon the premises where the Washington Asylum Hospital is now located an uncompleted workhouse structure.

People's Society of Christian Endeavor of the First Baptist Church, of Pittsfield, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WALTERS: Petitions of various associations and citizens of Johnstown, Pa., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of the Pittsburgh (Pa.) Board of Trade, and of Moyham Lutheran Church, of Johnstown, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WHITACRE: Petition of 61 citizens of Massillon, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WHITE: Petition signed by Mr. Frank Schreiber, of Zanesville, Ohio, and some 30 others, protesting against the adoption of House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on the Judiciary.

Also, petition signed by Mr. J. S. Danford and 25 others, of Caldwell, Ohio, favoring the constitutional amendment for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. WILLIS: Papers to accompany a bill (H. R. 14736) granting a pension to James A. Dowden; to the Committee on Invalid Pensions.

Also, petition of C. K. Easterday and 35 other citizens of Delaware, Ohio, in favor of the enactment of legislation to extend the authority of the Federal Government over nonnavigable watercourses; to the Committee on Agriculture.

## SENATE.

THURSDAY, *March 19, 1914.*

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

Almighty God, we thank Thee for all the processes of law and all the order of civil government which constitute us a Nation of freemen. Our slavery would be galling indeed, if we were the slaves of circumstance. We pray Thee to deliver us from that meaningless life, a life driven in bondage under the circumstances of life, which must be our fate unless we are controlled and guided and governed by the hand of God and under the guidance of a divine Providence. We pray that we may be free indeed with that freedom which Thou dost give, that we may in the realm of truth be above the processes of law and enjoy that freedom which is kinship with God. For Christ's sake. Amen.

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

### EMPLOYMENT OF CONVICTS IN FOREIGN COUNTRIES.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce stating that with reference to a letter from the Department of Commerce dated March 13, transmitting a report from the American consul general at London, England, in regard to the employment of convicts in foreign countries, the department incloses a communication from the consular officer in question which should have accompanied the letter above referred to, which, with the accompanying paper, was referred to the Committee on Printing.

### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of sundry citizens of Union County, N. J., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented petitions of the Christian Endeavor Society of the First Baptist Church of West Hoboken, N. J., and of the congregations of the Friends' Church and the Methodist Episcopal Church of Gillespieville, Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the International Reform Bureau of New York City, N. Y., praying for the enactment of legislation to provide for censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented memorials of sundry citizens of Ulster County, N. Y., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

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

Mr. GRONNA presented a petition of sundry citizens of Nome, N. Dak., praying for the enactment of legislation to provide an educational test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented petitions of the North Dakota Total Abstinence Association, of Waddock; of the congregation of the Baptist Church at Lidgerwood, and of sundry citizens of McKinook, all in the State of North Dakota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

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

Mr. THOMPSON presented a petition of 75 citizens of Tyro, Kans., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey. I present a large number of memorials from approximately 2,000 citizens of Newark, Essex County, N. J., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages. I ask that the memorials may be received and referred to the Committee on the Judiciary.

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

Mr. MARTINE of New Jersey presented petitions of sundry citizens of German Valley, of the Temple Baptist Church of Plainfield, and the First Baptist Church of Hoboken; of sundry citizens of Dover, Plainfield, Arlington, Chatham, Flemington, Croton, Rockaway, Atlantic Highlands, and Haddon Heights; of the Baptist Church of Croton; the Presbyterian Church of Atlantic Highlands; the Methodist Protestant Church of Haddingville; the First Methodist Episcopal Church of Arlington; the Trinity Methodist Protestant Church, of Atlantic City; the Hightstown Presbyterian Church, of Hightstown; of sundry citizens of Bloomfield, Glen Ridge, Hightstown, and Trenton; of the Centenary Methodist Episcopal Church, of Metuchen; of the Fifth District Sunday School Association, of Camden; the Pilesgrove Monthly Meeting of Friends, of Woodstown; the Grace Methodist Episcopal Church, of Red Bank; the Tabernacle Methodist Episcopal Church, of Camden; the Trinity Methodist Episcopal Church, of Millville; the Broad Street Methodist Episcopal Church, of Burlington; the Presbyterian Church of Boundbrook; the First Holland Reformed Church, of Passaic; the Finesville Methodist Episcopal Church, of Finesville; the Presbyterian Church of Pleasant Grove; the Presbyterian Church of Schooleys Mountain; the Methodist Episcopal Church of Ridgewood; the Baptist and Methodist Churches of Windsor; the Men's Club of the Baptist Church of Orange; and the First Methodist Protestant Church of Bridgeton, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the West Side Presbyterian Church, of Englewood, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Newark, East Orange, and Perth Amboy, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Trenton, Union, Weehawken, Mercerville, Hamilton Square, Elizabeth, Passaic, Jersey City, Hoboken, West Hoboken, North Bergen, West New York, Union Hill, and Bayonne, all in the State of New Jersey, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of Freja Lodge, No. 17, Independent Order of Good Templars, of Hartford, and of the congregations of the Congregational Church of Plantsville and the Church of the Good Shepherd, Norwich, all in the State of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. THOMAS presented memorials of sundry citizens of Denver, Victor, Pueblo, Colorado Springs, Trinidad, Rifle, and Leadville, all in the State of Colorado, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

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

He also presented memorials of sundry citizens of the District of Columbia, remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

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

Mr. WARREN presented resolutions adopted by the Methodist Episcopal, Protestant Episcopal, and Congregational Churches of Buffalo, Wyo., favoring the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented a memorial of sundry citizens of Lincoln, Nebr., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented petitions of sundry citizens of Gloucester, Rockport, Manchester, and Essex, all in the State of Massachusetts, praying for the enactment of legislation to prevent discrimination in prices and to provide for publicity of prices to dealers and to the public, which were referred to the Committee on the Judiciary.

Mr. KENYON presented memorials of the International Brotherhood of Teamsters and Chauffeurs, of Dubuque, and of sundry citizens of Dubuque and Muscatine, in the State of Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Plymouth County, Iowa, praying for the enactment of legislation to provide an educational test for immigrants to this country, which were referred to the Committee on Immigration.

Mr. PERKINS presented a memorial of Cooks' Helpers' Union No. 110, of San Francisco, Cal., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the Wholesale Grocers' Association of San Francisco, Cal., praying for the enactment of legislation giving the manufacturer of proprietary articles the right to make resale price on same, which was referred to the Committee on Manufactures.

He also presented a memorial of the Business Men's Association of Riverside, Cal., remonstrating against the repeal of the exemption clause in the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of the Missionary Society of the Westminster Presbyterian Church, of Sacramento, Cal., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of San Diego, Cal., remonstrating against the adoption of an amendment to the so-called Kahn Act, relating to exhibits at the Panama-Pacific Exposition, which was referred to the Committee on Industrial Expositions.

He also presented a petition of the Municipal League of Los Angeles, Cal., praying for the enactment of legislation to protect child labor, which was referred to the Committee on Education and Labor.

He also presented a petition of the Chamber of Commerce of San Jose, Cal., praying for the enactment of legislation to provide for the retirement of superannuated employees of the civil service, which was referred to the Committee on Civil Service and Retrenchment.

Mr. McLEAN presented a memorial of the Business Men's Association of Meriden, Conn., and a memorial of the board of directors of the First National Bank of Wallingford, Conn.,

remonstrating against the enforced dismemberment of the New Haven Railroad, which were referred to the Committee on the Judiciary.

He also presented a petition of Freja Lodge, No. 17, Independent Order of Good Templars, of Hartford, Conn., praying for the enactment of legislation to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. NELSON presented memorials of the Local Union Twin City Sign Writers, of Minneapolis; of the Minnesota Turn-bezirk, of Minneapolis; and of sundry citizens of Red Wing, Goodhue, Mazeppa, Lake City, Belle Chester, and Marshall, all in the State of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a petition of Morning Light Grange, No. 19, Patrons of Husbandry, of Monroe, Me., and a petition of Augusta Grange, Patrons of Husbandry, of Augusta, Me., praying for the adoption of a system of rural credits, which were referred to the Committee on Banking and Currency.

He also presented a petition of sundry druggists of Augusta, Me., praying for the enactment of legislation to prevent discrimination in prices and to provide for the publicity of prices to the dealers and to the public, which was referred to the Committee on the Judiciary.

Mr. OWEN presented a petition of sundry citizens of Morrison and Glencoe, in the State of Oklahoma, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

#### PANAMA CANAL TOLLS.

Mr. POINDEXTER. I present a memorial and ask that it may be read. It is on the subject of Panama Canal tolls, and contains a very good statement of some phases of that question. At some later time—not now—I shall speak upon the question.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Whereas the East and West alike demand the freedom from tolls for our coastwise ships passing through the Panama Canal, because we have long suffered from excessive transportation charges of transcontinental railroads, and it is obvious should American coastwise ships be compelled to pay tolls, the possibilities of a competing line of commerce will be hampered, and we shall still be at the mercy of railroad corporations and will be compelled to pay in the future the present maximum transportation charges, which have worked untold hardships upon us in the past; and

Whereas the repeal from the statute books of the United States of the law exempting American coastwise ships from tolls is demanded by Canadian railroads, which are supported by American transcontinental lines, who endeavor to accomplish through diplomacy what they failed to obtain in Congress; and

Whereas the exemption from tolls of American ships engaged in coastwise trade having been indorsed at the polls two years ago by over 10,000,000 voters, a majority of the voting population of this Republic, is therefore the constitutionally expressed will of the American people; and

Whereas the Panama Canal is the achievement of the United States alone, being built entirely with American money, American effort and enterprise, it is therefore a domestic possession of the United States by virtue of property rights in the Canal Zone, fully established by purchase; and

Whereas the control of the canal is vital to the interests of the United States and involves the honor of the country, since a stipulation in treaty arrangements between this country and Panama except matters in which a third nation is involved; and

Whereas it is inconceivable to the American people and highly incompatible to our honor and integrity as a nation to be called upon by pro-British pseudo statesmen to repeal a statute relating to our domestic affairs at the behest of a foreign Government: Therefore be it

*Resolved*, That Valley Central Grange, No. 343, Patrons of Husbandry, goes on record strenuously opposing the repeal of the statute granting American coastwise ships exemption from tolls in passing through the Panama Canal; and be it further

*Resolved*, That copies of this resolution be sent to our Senators and Representatives in Congress and to the Agricultural Grange News, Kent Journal and Advertiser for publication.

C. S. FOLLETTE, *Worthy Master*.  
VICTOR TONNASON, *Secretary*.

The VICE PRESIDENT. The memorial will be referred to the Committee on Interoceanic Canals.

#### CONTRACTS OF NEW YORK COTTON EXCHANGE.

Mr. SMITH of Georgia. Mr. President, there are a number of bills pending in each House seeking to reach the kind of business conducted in the exchanges, and especially in the New York Cotton Exchange. I desire to present to the Senate two letters which bear upon this pending legislation, together with resolutions passed by bodies of men interested in the subject.

I wish to say just a word in connection with what I find to be the condition as reported in yesterday's morning papers. It appears that the New York Cotton Exchange is selling, or

The VICE PRESIDENT. The regular order is the presentation of petitions and memorials. If there are no further petitions to be presented, reports of committees are next in order.

REPORTS OF COMMITTEES.

Mr. RANSELL. From the Committee on Agriculture and Forestry I report back favorably, without amendment, the joint resolution (H. J. Res. 204) authorizing the Secretary of Agriculture to make exhibits at Forest Products Expositions to be held in Chicago, Ill., and New York, N. Y., and I submit a report (No. 352) thereon.

I ask unanimous consent that the joint resolution be taken up immediately. It proposes to appropriate \$10,000 to enable the Secretary of Agriculture to make such exhibits as may be convenient and practicable at the expositions to be held in Chicago and New York. Unless it is acted on promptly it will be impossible to have the work properly done. The House has already passed the joint resolution.

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

Mr. GALLINGER. Let it be read.

Mr. SMOOT. I ask that it may go over.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

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

A bill (S. 2806) relative to the appointment, pay, and rank of chief warrant officers in the Revenue-Cutter Service (Rept. No. 353); and

A bill (S. 1802) construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908 (Rept. No. 354).

Mr. SMITH of South Carolina. From the Committee on Immigration I report back favorably, with amendments, the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States, and I submit a report (No. 355) thereon.

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

Mr. SMITH of South Carolina. I ask that certain letters from the Department of Labor relating to the bill may be printed as a Senate document.

The VICE PRESIDENT. Is there objection to printing the letters as a document? The Chair hears none, and it is so ordered. (S. Doc. No. 451.)

LABELING OF ARTICLES OF CLOTHING.

Mr. MYERS. I move that the Committee on Interstate Commerce be discharged from the further consideration of the bill (S. 646) providing for the labeling and tagging of all fabrics and articles of clothing intended for sale which enter into interstate commerce and providing penalties for misbranding, and that the same be referred to the Committee on Manufactures. I will state that I have consulted the chairman and other members of the Committee on Interstate Commerce, and this motion is agreeable to them.

The VICE PRESIDENT. Without objection, the change of reference will be made.

DRAINAGE OF INDIAN LANDS.

Mr. OWEN. From the Committee on Indian Affairs I report back favorably, without amendment, the bill (H. R. 13091) to provide for the drainage of Indian allotments of the Five Civilized Tribes, and I submit a report (No. 351) thereon. I ask for the present consideration of the bill. It is only a short bill, and it is a local matter.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Let it be read.

Mr. GALLINGER. Let the bill be read first.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That whenever a drainage district is organized in any county in the Five Civilized Tribes of the State of Oklahoma, under the laws of that State, for the purpose of draining the lands within such district, the Secretary of the Interior is authorized, in his discretion, to pay from the funds or moneys arising from any source under his control or under the control of the United States, and which would be pro rated to such allottee, the assessment for drainage purposes against any Indian allottee or upon the lands of any allottee who is not subject to taxation or whose lands are exempt from taxation or from assessment for taxation under the treaties or agreements with the tribe to which such allottee may belong, or under any act of Congress; and such amount so paid out shall be charged against such allottee's pro rata share of any funds to his credit under the control of the Secretary of the Interior or the United States: *Provided*, That the Secretary of the Interior, before paying out such funds, shall designate some person with a knowledge of the subject of drainage, to review the schedules of assessment against each tract of land and to review the land assessed to ascertain whether such Indian allottee, or his lands not subject to

taxation, have been assessed more than their pro rata share as compared with other lands located in said district similarly situated and deriving like benefits. And if such Indian lands have been assessed justly when compared with other assessments, then, in that event, said funds shall be paid to the proper county in which such drainage district may be organized, or, in the option of the Secretary of the Interior, to the construction company or bondholder shown to be entitled to the funds arising from such assessment: *Provided further*, That in any event such assessment on any Indian allotment shall not exceed \$15 per acre, and no such assessment shall be made unless the Indian allottee affected, or his legal guardian, shall consent thereto: *And provided further*, That nothing in this act shall be so construed as to deprive any allottee of any right which he might otherwise have individually to apply to the courts for the purpose of having his rights adjudicated.

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

Mr. CLARK of Wyoming. I should like to ask a question of the Senator from Oklahoma. Does the bill impose a tax, either special or otherwise, upon land which, by act of Congress or by treaty right, was to remain untaxed?

Mr. OWEN. Yes; it would provide for taxing for drainage purposes.

Mr. CLARK of Wyoming. Would it not then be in conflict with the agreement or treaty with the Indians, either the one under which they took their allotments or some other treaty or law in favor of the Indians?

Mr. OWEN. It would not be in contravention of any treaty. The general law which was passed, which forbade the alienation of any lands, of course made the lands also untaxed. In the eastern part of Oklahoma, which, of course, consist entirely of Indian lands, there are lands everywhere overflowed and they are practically valueless without a drainage district being established, and unless some such provision is passed it is impossible to restore those lands so as to make them productive. For that reason it is necessary to pass this measure.

Mr. CLARK of Wyoming. The question in my mind was if an Indian wanted his land improved whether it might not be done by contribution rather than by levying a tax which was distinctly prohibited in law.

Mr. OWEN. The tax is not distinctly prohibited in the law, but the general provision that the land shall not be alienated has that effect, of course. It would be impossible to have any drainage district at all in Oklahoma, because it would contain somewhere a portion of inalienable and nontaxable lands.

Mr. CLARK of Wyoming. The Senator, I think, did not understand me. I supposed the same purpose could be reached by a voluntary contribution by the owners of the land.

Mr. OWEN. By whom?

Mr. CLARK of Wyoming. By the owners of the land. My inquiry was directed to the possibility that if the owner of the land did not want to be assessed for this special improvement, or whatever it was, he ought not to be assessed; and if he wanted to be assessed, the same purpose could be accomplished by a voluntary contribution instead of by violating the law.

Mr. OWEN. It is confined to consent. Everyone must consent. There must be unanimous consent before it is possible. That of itself is a very extraordinary condition, but the bill would not permit a drainage district unless it involved the consent of all the parties. Where everyone consents it does seem that there ought to be no artificial obstructions to it by the law. For that reason, I think, the bill passed the House of Representatives in its present form without anyone objecting to it.

Mr. SMOOT. I will ask the Senator if the Secretary of the Interior reports favorably upon the bill.

Mr. OWEN. Yes.

Mr. SMOOT. And it is the unanimous report of the Committee on Indian Affairs?

Mr. OWEN. With the amendment made by the House, I think no one was against it in the House of Representatives. It was amended in the House of Representatives to meet some objections.

Mr. SMOOT. Did any member of the Committee on Indian Affairs of the Senate object to its passage?

Mr. OWEN. No; not a single member of the committee objected to it. It passed the Committee on Indian Affairs unanimously.

Mr. SMOOT. It is rather a far-reaching bill, it seems to me. I am not going to object to its immediate consideration, on the statement made by the Senator, but I wish to ask a question. Suppose there is a drainage district created and an Indian has consented to the creation of that district and circumstances occur under which he finds himself unable to pay the assessment for that district, does the bill provide for such a case?

Mr. OWEN. It provides that the Secretary of the Interior shall pay it out of the funds which the Secretary has in his hands for those Indians.

Mr. SMOOT. It in no way alienates the land from the Indians?

Mr. OWEN. No; it does not alienate the land from the Indians.

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

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SALARY OF ADDITIONAL CLERK.

Mr. WILLIAMS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report a resolution and ask unanimous consent for its immediate consideration.

The resolution (S. Res. 308) was read, as follows:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized to pay the salary of the temporary clerk, authorized to be appointed by the Committee on Post Offices and Post Roads under Senate resolution of March 16, 1914, from the miscellaneous items of the contingent fund of the Senate.

Mr. WILLIAMS. I wish to say that we have passed a resolution for this clerk, but it was awkwardly drawn, so that the money could not be paid out of the contingent fund until otherwise directed by law. This merely cures that trouble.

The resolution was considered by unanimous consent and agreed to.

#### BILLS INTRODUCED.

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

By Mr. SHEPPARD:

A bill (S. 4954) for the relief of Stephen Morris Barlow (with accompanying papers); to the Committee on Military Affairs.

By Mr. WEST:

A bill (S. 4955) for the relief of the heirs of John C. Bowden, deceased (with accompanying papers);

A bill (S. 4956) for the relief of the heirs of William McConnell, deceased (with accompanying papers); and

A bill (S. 4957) for the relief of the heirs of L. G. Brantley, deceased (with accompanying papers); to the Committee on Claims.

By Mr. WALSH:

A bill (S. 4958) granting an increase of pension to George Smith (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 4959) granting an increase of pension to Zeba D. French; and

A bill (S. 4960) granting an increase of pension to George Dimick; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 4961) to reopen the rolls of the Choctaw-Chickasaw Tribe and to provide for the awarding of the rights secured to certain persons by the fourteenth article of the treaty of Dancing Rabbit Creek, of date September 27, 1830; to the Committee on Indian Affairs.

By Mr. KENYON:

A bill (S. 4962) granting a pension to Emily M. Walker; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 4963) granting a pension to Freddie O. J. Horne; A bill (S. 4964) granting a pension to Lula S. Knight Bigelow; and

A bill (S. 4965) granting a pension to Hattie P. Longfellow; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4966) proposing an amendment as to section 19 of the Federal reserve act relating to reserves, and for other purposes; and

A bill (S. 4967) proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes; to the Committee on Banking and Currency.

By Mr. GRONNA:

A bill (S. 4968) for the relief of Hyacinthe Villeneuve; to the Committee on Public Lands.

#### MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. GALLINGER submitted the following resolution (S. Res. 307), which was read and, with the accompanying papers, referred to the Committee on Printing:

*Resolved*, That the Committee on Printing is hereby directed to make careful inquiry into the sale by private parties of the publication known as "Messages and Papers of the Presidents," with a view to ascertaining all the facts in the case, and said committee shall also inquire into the desirability of an additional volume being prepared and published under the authority of the Government.

#### COTTON FUTURES.

Mr. SMITH of South Carolina submitted an amendment intended to be proposed by him to the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately, which was ordered to lie on the table and be printed.

#### PANAMA CANAL TOLLS.

Mr. JONES. I wish to call up Senate resolution 288, which was before the Senate yesterday. I understand that it went over without prejudice.

The VICE PRESIDENT. It is true that it went over without prejudice, which means that it took the place it had on the calendar.

Mr. JONES. That is the reason why I thought I had better call it up.

The VICE PRESIDENT. It takes either unanimous consent or a motion to get it before the Senate.

Mr. BRISTOW. I understood that the resolution was on the table, and it went over without prejudice.

The VICE PRESIDENT. So it did.

Mr. BRISTOW. Would it not remain on the table then?

The VICE PRESIDENT. It is on the table, but it has to be called up by unanimous consent or on motion.

Mr. BRISTOW. If the Senator from Washington is agreeable, I should like to have the resolution go over until the chairman of the Committee on Inter-oceanic Canals returns.

Mr. JONES. I will state to the Senator that I have no objection to that myself. I will not insist upon the resolution coming up this morning.

Mr. BRISTOW. Then let it go over.

The VICE PRESIDENT. It is on the table and retains its position on the Table Calendar, and may be taken up by unanimous consent or on motion at any time.

Mr. JONES. Mr. President, I desire to say in connection with this matter that the impression seems to have been conveyed from the remarks I made yesterday that my reference concerning an alleged interview of Sir Lionel Carden with the President was made on information I possessed or on matters within my knowledge. I think a reading of the remarks will show that this is not correct; that what I said was based upon a quotation from a paper with reference to the interview. This quotation was taken from the Washington Post, a paper that supports the policy of the President, and purported to be a dispatch to the New York American.

I wish to say, in justice to the President, that he has assured me in most positive terms that there is no basis of fact in the interview with Sir Lionel Carden for the conclusions or suggestion contained in the article in the Post, and when he gives such assurance I accept it without hesitation.

I wish to make that statement in justice to the President, because I do not want to do an injustice to anyone, much less to him. I do think that it emphasizes the importance of passing a resolution of this character at some time, so that we can get an official statement with reference to whatever information there is available in regard to this matter. It seems to me that the people of the country and Congress ought to be taken into the confidence of the President and those having information with reference to this important matter fully and completely. We ought not to be left to surmises and deductions from uncertain conditions and supposed facts.

Mr. WILLIAMS. What is the motion now before the Senate in connection with this matter?

Mr. JONES. The resolution has gone over.

The VICE PRESIDENT. There is no action pending.

Mr. WILLIAMS. What does the Senator propose?

Mr. JONES. The Senator from Kansas [Mr. BRISTOW] suggested that the resolution be allowed to lie on the table until the Senator from New York [Mr. O'GORMAN] is here.

Mr. WILLIAMS. In other words, the entire matter goes over?

Mr. JONES. It does. I was going to add that the Senator from Georgia [Mr. SMITH] made a motion to refer the resolution to the Committee on Foreign Relations, and I wondered if that motion would lie on the table along with the resolution?

Mr. WILLIAMS. That is the very matter to which I wanted to call attention. That motion is pending.

Mr. LODGE. Yes; it is pending.

Mr. WILLIAMS. I am very much in favor of the matter taking that course. It ought undoubtedly to go to the Committee on Foreign Relations. It is a matter that is peculiarly a diplomatic question, and it seems to me that that motion ought not to go over, but that it ought to be brought to the attention of the Senate and acted upon. Of course there is no way of keeping Senators from talking out whether the matter has been



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

He also presented a petition of the congregation of the First Presbyterian Church of Thompsonville, Conn., and a petition of the congregation of the Baptist Church of Noank, Conn., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BORAH presented a petition signed by the governor and sundry residents and taxpayers of the State of Idaho, praying that an appropriation be made to reclaim lands within the Black Canyon irrigation district, Idaho, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the Club of Commerce, of Idaho Falls, Idaho, praying that an appropriation be made for a continuance of the work of the department of forestry, University of Idaho, which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented a petition of General J. N. Patterson Post, No. 3, Department of New Hampshire, Grand Army of the Republic, of Concord, N. H., praying for the enactment of legislation granting pensions to widows and orphans of soldiers who served in the Spanish-American War, which was referred to the Committee on Pensions.

Mr. HUGHES presented sundry petitions of citizens of the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

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

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

He also presented petitions of sundry citizens of the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Independent Order of King Solomon, of Newark, N. J., remonstrating against the enactment of legislation to provide an educational test for immigrants to this country, which was ordered to lie on the table.

Mr. WEEKS presented a memorial of Iron Molders' Local Union No. 29, of Taunton, Mass., and a memorial of Journeymen Barbers' Local Union No. 447, of New Bedford, Mass., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Division No. 3, Ancient Order of Hibernians, of Worcester, Mass., remonstrating against the repeal of the clause of the Panama Canal act exempting American coastwise shipping from the payment of tolls, which was referred to the Committee on Interoceanic Canals.

Mr. McLEAN presented a petition of the congregations of the Swedish Congregational Church of Thomaston, Conn., and a petition of the congregation of the Advent Christian Church, of Bristol, Conn., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

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

Mr. BRADLEY. I present a memorial signed by 36 citizens of McCracken County, Ky., remonstrating against the adoption of an amendment to the Constitution for the prohibition of the manufacture, sale, and importation of alcoholic liquors. I ask that the memorial may be received and referred to the Committee on the Judiciary.

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

Mr. BRADLEY presented petitions of the congregations of the Methodist Episcopal Church South, of Warsaw; the Broadway Christian Church, of Lexington; the Third Street Methodist Episcopal Church, of Paducah; and the Methodist Episcopal Church South, of Lexington, all in the State of Kentucky,

praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Portland and Oakland, in the State of Oregon, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. BURTON presented memorials of sundry citizens of Toledo, Columbus, and Put-in-Bay, all in the State of Ohio, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NELSON presented a memorial of sundry citizens of St. Paul, Minn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Elysian, Minn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of the Young People's Society of the Swedish Lutheran Church, of Holmes City, Minn., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of sundry citizens of Detroit, Grand Rapids, and Jackson, all in the State of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Ministerial Association of Alpena, Mich., remonstrating against any repeal of the present compensatory system for postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Howell Camp, No. 6, United Spanish War Veterans, of Adrian, Mich., praying for the enactment of legislation granting pensions to certain soldiers and sailors of the Spanish-American War and their dependent relatives, which was referred to the Committee on Pensions.

He also presented a petition of local branch, National Retirement Association, of Traverse City, Mich., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of Lewiston Grange, No. 1234, Patrons of Husbandry, of Lewiston, Mich., and of Burning Grange, No. 959, Patrons of Husbandry, of Bad Axe, Mich., praying for the establishment of a system of rural credits, which were referred to the Committee on Banking and Currency.

He also presented petitions of the Equal Suffrage Association of Kalamazoo, of the congregations of the First Presbyterian Church of Kalamazoo, the Baptist Church of Birmingham, and the Methodist Episcopal Church of Birmingham, and of sundry citizens of Grass Lake, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a memorial of sundry citizens of Clarke County, in the State of Washington, remonstrating against the repeal of the exemption clause in the Panama Canal act, which was referred to the Committee on Interoceanic Canals.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Holbrook, Portland, St. Johns, and Linnton, all in the State of Oregon, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. OWEN. I present a petition signed by a large number of citizens of Oklahoma, urging favorable action upon Senate Bill 4150, introduced by the Senator from Minnesota [Mr. CLAPP] on January 22, 1914, and which was referred to the Committee on Indian Affairs, proposing to appropriate \$5,000 to Eva M. Bowman, widow of Robert L. Bowman, who was killed in the discharge of his duty as an Indian agent. I ask that the body of the petition may be printed in the Record, omitting the signatures, and that it may be referred to the Committee on Indian Affairs.

There being no objection, the petition was referred to the Committee on Indian Affairs and the body of the petition was ordered to be printed in the RECORD, as follows:

*To the Congress and President of the United States of America:*

We, the undersigned, respectfully represent to your honorable body that Robert L. Bowman was killed on about the 19th day of September, 1912, in the State of Oklahoma, just south of the town of Caney, Washington County, while he was in the active and courageous performance of his duty as a deputy United States marshal enforcement officer; that he was shot down by outlaws from whose possession he had taken some intoxicating liquors; that he was at all times during his three years as deputy marshal and five months in Indian service on the United States marshal's force a brave and faithful officer.

And we further represent that at the time of his death Robert L. Bowman was a man of 40 years of age and of excellent health; that he left surviving him a widow and three minor children, one of whom is an invalid girl about 2½ years old; that the husband and father was the only support of this family; and that by his death his widow and three children are left to shift for themselves; and their only income now consists of such earnings as the 14-year-old boy makes at selling papers and the wages of the widow from sewing at odd moments.

We earnestly believe that this widow and infant children of Robert L. Bowman, deceased, are most worthy objects of the bounty of the United States; that they have earned more from their country and contributed more to their country than it will ever be able to pay.

We therefore respectfully petition the Congress and President of the United States to pass and approve the bill now before a committee of Congress making to Mrs. Robert L. Bowman and her children a partial return for their great loss.

SAFETY OF LIFE AT SEA (S. DOC. NO. 452).

Mr. LA FOLLETTE. I present a petition of the International Seamen's Union of America, the contents of which are set forth in the cover to the memorial, and I ask that it may be printed as a Senate document.

The petition prays for the rejection of the conclusions reached by the International Convention on Safety of Life at Sea, so called, which recently met in London, and while the Senate has received no official communication from the Secretary of State as to the results of that conference, in so far as I am informed, they have been presented to Parliament and have been printed in at least two languages, and are already under public discussion.

The VICE PRESIDENT. The Chair will state to the Senator from Wisconsin that he believes the Senator is in error. The Chair thinks the matter was handed down two or three days since and referred.

Mr. LA FOLLETTE. Then there can be no objection, of course, to the presentation of the petition at this time, which discusses the conclusions, and I ask that it may be printed as a Senate document.

The VICE PRESIDENT. Without objection, that will be done. Is it to be referred?

Mr. LA FOLLETTE. I should like to have it referred. I suppose it should be referred to the Committee on Foreign Relations.

Mr. SMITH of Georgia. The report came to the Senate, I think, in executive session, as the Chair stated, I believe, to the Senator from Wisconsin. I think the whole matter is before the Senate as coming from the State Department.

Mr. LA FOLLETTE. I was not aware of that. I was not present when the report was received, but as it had been presented to the British Parliament and printed for distribution there, and is under discussion in the papers of the whole world, in fact, I desired to have the petition which reviews that finding printed as a Senate document.

The VICE PRESIDENT. The petition will be referred to the Committee on Foreign Relations.

#### CONTRACTS OF NEW YORK COTTON EXCHANGE.

Mr. SMITH of Georgia. Mr. President, I have two additional letters I wish to present to the Senate from manufacturers in Georgia upon the subject of the New York Cotton Exchange and its methods. It has been known for a long time that the lint-cotton growers complained of the manipulation of prices of cotton by the New York Cotton Exchange, and insisted that the exchange, by unfair contracts, was enabled to depress the price of lint cotton as it sold upon the exchange, and that the published prices fixed by the exchange had a sympathetic effect all over the country and depressed the price of the actual lint cotton.

What I am seeking to do now is to bring to the attention of the Senate the fact that spinners are also complaining. I find from the New York Commercial that the National Association of Cotton Manufacturers and the American Cotton Manufacturers' Association each has passed resolutions condemning the contracts of the New York Exchange. I ask that these two short letters from cotton mills may be read.

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

The Secretary read as follows:

FORSYTH, GA., February 28, 1914.

Hon. HOKE SMITH,  
Washington, D. C.

DEAR SIR: We are using this method of indorsing the resolution adopted by the Hard-Yarn Spinners, in convention at Gastonia, N. C., on the 18th of this month, condemning the present workings of the New York Cotton Exchange, and earnestly appeal to you to use your great influence in the passage of some act whereby this exchange can be regulated. As it is operated at present, it is a serious menace to those most vitally interested in cotton. At present the quotations published by the New York Exchange are fully 2 cents under the actual price of spots in the southern markets, thereby making it extremely difficult for the manufacturer to get anything like a legitimate margin on the manufactured product. These operators on the exchange put forth the argument that purchases will be delivered if goods is asked for, but since they are allowed to deliver just as low grades as can be secured on contracts, and since they will deliver these grades, no one who is in need of the cotton will call for it, as they know that such cotton as will be tendered will be absolutely worthless so far as making goods is concerned, while, on the other hand, if they were forced in some way to deliver specified grades, it would be of great help to all concerned in both raising and manufacturing. The present conditions make the New York Exchange a disgrace to the Nation, and we trust that you will see fit to lend your valuable influence to the enactment of a law that will bring about the proper regulation.

Yours, very truly,

THE TRIO MFG. COMPANY.

THOMASTON, GA., February 26, 1914.

Hon. HOKE SMITH,  
Senate, Washington, D. C.

DEAR SIR: We have before us a copy of resolutions adopted by the Hard Yarn Spinners' Association, Gastonia, N. C., on February 18.

We heartily approve of these resolutions and hope that you will use your utmost endeavor to relieve the cotton-mill industries of the conditions that exist. By so doing you will greatly oblige.

Yours, very truly,

THOMASTON COTTON MILLS,  
By R. E. HIGHTOWER, President.

Mr. SMITH of South Carolina. Mr. President, I send to the desk and ask to have read a telegram that I received this morning. I am sorry the Senator from North Carolina [Mr. OVERMAN] is not in the Chamber. I presume he received one of a similar nature. It is in reference to the matter that is now before the Senate.

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

The Secretary read as follows:

CHARLOTTE, N. C., March 20, 1914.

Senator SMITH of South Carolina,  
Washington, D. C.:

I am voicing the sentiment of all legitimate interests and sound speculation when I say all hail to your cotton-speculation bill. There should be at once some established grades to be tendered; no legitimate reason to wait till 1915 for this. I hope our Senators, OVERMAN and SIMMONS, will be in hearty accord; otherwise undue depression of prices by arbitrary grading by New York exchange to suit their interests at time of delivery will prove a serious handicap for legitimate handling of our great American product.

B. L. SCRUGGS.

Mr. SMITH of South Carolina. I send to the desk the following petitions and do not ask to have them read, but that they be incorporated in the RECORD.

There being no objection, the petitions were ordered to be printed in the RECORD, as follows:

FARMERS' LAND, LOAN & TITLE CO.,  
Albany, Ga., March 11, 1914.

Hon. E. D. SMITH, Washington, D. C.

DEAR SIR: In view of the bills before Congress in reference to the New York Cotton Exchange and the great discrepancy of that contract and of spot cotton, I thought it might be correct to call your attention to that feature.

The New York contract is not worth the paper it is written on, with March quoted, say, at 11.65 and middling cotton selling in Atlanta at 13 cents the same day. Now, I wish you to tell me how under heaven a man can buy spots in the South and pay 50 cents freight and commissions and other expenses that naturally follow and deliver on New York contracts.

The truth is, dear sir, that contract makes the jobber feel that he should buy goods based on the said New York contract, whereas the poor manufacturer has to pay about 3 cents more for his cotton than the said contract would indicate, and you know how hard it is to convince the buyer against his will.

New York contracts should be so fixed that when they sell 100 or any multiple of same that the buyer should be warranted in delivery of straight middling cotton, and of an even staple. As the contract is today, the minute the buyer demands the actual cotton on his contract they go to work and give him all manner of grades mixed in the lot, and all lengths of staple. Now, unless the manufacturer has half dozen mills using different grades and staples he can not handle the stuff, hence he sells the contract to some other fellow at a discount rather than take the cotton, to the ultimate hurt of the farmer and manufacturer.

The main point with a manufacturer, first, is even staple; secondly, even grade.

I feel that it is high time for this crowd to be regulated and made to so correct their contract that when a manufacturer buys New York contracts—and they are very essential and should not be wiped out—he should be able to take delivery, as anticipated.

Pardon me for the presumption in writing this letter, but I have felt this thing on both sides of the market, having been a farmer all my life and a manufacturer for 12 years.

## SENATE.

SATURDAY, *March 21, 1914.*

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

Almighty God, we come to Thee day by day for Thy blessing. We find ourselves always insufficient to deal with the mighty problems of life apart from the inspiration God may give to us, for within us and all men the most persistent and the dominant passion arises out of a sense of our relation to Thee and of our obligation to Thee. Human strength has never been sufficient for human responsibility. We pray that to-day God's grace as a positive, present force may be with each one of these Thy servants in the discharge of every duty, and that at the close of the day they may have the assurance that they have served God and the people well. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

## FINDINGS OF THE COURT OF CLAIMS.

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

In the cause of Marie May B. Fisher, Nannie B. Butler, and Culeima B. Wilkinson, sisters and sole heirs of Edward D. Bostick, deceased, *v.* United States (S. Doc. No. 453);

In the cause of Robert A. Cameron and Agnes C. Palmer, children of Robert A. Cameron, deceased, *v.* United States (S. Doc. No. 454); and

In the cause of Guy Steele, Ogle Steele, and Mary Isabella Trail, children and sole heirs of Thomas B. Steele, deceased, *v.* United States (S. Doc. No. 455).

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

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills:

H. R. 11751. An act authorizing the sale of certain land to the county of San Diego, State of California, for public watering purposes;

H. R. 12594. An act to authorize the county commissioners of Skagit County, Wash., to construct a bridge across Swinomish Slough opposite the town of La Conner;

H. R. 13091. An act to provide for drainage of Indian allotments of the Five Civilized Tribes; and

H. R. 13771. An act extending the provisions of the act of March 3, 1913, authorizing the construction of a bridge over the Missouri River near Weldon Springs Landing, Mo.

## PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of sundry citizens of Seattle, Wash., remonstrating against the repeal of the clause of the Panama Canal act exempting American coastwise vessels from the payment of tolls, which was referred to the Committee on Inter-oceanic Canals.

He also presented a petition of the Connecticut Avenue Citizens' Association, of Washington, D. C., praying for the enactment of legislation to create a board of survey to fix the relations between the District and the National Government, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Memorial Seventh-day Adventist Church of the District of Columbia, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. KENYON presented memorials of sundry citizens of Davenport, Clinton, and Lyons, all in the State of Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Sloux City, Iowa, praying for the enactment of legislation to provide compensation for mechanics employed by the United States Government, which were referred to the Committee on Education and Labor.

Mr. OLIVER presented petitions of sundry patriotic orders of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

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

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

He also presented a petition of the Chamber of Commerce of Philadelphia, Pa., praying for the enactment of legislation to provide for the appointment by the President of clerks to the United States courts, which was referred to the Committee on the Judiciary.

He also presented a petition of Richland Grange, No. 1206, Patrons of Husbandry, of Richland Center, Pa., and a petition of Jefferson Grange, No. 1373, Patrons of Husbandry, of Butler, Pa., praying for the establishment of a system of rural credits, which were referred to the Committee on Banking and Currency.

Mr. WORKS presented a memorial of the United Irish Societies, of San Francisco, Cal., remonstrating against the repeal of the exemption clause in the Panama Canal act, which was referred to the Committee on Inter-oceanic Canals.

He also presented a petition of the United Irish Societies of San Francisco, Cal., praying that the committee in charge of the Barry Memorial be requested to see that the inscription "Father of the American Navy" be placed on the monument to be erected to Commodore Barry, which was referred to the Committee on the Library.

Mr. OWEN presented petitions of 450 citizens of Blackwell, of 49 citizens of Yale, and of 150 citizens of Perkins, all in the State of Oklahoma, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

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

He also presented a petition signed by the mayor and aldermen of Annapolis, Md., praying for an annual appropriation of \$10,000, to be used in maintaining the paving of the streets of that city, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Loyal Temperance Legion, of Berlin, Md., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented memorials of sundry citizens of Portland, The Dalles, and Baker, all in the State of Oregon, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Portland, Oreg., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. McLEAN presented a memorial of Bartenders' Local Union No. 319, of Putnam, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of New Haven, Conn., praying for the enactment of legislation to promote the efficiency of the Hospital Corps of the United States Army, which was referred to the Committee on Military Affairs.

He also presented a petition of Sidney Beach Camp, United Spanish War Veterans, of Branford, Conn., praying for the enactment of legislation granting pensions to widows and orphans of soldiers and sailors of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a memorial of the Wholesale Grocers' Association, of Hartford, Conn., remonstrating against the present policy of the Federal Government toward the New Haven Railroad, which was referred to the Committee on the Judiciary.

Mr. BRADLEY. I present memorials of 51 citizens of Owensboro and Newport, in the State of Kentucky, remonstrating against the adoption of an amendment to the Constitution for

the prohibition of the manufacture, sale, and importation of alcoholic liquors. I ask that the memorials may be received and referred to the Committee on the Judiciary.

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

Mr. BURLEIGH presented a petition of sundry citizens of Gardner, Me., praying for the enactment of legislation to prevent discrimination in prices and to provide for the publicity of prices to the dealers and to the public, which was referred to the Committee on Interstate Commerce.

Mr. POINDEXTER. I present a resolution adopted by the Spokane Mining Men's Club, of Spokane, Wash., which I ask may be printed in the RECORD, omitting the signatures, and referred to the Committee on Indian Affairs.

There being no objection, the resolution was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Whereas there is pending before the Congress of the United States House bill 11093, which, if passed, will have the effect to withdraw from mineral entry all lands upon the diminished Colville Indian Reservation; and  
Whereas such withdrawal will operate to the great disadvantage of the mining interests of this section: Therefore it is

Resolved by the members of the Spokane Mining Men's Club, That we are opposed to the passage of said legislation, and request the Senators and Representatives of the State of Washington to use all efforts in their power to prevent the passage thereof.

Adopted unanimously by the members of the Spokane Mining Men's Club, March 12, 1914.

Mr. POINDEXTER. I present a petition from members of the American Federation of Patriotic Voters of Bellingham, Whatcom, Skagit, and San Juan Counties, in the State of Washington, which I ask may be printed in the RECORD, omitting the signatures, and referred to the Committee on Immigration.

There being no objection, the petition was referred to the Committee on Immigration and ordered to be printed in the RECORD, omitting the signatures, as follows:

BELLINGHAM, WASH., March 16, 1914.

MILES POINDEXTER,

United States Senate, Washington, D. C.

DEAR SENATOR: Inclosed petition represents sentiment of thousands of members of the American Federation of Voters and Patriotic Sons of America, of the Pacific Northwest. It is placed in your hands with the request that it be placed before the President, Senators, and Congressman in the proper order.

Very truly yours,

AMERICAN FEDERATION OF PATRIOTIC VOTERS OF BELLINGHAM, WHATCOM, SKAGIT, AND SAN JUAN COUNTIES,  
P. M. TAYLOR,

Corresponding Secretary, State of Washington,  
Lock Box 362, Bellingham, Wash.

AMERICAN FEDERATION OF PATRIOTIC VOTERS,  
Bellingham, Wash., March 5, 1914.

To the President of the United States:

Whereas the United States of America is the land of free public schools; and

Whereas the class of foreigners who come to this country who can not stand the illiteracy test do not make good citizens, but rather are men without families who send money earned here to the land they owe allegiance to; and

Whereas there are about 3,000,000 working men and women idle in this the richest and grandest country in the world, men and women who are four-fifths native-born Americans, who have been crowded out by foreigners, who can live on very little, care nothing for the Government, know nothing about what the flag and Constitution stand for: Therefore be it

Resolved, That we, the undersigned, American voters, believing that the voice of the people is the voice of God and that the Government derives its power from the people, do hereby petition you, the President of the United States of America, to favorably consider and pass immigration bill H. R. 6060, including the illiteracy test: And be it further

Petitioned, That some action be taken that will relieve the terrible want and suffering of the men and women who to-day wonder if this is the land that the patriotic Washington and his followers fought and bled for with less provocation than the common people of to-day have.

#### REPORTS OF COMMITTEES.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (S. 4311) for the relief of Edward Stewart, reported it without amendment and submitted a report (No. 365) thereon.

Mr. REED, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (S. J. Res. 120) creating a joint committee of Congress, and authorizing said committee to acquire, by purchase or condemnation, the property known as Monticello, and embracing the former home of Thomas Jefferson and the family graveyard, in which his remains were interred, with such lands and grounds appurtenant thereto as the committee shall find necessary in order to carry out the various public objects and purposes in said resolution set forth, all of said property being located in Albermarle County, Va., reported it with amendments and submitted a report (No. 366) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915, reported it with amendments and submitted a report (No. 367) thereon.

He also, from the same committee, to which was referred the bill (H. R. 13765) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1915, and for other purposes, reported it with amendments and submitted a report (No. 368) thereon.

Mr. GORE, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3545) to provide for the highway-improvement work by the United States Department of Agriculture in cooperation with the highway departments of the several States, reported it with amendments and submitted a report (No. 369) thereon.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. GRONNA:

A bill (S. 4991) authorizing the Secretary of Agriculture in his discretion to sell and convey a certain tract of land to the Mandan Town and Country Club; to the Committee on Agriculture and Forestry.

By Mr. BURTON:

A bill (S. 4992) granting an increase of pension to James L. Wing; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 4993) granting a pension to Anna Haile (with accompanying papers); to the Committee on Pensions.

A bill (S. 4994) for the relief of Alvin Harder (with accompanying papers); to the Committee on Military Affairs.

Mr. SHERMAN. By request of Dr. Mary Walker, I introduce two bills which I ask may be received and appropriately referred:

A bill (S. 4995) granting pensions to the mothers and widows of certain men employed in the Quartermaster's Department who served in the War of 1861-1865; and

A bill (S. 4996) granting pensions to widows of soldiers who have obtained a divorce for cruelty; to the Committee on Pensions.

By Mr. STERLING (for Mr. CRAWFORD):

A bill (S. 4997) granting an increase of pension to Edward Flood (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 4998) granting a pension to Andrew Hartman; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4999) granting an increase of pension to Sherman E. Deming (with accompanying papers); to the Committee on Pensions.

By Mr. NEWLANDS:

A bill (S. 5000) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada; to the Committee on the Judiciary.

By Mr. CLAPP (by request):

A bill (S. 5001) to provide for certain unallotted members of the Pembina Band of Chippewa Indians in Minnesota (with accompanying paper); to the Committee on Indian Affairs.

By Mr. OWEN:

A joint resolution (S. J. Res. 131) authorizing the State of Oklahoma to control the beds of navigable streams within that State, including the Arkansas River, for the purposes of drilling for oil, gas, and other minerals; to the Committee on Commerce.

Mr. OWEN. In connection with the joint resolution I ask to have printed in the RECORD a letter from the governor of Oklahoma and certain other papers.

The VICE PRESIDENT. Without objection, the matter submitted by the Senator from Oklahoma will be printed in the RECORD:

The matter referred to is as follows:

STATE OF OKLAHOMA,  
Oklahoma City, March 18, 1914.

HON. ROBERT L. OWEN,  
United States Senate, Washington, D. C.

MY DEAR SIR: I inclose herewith copy of a letter I have just written Hon. SCOTT FERRIS, chairman of the House Committee on the Public Lands, and a copy of a resolution adopted by the Commissioners of the Land Office, and request that you give the subject mentioned in the letter careful consideration.

The position taken by Hon. A. A. Jones, First Assistant Secretary of the Interior, in his communication to Hon. SCOTT FERRIS, of February 27 last, that the Arkansas is not a navigable stream, is so untenable, and, if adopted by Congress, will be so disastrous to the State of Oklahoma, that I can not too strongly urge upon you the necessity of oppos-

additional messenger at \$1,200. It seems to me it ought to have gone to the Committee on Rules.

Mr. OLIVER. Mr. President, it went to the Committee on Contingent Expenses.

Mr. OVERMAN. That is not the proper committee for it. Before the committee could authorize it to be done it would have to be recommended by some other committee, of course.

Mr. OLIVER. I will state that this man was disabled from performing active duty while in the discharge of his duty; and the Committee on Contingent Expenses, in considering his case, thought it but right that he should be continued on the permanent roll of the Senate, just as was the case with Lynch and others of the same kind. He is able to perform light duties, but not the usual duties of the position.

Mr. OVERMAN. May I inquire what salary he is getting now?

Mr. OLIVER. I really do not know.

Mr. OVERMAN. I think this would be not only placing him on the permanent roll but giving him an increase of salary.

Mr. OLIVER. He is getting the salary of a policeman, whatever that is.

Mr. OVERMAN. I understand he is getting only \$1,050 now. Why, Mr. President, the contingent expenses of the Senate have increased this year over \$50,000, of which \$36,000 was for such resolutions as this. I do not know where we are going to end. We are passing resolutions here every day asking for this clerk and that clerk, and then passing resolutions increasing these messengers' salaries. Not only does this resolution propose to place this man on the permanent roll of the Senate, but it proposes to pay him \$1,200 a year instead of the salary he is now getting.

I think the resolution ought to go to the Committee on Rules, in order that it may inquire into the facts and see something about the matter. I move, therefore, that it be referred to the Committee on Rules, where it ought to have gone originally.

Mr. BRANDEGEE. Let me ask the Senator from North Carolina a question, as I am not familiar with these matters. The Committee to Audit and Control the Contingent Expenses of the Senate authorizes the employment of stenographers and clerical assistance, does it not?

Mr. OVERMAN. It does.

Mr. BRANDEGEE. What would be the distinction between that and this?

Mr. OVERMAN. I think the Committee on Rules generally looks after the number of employees the Senate has, makes estimates, and such matters. I do not think the Committee to Audit and Control the Contingent Expenses of the Senate ought to decide whether or not we need another messenger. I think the proper place for the resolution to go is to the Committee on Rules, or some other committee; I do not care what it is.

Mr. SMITH of Georgia. The true function of the Committee on Contingent Expenses is to decide whether it can furnish the money when some other committee desires an appropriation for some line of work under its jurisdiction.

Mr. SMOOT. I think that statement, broadly speaking, is correct; but, as I remember, the resolution reads that this man shall be paid out of the contingent fund of the Senate. If there were a general appropriation made for the employment of a certain number of clerks, such as every legislative appropriation bill carries, and he were to be paid out of the general appropriation, the proper committee for it to have been referred to would have been the Rules Committee.

As I remember, however—I may be mistaken—this payment is to be made from the contingent fund of the Senate. If so, the resolution was referred to the proper committee; and, as I understand, the chairman of that committee reported it favorably to the Senate.

Mr. OVERMAN. I do not mean to say that the committee ought not to have it after it has been inquired into and some other committee has reported it favorably, as has been done here in the past. I will ask the Senator from Kansas if that has not been done heretofore—that resolutions to inquire into the necessity of these people for the purpose desired go to some other committee, and then, when the expense is to be paid out of the contingent fund, they are referred to the Committee on Contingent Expenses. I think the Senator will bear me out in the statement that that is the rule.

Mr. BRISTOW. I do not remember a precedent for this case. The employees that the Committee on Contingent Expenses authorizes, I think, are for committees; and at the request of the chairman of the particular committee the Committee on Contingent Expenses frequently authorizes the employment of an additional clerk for a period of time.

This particular case was brought before the Committee on Contingent Expenses. The chairman of the committee is more

familiar with it than I am, and I speak only in his absence. He handled the matter. I see that there is no majority member of that committee present now. The resolution was brought before the committee. This man, as I remember, was disabled while acting as policeman. In putting up the flag on the Senate Building he was crippled on the icy roof, and is no longer capable of performing hard work, and he is now serving as a messenger.

Mr. OVERMAN. No; he is not serving as a messenger. He is serving as a policeman.

Mr. BRISTOW. He is serving as a messenger. I do not know what roll he is on, but the work he is doing is messenger work, here at this door.

Mr. OVERMAN. No; he stands at that door as a policeman. That is the position he has now. His compensation is \$1,050 a year.

Mr. BRISTOW. He is, as I understand, on the police roll, but he is not doing police duty any more than any of the messengers are. He is doing the same work that the messengers here at the door are doing.

Mr. OVERMAN. No; he is acting as a policeman at that door. We always have a policeman there. He is working as a policeman, in uniform, and he is getting \$1,050 a year. This resolution proposes to give him \$1,200, and to let him continue the work he has been doing, I suppose, for 15 years.

Mr. BRISTOW. I desire to say that the chairman of the committee, the senior Senator from Mississippi [Mr. WILLIAMS], handled this case, and it was upon his recommendation that the committee authorized the employment. I had supposed that it was regular and according to the uniform practice. The precedents I have in mind, where the committee has authorized employment, have been where different Senate committees have requested additional help.

Mr. OVERMAN. That is right.

Mr. BRISTOW. And of course they have been provided with it or it has been denied, as the committee thought wise.

Mr. OLIVER. Mr. President, before this resolution is referred to another committee I think the Senate ought to be informed as to the merits of the case; and I hope, after hearing what this man has to say, they will take action on the matter to-day. I read now an affidavit from Mr. Sellers.

Mr. OVERMAN. Mr. President, as has been suggested to me by the Senator from Kansas, if the Senator will let this matter go over, the chairman of the committee probably will be here. I do not want to take any advantage of the Senator, nor of the committee. It simply occurs to me that the matter ought to be inquired into by the Committee on Rules. Therefore if the Senator from Pennsylvania will agree to let it go over until the Senator from Mississippi is here, probably it would be better.

Mr. OLIVER. I will agree to that, Mr. President.

The VICE PRESIDENT. The resolution goes back to the calendar.

#### PANAMA CANAL TOLLS.

Mr. OWEN. Mr. President, I observe that the Senator from Washington [Mr. JONES] read an article from the Washington Herald of this morning, making the announcement that "Senator OWEN, acting under instructions from the White House, asked for immediate action on the repeal bill," and so forth. It seems hardly necessary to say that the statement has no authority or foundation in fact. The Senator from Washington apparently gives it credit, and I suppose he used it as the basis of a speech. I wish to ask the Senator from Washington whether he desires to vouch for the accuracy of this statement.

Mr. JONES. Why, certainly not.

Mr. OWEN. I should like to ask the Senator why he read it into the Record, then?

Mr. JONES. Simply to call the attention of the country to what is coming out in the papers every day. As I stated a moment ago, I think I would serve a good purpose if I called the attention of the people to statements printed in the papers from day to day that Senators say are absolutely baseless, and have no foundation in truth and in fact.

Mr. OWEN. The Senator, then, does not approve this matter as true?

Mr. JONES. Why, I know nothing about it one way or the other. I know nothing about it. It is printed there. It speaks for itself. I do not know whether there is any foundation for it or not. I hope there is none.

Mr. OWEN. I will state to the Senator, in the first place, that the Senator from Oklahoma not only had received no such instructions, but he had not, in fact, spoken to the Senator from New York [Mr. O'GORMAN], who is in charge of the matter. The chairman of the committee, the Senator from New York,

has been absent. I should, however, like to have action on the matter as early as possible; and I desire to make a brief comment on the attitude of the Senator from Washington in pressing this resolution to ascertain what nations have protested against the passage of coastwise vessels through the Panama Canal free of tolls. Evidently the Senator does not want that resolution to go to the proper committee.

Mr. JONES. Mr. President, I have not objected to its going to the committee. I consented this morning.

Mr. OWEN. I thought the Senator was insisting—

The VICE PRESIDENT. It has already been referred to the Committee on Foreign Relations.

Mr. SMOOT. Mr. President, this question has all been settled, and I ask for the regular order.

Mr. OWEN. I join the Senator in requesting the regular order if it has been disposed of. I desired that it should go to the Committee on Foreign Relations, where it belongs.

Mr. SMOOT. That is the committee to which it has gone.

The VICE PRESIDENT. The regular order is demanded. The calendar under Rule VIII is in order.

Mr. O'GORMAN. Mr. President, I wish to confirm, if confirmation were required, the statement made by the Senator from Oklahoma that he has never spoken to me with reference to the bill which he introduced some days since. While I was absent for a few days the Senator was also absent on a very worthy mission to New England. Without receiving any suggestion from the Senator who introduced the bill, I, as chairman of the Committee on Inter-oceanic Canals, have conferred with certain members of the committee as to the date for an early meeting, and it has been discovered that owing to the absence at this time of one or two members of the committee a date can not now be fixed for a meeting. However, I expect that a date can be arranged in the near future.

#### THE CALENDAR.

The VICE PRESIDENT. The calendar under Rule VIII is in order. The Secretary will state the first business on the calendar.

#### BILL PASSED OVER.

The first business on the calendar was the bill (S. 1240) to establish the legislative reference bureau of the Library of Congress.

Mr. OWEN. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

#### FOREST PRODUCTS EXPOSITIONS.

Mr. RANSELL. Mr. President, I ask unanimous consent for the present consideration of order of business 294, House joint resolution 204, authorizing the Secretary of Agriculture to make exhibits at forest products expositions to be held in Chicago, Ill., and New York, N. Y.

Mr. SMOOT. I object.

The VICE PRESIDENT. Objection is made.

#### BILLS PASSED OVER.

The bill (S. 1760) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 655) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assiniboine Military Reservation and open the same to settlement was announced as next in order.

Mr. MYERS. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. POINDEXTER. I ask that the resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

Mr. MYERS. I move that the Senate proceed to the consideration of the joint resolution, notwithstanding the objection. It seems to me every bill and resolution is entitled to its day in court, and to be passed or defeated some time in the lifetime of a generation.

Mr. SMOOT. Mr. President, may I ask the Senator a question?

Mr. MYERS. Certainly.

Mr. SMOOT. We have had this bill up for two or three days.

Mr. MYERS. Yes; but it has been on the calendar 11 months.

Mr. SMOOT. I will ask the Senator to wait a minute.

Mr. JONES. I make the point of order that the motion is not debatable.

Mr. MYERS. All right.

Mr. SMOOT. I am not debating it. I wish to ask the Senator a question.

Mr. MYERS. All right.

Mr. SMOOT. Will not the Senator consent that we shall consider the calendar now and take up the bills to which there is no objection?

The VICE PRESIDENT. Upon examination of the rules, the Chair finds that the motion is not in order. There being an objection, the joint resolution goes over.

Mr. MYERS. Mr. President, a parliamentary inquiry. May I ask the Chair if it is not only during the transaction of morning business—

The VICE PRESIDENT. The rule provides that at the hour of 1 o'clock a motion similar to that proposed by the Senator from Montana may be made.

Mr. MYERS. Then I give notice now that at 1 o'clock I will move to take up the joint resolution.

#### POLITICAL CONTRIBUTIONS.

The bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. It will go over.

#### MINERAL LANDS IN INDIAN RESERVATIONS.

The bill (S. 2651) providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry was considered as in Committee of the Whole.

The VICE PRESIDENT. On February 10 the amendment of the Committee on Public Lands striking out all after the enacting clause and inserting a substitute was agreed to.

Mr. STERLING. I wish to offer an amendment approved by the committee to that amendment.

The VICE PRESIDENT. Without objection, the vote by which the amendment was agreed to as in Committee of the Whole will be reconsidered. The Chair hears no objection. The amendment submitted by the Senator from South Dakota to the amendment will be stated.

The SECRETARY. On page 2, line 6, in the first line of the amendment of the committee, insert the word "the," so as to read:

That all lands containing the minerals.

The amendment to the amendment was agreed to.

Mr. STERLING. On page 2, line 6, after the word "minerals," I move to strike out the words "except those herein specifically reserved" and insert in lieu thereof the words "kaolin, kaolinite, fuller's earth, china clay, and ball clay."

The amendment to the amendment was agreed to.

Mr. STERLING. On page 2, line 16, after the word "That," I move to strike out the word "all" and all that follows down to and including the word "but" at the end of line 22.

The amendment to the amendment was agreed to.

Mr. STERLING. The committee reports an amendment to the title of the bill, which will come up after its passage.

Mr. SMOOT. I should like to have the bill read as it has been amended. I could not follow the amendments with the print I have before me.

The VICE PRESIDENT. The amendment of the committee as amended will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and in lieu to insert:

That all lands containing the minerals kaolin, kaolinite, fuller's earth, china clay, and ball clay within such parts of Indian reservations as have heretofore been opened to settlement and entry under acts of Congress which did not authorize the disposal of such mineral lands shall be open to exploration and purchase and be disposed of under the general provisions of the mining and coal-land laws of the United States, and the proceeds arising therefrom shall be deposited in the Treasury for the same purpose for which the proceeds arising from the disposal of other lands within the reservation in which such mineral-bearing lands are located were deposited: *Provided*, That the same person, association, or corporation shall not locate or enter more than one claim, not exceeding 160 acres in area, hereunder: *Provided further*, That none of the lands or mineral deposits the disposal of which is herein provided for shall be disposed of at less price than that fixed by the applicable mining or coal-land laws, and in no instance at less than their appraised value for agricultural purposes.

Mr. GRONNA. I wish to ask the Senator from South Dakota if this money will be credited to the fund of the Indians or returned to the Treasury?

By Mr. SWANSON:

A bill (S. 5034) to increase the efficiency of the retired list of the Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. SHAFROTH:

A bill (S. 5035) for the relief of Sarah T. Chamberlain; to the Committee on Claims.

By Mr. WARREN:

A bill (S. 5036) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation in Wyoming to submit claims to the Court of Claims (with accompanying papers); to the Committee on Indian Affairs.

By Mr. BRISTOW:

A bill (S. 5037) granting an increase of pension to James P. Barton (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER (by request):

A bill (S. 5038) relating to street improvements in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BRADY:

A bill (S. 5039) to provide for the erection of a public building at Payette, Idaho; to the Committee on Public Buildings and Grounds.

A bill (S. 5040) granting an increase of pension to William Hopkirk (with accompanying papers); and

A bill (S. 5041) granting an increase of pension to Thomas S. Draper (with accompanying papers); to the Committee on Pensions.

By Mr. NEWLANDS:

A bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada; to the Committee on the Judiciary.

By Mr. MYERS:

A bill (S. 5043) to amend section 3 of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes," approved March 3, 1901; to the Committee on Indian Affairs.

By Mr. LEA of Tennessee:

A bill (S. 5045) to prevent the nullification of State anti-gambling laws by international or interstate transmission of race-gambling bets or racing odds; to the Committee on the Judiciary.

By Mr. ROBINSON:

A bill (S. 5046) for the promotion of Ensign Francis G. Bladell, United States Navy, retired, to the rank of junior lieutenant on the retired list; to the Committee on Naval Affairs.

A bill (S. 5047), granting a pension to Theodore F. Bayless;

A bill (S. 5048) granting an increase of pension to Jacob Harrold (with accompanying papers); and

A bill (S. 5049) granting a pension to Alice Fitts Browning (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of South Carolina (by request):

A bill (S. 5050) to exclude Hindu laborers from the United States; to the Committee on Immigration.

By Mr. LEA of Tennessee:

A joint resolution (S. J. Res. 134) relative to certain appointments in the Engineer Corps, United States Army; to the Committee on Military Affairs.

By Mr. LANE:

A joint resolution (S. J. Res. 135) to amend section C of article 9 of the act of Congress approved June 7, 1897, with respect to lights required upon certain classes of fishing vessels; to the Committee on the Judiciary.

#### LEGISLATIVE REFERENCE BUREAU (S. DOC. NO. 457).

Mr. LEA of Tennessee. On behalf of the Senator from Oklahoma [Mr. OWEN] I introduce a bill, with accompanying papers, which I ask to have received and appropriately referred. I ask that certain papers accompanying the bill may be printed.

The bill (S. 5044) to establish the Legislative Reference Bureau of the Library of Congress was read twice by its title.

Mr. SMOOT. I ask the Senator if it is a report on the bill which he desires to have printed?

Mr. LEA of Tennessee. No; certain papers accompanying the bill I desire to have printed, either in the RECORD or so that they will be available for the use of Members of the Senate. As I have said, I introduce the bill at the request of the Senator from Oklahoma [Mr. OWEN].

The VICE PRESIDENT. Is this a new bill? There is a bill on the calendar for this purpose.

Mr. LEA of Tennessee. This is a new bill.

The VICE PRESIDENT. The bill and the accompanying papers will be referred to the Committee on the Library.

Mr. LEA of Tennessee. In connection with the bill I submit a statement prepared by the Senator from Oklahoma [Mr. OWEN], giving the purpose of the proposed law. I ask that it may be printed as a document and that it be referred to the Committee on the Library to accompany the bill.

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

#### COTTON FUTURES.

Mr. SMITH of Georgia. I submit an amendment intended to be proposed by me to the substitute of the Senator from South Carolina [Mr. SMITH] to the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the amendment was ordered to lie on the table and to be printed in the RECORD, as follows:

Amend, line 9, after the word "cotton," as follows:

Strike out the balance of said paragraph and in lieu thereof insert: "to comply with the following conditions:

"That such contract must be in writing, plainly stating the terms of such contract and indicating the parties thereto and signed by the party to be charged, by himself or his agent, specify, or in a written memorandum attached thereto show, the number of bales of cotton involved in the contract, the price per pound of middling cotton, hereinafter called the basis grade, at which the cotton is contracted to be bought or sold, the date of the purchase or sale, and the month in which the contract is to be fulfilled or settled, provide that the cotton therein mentioned or dealt with shall be within the grade limits fixed by the Secretary of Agriculture, to wit, within the limits of middling fair and good ordinary, inclusive, on Government standards, and no other grade or grades, and provide that in the settlement of such contract by the actual delivery of the cotton involved therein, where cotton other than the basis grade is delivered, the difference above or below the contract price which the receiver shall pay for such grades shall be determined as hereinafter provided.

"That for the purposes of this paragraph the differences above or below the contract price which the receiver shall pay for grades above or below the basis grade, in the settlement of a contract for the future delivery of cotton, by the actual delivery of the cotton involved therein, shall be determined by the actual commercial differences in value thereof, established by bona fide sales of spot cotton of the same grades, respectively, made in the course of actual trade, upon the sixth business day prior to the settlement of the contract, in the market where the future transaction involved takes place and is consummated; and in the event that there be no bona fide spot market in which spot sales are made from day to day, at or in the place in which such future transaction takes place, then, and in that case, the said differences in value in the spot markets at five places designated by the Secretary of Agriculture, as the said differences were established by the sales of spot cotton of the same grade, respectively, in such five markets upon the sixth business day prior to the settlement of the contract: *Provided*, That for the purposes of this paragraph such values in the said spot markets be based upon the standards for grades of cotton fixed by the Secretary of Agriculture. That for the purposes of this paragraph the only markets which shall be considered bona fide spot markets shall be such as are designated by the Secretary of Agriculture. That in determining, pursuant to the provisions of this paragraph, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the price of middling cotton and the differences between the prices or values of middling cotton and other grades of cotton for which standards shall have been established by the Secretary of Agriculture.

"That such contract must further provide for even running lots of units of 100 bales of the same grade.

"That such contract must further provide that each bale of cotton tendered for delivery should be separately marked and tagged and the date of its arrival and classification indicated thereon, and that no cotton which has been certified for a longer period than one year can be tendered or delivered.

"Such contract must further provide that no pro forma tender can be made, but actual delivery of classified cotton shall be made on the 1st of the month at the same time that the buyer pays his money.

"Such contract must further provide a limit of the staple tendered from seven-eighths to 1 1/4 inches.

After section 1 insert a new section, to be known as section 2, as follows:

"Sec. 2. It shall be the duty of the Secretary of Agriculture to standardize the grades of 'upland' and 'gulf' cottons separately; and such grades as are established for both 'upland' and 'gulf' cottons shall not include cotton below good ordinary or above middling fair. It shall be the duty of the Secretary of Agriculture also to standardize according to grades, stains, and tinges."

Amend by designating present section 2 as section 3.

Insert, after section 3, a new section, to be known as section 4, as follows:

"Sec. 4. That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States shall withhold his testimony because of complicity by him in any violation of this statute, but any such person so required to give evidence as a witness shall be exempt from prosecution in any court of the United States for the particular offense in connection with the prosecution whereof such testimony was given."

Insert, after section 4, a new section, to be known as section 5, as follows:

"Sec. 5. It is hereby declared to be legal for any number of men or corporations to agree to purchase lint cotton and to further stipulate that the same is not to be sold by or through a cotton exchange which is engaged in selling futures."

Amend by designating present section 3 as section 6.

Mr. RANSELL submitted an amendment intended to be proposed by him to the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately, which was ordered to lie on the table and be printed.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. MYERS submitted an amendment proposing to appropriate \$213.63 to pay Royston C. Durnford, United States deputy surveyor for surveys of public land in Montana, for work executed by him and necessary to complete the lines of survey embraced in his contract No. 583, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate \$50,000 for continuing the work of constructing roads and bridges within the diminished Shoshone or Wind River Reservation in Wyoming, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$391.84 to reimburse Right Rev. N. S. Thomas, Episcopal bishop of Wyoming, for moneys expended in repairs to buildings on the Wind River Reservation, Wyo., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. GORE submitted an amendment authorizing the Secretary of the Interior to remove the restrictions from Indian allottees under the jurisdiction of the Quapaw Agency in Oklahoma whenever necessary to enable the trustees of any school district to acquire a site for a school building not to exceed 5 acres in extent, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

## OMNIBUS CLAIMS BILL.

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

## TRAFFIC IN OPIUM.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, which was ordered to lie on the table and be printed.

## RIVER AND HARBOR IMPROVEMENTS.

Mr. CHAMBERLAIN. I submit the resolution which I send to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The resolution submitted by the Senator from Oregon will be read.

The resolution (S. Res. 312) was read, as follows:

Whereas section 5 of the act of August 24, 1912, commonly known as the Panama Canal act, provides that no tolls shall be levied upon vessels engaged in the coastwise trade of the United States, and it is now insisted that said provision should be repealed, because, amongst other things, it is an unwise economic policy to grant tolls to such vessels and is in the nature of a subsidy to such vessels and the owners thereof; and

Whereas it has been the policy of the United States for 100 years or more to expend large sums of money for river and harbor improvement and for the construction and maintenance of canals, over and through which vessels of all kinds have been permitted to pass without the payment of tolls; and

Whereas this policy was expressly declared in section 4 of the river and harbor act of July 5, 1884, in the following terms, to wit: "Sec. 4. That no tolls or operating charges whatsoever shall be levied or collected upon any vessel or vessels, dredges, or other passing watercraft through any canal or other work for the improvement of navigation belonging to the United States; and for the purpose of preserving and continuing the use and navigation of said canals, rivers, and other public works without interruption, the Secretary of War, upon the application of the chief engineer in charge of said works, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury to pay the actual expenses of operating and keeping said works in repair, which warrants or requisitions shall be paid by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated: *Provided, however,* That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers"; and

Whereas it has been the policy of the United States to remove as far as possible all obstructions to domestic commerce and to use its waterways to this end, and as factors in the regulation of railroads for the benefit of the people of the whole country; and

Whereas it is now proposed by bills introduced in Congress to reverse this policy and to disregard the provisions of the act of July 5, 1884; and

Whereas the United States has expended millions of dollars for the improvement of rivers and harbors and the construction of canals for the purposes aforesaid, and in addition thereto the several States themselves have expended large sums for such purposes, some times in cooperation with the United States and some times to be used upon their own initiative and in their own way; and

Whereas the Panama Canal has cost the United States more than \$400,000,000 and is built upon soil which belongs to the United States and forms a part of the United States coast line; and

Whereas if the tolls clause of the Panama Canal act is to be repealed and tolls are to be levied upon vessels engaged in the coastwise trade of the United States the policy of the Government is to be completely reversed and the act of July 5, 1884, eventually repealed and tolls charged upon all the improved waterways and canals of the country, so that there might be uniform system for the use of these utilities; therefore, in anticipation of a possible repeal of the tolls clause of the Panama Canal act and of a reversal of the time-honored policy of the United States with reference to river and harbor improvement and canal construction and operation of these Government utilities free of charge to all commerce, and in order to ascertain the facts in reference to these improvements: Be it

*Resolved,* That the Secretary of War be, and he is hereby, requested to furnish to the Senate of the United States the following information: First, the amount expended by the United States in river and harbor improvement since the adoption of the Constitution; second, the amounts expended by the United States in the construction of canals covering the same period of time; third, the amounts that the several States have raised to be used in cooperation with the United States; fourth, the names of the rivers which have been improved and the amounts that have been expended on each, the harbors that have been improved, and the amounts that have been expended on each, the canals that have been constructed and improved and the amounts expended on each; fifth, the total commerce in tonnage and in value that passes through said rivers and harbors and canals; sixth, what charges are made for tolls on any thereof, and what amount of tolls would it be necessary to charge on each for the purpose of reimbursing the Government for the expenditures heretofore made and for the maintenance and upkeep thereof; seventh, what classes of vessels, whether domestic or foreign, are permitted to pass through or into each of these rivers and harbors and canals, and what discrimination, if any, is made in favor of domestic shipping; eighth, what amount might be realized by the United States if a reasonable toll were charged on all shipping passing through said rivers and harbors and canals; ninth, what, if any, treaties are in force between the United States and any other foreign power which would prevent the United States from charging tolls against such foreign Governments even in cases where it might be determined to charge a toll on its own vessels passing through such rivers, harbors, and canals; and tenth, what is the present cost per annum to the United States for maintaining and operating said rivers, harbors, and canals?

Mr. CHAMBERLAIN. Mr. President, I ask unanimous consent for the present consideration of the resolution, because it only asks for information which I think the War Department can easily furnish.

Mr. THOMAS. I object, Mr. President.

Mr. CHAMBERLAIN. I have the floor, if the Senator will excuse me.

Mr. THOMAS. I object, just the same.

Mr. CHAMBERLAIN. The Senator has the right to object, but I have the floor. I think the Senator is a little bit discourteous to me. He has the right to object, but I have the right to the floor, and to maintain it without interruption from him for the purpose of objecting. I expected that there would be some objection to the resolution, Mr. President, but I ask for the information just the same; and if we do not get it at this time there will be a time during the deliberations of the Senate on this and other measures when the information will be forthcoming, or at least that part of it which may be furnished by the War Department or the other departments of the Government. If the Senator insists on his objection, I shall ask that the resolution go over until to-morrow.

Mr. THOMAS. Mr. President, I have no desire to be discourteous to my friend, and if he construes my objection, made perhaps somewhat prematurely, in that way, I certainly desire to apologize to him for any discourtesy that he may conceive to have been intended. I object, Mr. President.

Mr. CHAMBERLAIN. I ask that the resolution go over until to-morrow.

Mr. THOMAS. I desire to say, if I may be permitted, that my objection is not due to any desire to cut the Senator off or to prevent the consideration of this matter.

Mr. SMITH of Michigan. We can not hear the Senator.

Mr. THOMAS. I said that my objection was not due to any desire to cut the Senator off or to be in the slightest degree discourteous to him, but it is on account of the condition of the calendar for the day.

Mr. CHAMBERLAIN. I ask that the resolution may go over until to-morrow.

The VICE PRESIDENT. There being objection, the resolution goes over until to-morrow.

Mr. BRISTOW. Mr. President, I should like to inquire of the Senator from Colorado if he has any objection to the Senator from Oregon securing the information called for by the resolution? Was the objection of the Senator directed to the request for the information or to the resolution or to some language in it?



ators—but I ask no other rule applied to me on my motion that the Senate is not willing to apply to all equally.

The VICE PRESIDENT. The Secretary will read.

The resolutions were read and referred to the Committee on Inter-oceanic Canals, as follows:

NEW BRITAIN, CONN., March 15, 1914.

At the regular meeting of the Rev. W. A. Harty Branch of the Ancient Order of Hibernians, assembled to do honor to the martyr patriot, Robert Emmet, we, the 600 members of the above-named branch, proclaim anew our allegiance to this great Republic, in which so many of our people have found a home and to which they have given loyal and unstinted service from the Revolutionary struggle to the present day, coloring its battle fields with their blood and contributing their full share to the building of the strength and prosperity which have made it the greatest power on earth.

We claim to have earned the right to full citizenship given us by the law of the land, and which has ever been exercised unselfishly for the welfare and glory of these United States and the promotion and extension of the principles of government as established by the Father of our Republic.

We resent the attempt of a section of the daily press, inspired by foreign influence and acting for English interests, to restrict and limit our citizenship to the mere act of voting and to misrepresent our motives to our fellow citizens.

In civil life as well as in war our race have done their full duty to these United States, and never has that duty been more loyally performed than in our warnings, based on our better, more intimate, and more recent knowledge of English methods, who now seek by the insidious wiles of British diplomacy under the mask of peace to entangle our Government in the quarrels and rivalries of the Old World.

We congratulate Senator JAMES A. O'GORMAN, and Representatives UNDERWOOD, MANN, DOREMUS, KNOWLAND, KALIN, and MERDOCK for their true American spirit, manifested by their action on the free-tolls act.

We protest against the repeal of the free-tolls provision of the Panama Canal act at the dictation or solicitation of England.

We affirm that the free-tolls provision does not violate the Hay-Pauncefote treaty, and that England, having openly broken the Clayton-Bulwer treaty by annexing the Belize territory, is not in a position to charge the United States with a breach of national honor. She swept the sea of American commerce during the Civil War, and would now dictate the terms on which American ships are to compete with her ships in an American waterway built with American money.

We also congratulate Senator CHAMBERLAIN for the resolution he introduced into the Senate calling upon Ambassador Walter H. Page for an explanation of his speech in London, in which significant mention is made of the Monroe doctrine and the Panama Canal act; and we as citizens would favor his recall by the President of the United States if his utterances on that occasion were reported correctly by the American press of this country.

Resolved, therefore, That copies of these resolutions be sent to President Woodrow Wilson; Vice President Thomas R. Marshall; Secretary of State William J. Bryan; Hon. WILLIAM STONE; Hon. CHAMP CLARK, Speaker of the House of Representatives; Committee on Foreign Affairs; Committee on Inter-oceanic Canals; and to the Senators and Representatives from the State of Connecticut, with a request that they be printed in the CONGRESSIONAL RECORD.

T. C. SMITH, Chairman.  
J. F. MEEHAN, Secretary.

#### REPORTS OF COMMITTEES.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (S. 4233) authorizing the payment to the widow of Dorence Atwater of compensation for services rendered the United States of America, submitted an adverse report (No. 373) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 691) for the relief of Simon M. Preston (Rept. No. 375); and

A bill (S. 3808) to carry out the findings of the Court of Claims in the case of James Harvey Dennis (Rept. No. 374).

He also, from the same committee, to which was referred the bill (H. R. 1055) for the relief of T. S. Williams, reported it with an amendment and submitted a report (No. 380) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 4425) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, reported it with an amendment and submitted a report (No. 379) thereon.

Mr. SMITH of Georgia, from the Committee on Education and Labor, to which was referred Senate resolution 68, directing the Secretary of Labor to investigate and report upon mortality incident to various wage earners, reported it without amendment (Rept. No. 378).

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 1216) for the relief of Oakley Pandall, reported it without amendment and submitted a report (No. 376) thereon.

THERESA A. MURRAY.

Mr. BRISTOW. From the Committee on Claims I report back favorably with an amendment the bill (S. 75) for the relief of Theresa A. Murray, and I submit a report (No. 371) thereon.

Mr. WARREN. I ask unanimous consent that the bill may be taken up for passage.

The VICE PRESIDENT. Is there objection?

Mr. SMITH of Georgia. What is the bill?

Mr. WARREN. It is a bill for a payment to the widow of a Forest Service employee who was burned to death in the service of the United States, and who is destitute. Therefore I ask for its present consideration.

Mr. SMOOT. I am not going to object to the consideration of this bill, but I give notice that I shall object to further unanimous consents for the consideration of bills, because I should like the Senate to get to the calendar to-day if it is possible to do so.

Mr. JAMES. Mr. President, can we not have the bill read, so that we shall know what it is before unanimous consent is given for its consideration?

Mr. WARREN. I only ask for the present consideration of the bill because of the distressing circumstances surrounding the beneficiary. This beneficiary is a poor widow, with children, whose husband perished in service of the United States. The man was a forester, and in subduing a forest fire suffered injuries which caused his death.

Mr. JAMES. I have no purpose to object, if it is a proper bill.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Claims was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Theresa A. Murray, widow of John P. Murray, late assistant forest ranger, who died August 3, 1911, from injuries received while in the performance of his duty and without fault on his part, the sum of \$1,100, the amount of one year's salary at the rate of compensation which the said John P. Murray was receiving at the time of his death. And the sum of \$1,100 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

#### COST OF LIVING IN THE DISTRICT OF COLUMBIA.

Mr. KENYON. From the Committee on Education and Labor, I report back favorably, with amendment, the joint resolution (S. J. Res. 93) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable, and I submit a report (No. 377) thereon. I ask unanimous consent for the present consideration of the joint resolution.

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

Mr. SMOOT. I object.

The VICE PRESIDENT. Being an objection, the joint resolution will go to the calendar.

#### OLD POINT IMPROVEMENT CO.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 1495) to compensate the Old Point Improvement Co. for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point Va., reported the following resolution (S. Res. 313):

Resolved, That the bill (S. 1495) entitled "A bill to compensate the Old Point Improvement Co. for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Va., now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

#### YOSEMITE NATIONAL PARK.

Mr. WORKS. I am directed by the Committee on Public Lands, to which was referred the bill (S. 4943) to amend section 1 of an act of Congress approved April 9, 1912 (37 Stat., p. 80), entitled "An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes," to report it without amendment, and I submit a report (No. 372) thereon. Notwithstanding the statement made by the Senator from Utah [Mr. SMOOT], I ask unanimous consent that the bill may be taken up at this time. It is a matter of urgency, as I will explain, if the Senator from Utah requires that I shall do so.

Mr. SMOOT. I should like to have the Senator explain the bill.

Mr. WORKS. The bill is intended to allow the Interior Department to exchange lands with a lumber company in the Yosemite Park. The lumber company owns timber lands in that park in a conspicuous place, it has its mills established, and is

threatening to slash that timber. Negotiations have taken place between the Interior Department and the lumber company, by which they have agreed that that land, which is of great importance to the park as a part of its beauty, may be transferred for other timber lands further in the park and avoid the destruction of that timber. The company, being ready to proceed, is restless about it; it has been delayed so long that it is threatening to go on, and has a perfect right to go on, and destroy that timber. Therefore I think it quite important, in the interest of the park, that this bill should be speedily passed; and I hope that under those circumstances the Senator from Utah will not object to its consideration.

Mr. SMOOT. On the statement of the Senator from California I shall not object; but I wish to say that I think the Senator from California is in full sympathy with the position taken by many Senators here, that we ought to get to the consideration of the calendar.

Mr. WORKS. I am in sympathy with the Senator from Utah in that respect, and I should not ask for the consideration of this bill if it were not regarded as a matter of urgency.

Mr. KENYON. Mr. President, I am not going to object to the consideration of the bill, but I have this morning reported a joint resolution which is also a matter of some urgency, to which the Senator from Utah [Mr. Smoot] objected, he having announced that he would object to the consideration of any other business. I only want to call his attention to the discrimination which he is practicing toward the membership of the Senate.

Mr. SMOOT. Mr. President, I do not want the Senator from Iowa to think that I had, nor had I, any intention to make any discriminations. If the Senator's resolution is of an urgent nature and the defeat of its passage to-day will do any harm whatever to the Government or to anybody else, I will withdraw my objection to its consideration; but from what the Senator from California [Mr. Works] has said the bill reported by him relates to an urgent matter. It is for that reason, and that reason only, that I did not interpose an objection to its consideration.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 1 of an act of Congress approved April 9, 1912 (37 Stats., p. 80), entitled "An act to authorize the Secretary of the Interior to secure for the United States title to patented lands in the Yosemite National Park, and for other purposes," so as to read as follows:

SECTION 1. That the Secretaries of the Departments of Interior and Agriculture, for the purpose of eliminating private holdings within the Yosemite National Park and to preserve intact timber along and adjoining the roads in the scenic portion of the park on patented lands, are hereby empowered in their discretion to obtain and accept for the United States a complete title to any and all patented lands within the boundaries of said park by the exchange of timber or timber lands within the Yosemite National Park and the Sierra and Stanislaus National Forests for such lands and the timber thereon within the park, necessary conveyances of park and national forest timber or timber and lands to be made by said Secretaries, respectively. That the Secretaries of the said departments may, and are hereby authorized to, acquire title in fee by the exchange of lands of the United States for patented lands not exceeding 640 acres in the Sierra and Stanislaus National Forests, adjacent and contiguous to the Yosemite National Park, and when such patented lands are thus acquired said lands shall become a part of the Yosemite National Park and be subject to all the provisions of the act of October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations."

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

#### BILLS INTRODUCED.

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

By Mr. GRONNA:

A bill (S. 5051) to provide for the making of farm loans from the postal savings funds; to the Committee on Post Offices and Post Roads.

By Mr. SMITH of Georgia:

A bill (S. 5052) to reinstate Donald Marion McRae as a cadet at the United States Military Academy; to the Committee on Military Affairs.

By Mr. BRISTOW:

A bill (S. 5053) to correct the military record of James Anderson; to the Committee on Military Affairs.

A bill (S. 5054) granting an increase of pension to Hugh K. Godding; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 5055) to provide for the acquirement of about 25 acres of land adjoining the Frankford Arsenal, Philadelphia, including the right of way owned in fee simple by the railroad

crossing this land, etc.; to the Committee on Public Buildings and Grounds.

By Mr. KENYON:

A bill (S. 5056) granting an increase of pension to Thomas Dial; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 5057) to amend an act entitled "An act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia," approved February 9, 1907; to the Committee on the District of Columbia.

By Mr. STERLING:

A bill (S. 5058) granting an increase of pension to Charles W. Halls (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5059) authorizing the Secretary of War to donate one cannon to the town of New Preston, Conn.; to the Committee on Military Affairs.

By Mr. OWEN:

(By request) a bill (S. 5060) to reimburse William P. Morton, a citizen by blood of the Creek Nation of Indians, for land included within his allotment and taken from him and included in town site of Okmulgee, Okla.; and

(By request) a bill (S. 5061) to reimburse Lena E. Tiger, née Benson, a citizen by blood of the Creek Nation of Indians, for land included within her allotment and taken from her and included in town site of Wetumka, Okla.; to the Committee on Indian Affairs.

A bill (S. 5062) for the erection of a public building at Ponca City, Okla. (with accompanying papers); to the Committee on Public Buildings and Grounds.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHEPPARD submitted an amendment proposing to increase the appropriation for investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, forestry, etc., from \$75,000 to \$125,000, intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. ASHURST submitted an amendment proposing to increase the appropriation for biological investigations, etc., from \$21,500 to \$31,000, intended to be proposed by him to the Agriculture appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. RANSDALL submitted an amendment proposing to appropriate \$312,37 to the credit of the accounts of Col. James L. Wright, disbursing officer, Organized Militia of Louisiana, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

#### OMNIBUS CLAIMS BILL.

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

#### CONSTRUCTION OF REVENUE CUTTERS.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the bill (S. 4377) to provide for the construction of four revenue cutters, which was ordered to be printed, and, with the accompanying papers, ordered to lie on the table.

#### ORDINANCE OF SECESSION OF LOUISIANA.

Mr. RANSDALL submitted the following concurrent resolution (S. Con. Res. 19), which was read and referred to the Committee on Military Affairs:

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled and that is now in the possession of the War Department.*

#### IMPROVEMENT OF COLUMBIA RIVER.

Mr. JONES submitted the following concurrent resolution (S. Con. Res. 20), which was read and referred to the Committee on Commerce:

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, directed to have a survey made and estimate submitted as early as practicable of the cost of the improvement of the Columbia River between the town of Camas, Wash., and Ladys Island, with the view of securing a deepening of the channel between these points.*

ment of a standard box for apples; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY of Pennsylvania: Petitions of 150 citizens of McKeesport, Pa., and 300 citizens of Verona, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of the Brown-Wales Co., of Boston, Mass., favoring passage of House bill 14328 to prohibit false statements, etc., through the mails; to the Committee on the Post Office and Post Roads.

Also, memorial of the Live Stock National Bank, of Sioux City, Iowa, and Janney, Semple, Hill & Co., of Minneapolis, Minn., favoring passage of House bill 14328, relative to false statements through the mails; to the Committee on the Post Office and Post Roads.

By Mr. LIEB: Petitions of the Old Reliable Store, Atlas Mercantile Co., John M. Klenck Co., John Laval & Sons, Best Drug Co., West Side Herald, Gibson & Moore Coal Co., Crescent Coal Co., J. Trockman & Son, Fred Schroeder & Son, Evansville Leather & Belting Co., Uhl Pottery Co., Evansville Stove Works, Stern Stock & Co., and H. G. Newman Plumbing Co., all of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of the American Truth Society, of New York, opposing the repeal of the canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. W. A. Harty Branch, Ancient Order of Hibernians, of New Britain, Conn., opposing the repeal of the canal-toll laws; to the Committee on Interstate and Foreign Commerce.

By Mr. MCGILLICUDDY: Petition of citizens of Rockland and Camden, Me., protesting the enactment of legislation providing national prohibition of manufacture, sale, and transportation of alcoholic beverages; to the Committee on the Judiciary.

By Mr. MCKENZIE: Petitions of various members of the First Presbyterian Church of Rochelle, 26 citizens of Crompton, 403 citizens of Polo, and 60 citizens of Amboy, all in the State of Illinois, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of E. H. Chamberlain, of Erie, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. MOORE: Petition of the social service division of the board of directors of the Christian Association of the University of Pennsylvania, favoring House bill 12242, the Federal child-labor bill; to the Committee on Labor.

By Mr. J. I. NOLAN: Petition of Daniel J. Riordan and 27 other citizens of San Francisco, Cal., protesting against the passage of House joint resolution 168 and Senate joint resolutions 50 and 88, relative to national prohibition; to the Committee on the Judiciary.

By Mr. O'BRIEN: Petition of Manhattan Camp, No. 1, Department of New York, Spanish War Veterans, approving House bill 7374, providing pensions for widows of Spanish War veterans; to the Committee on Pensions.

Also, memorial of veterinary inspectors of the Bureau of Animal Industry Employees' Association, of New York City, indorsing House bill 9292, relative to salaries of employees in Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

Also, petition of David W. Beaumel, of 35 Ann Street, New York City, protesting against House bill 13723, the anticoupon bill; to the Committee on Ways and Means.

Also, petition of American Eagle Council, No. 107, Daughters of Liberty, of Brooklyn, N. Y., favoring the passage of the immigration bill (H. R. 6060); to the Committee on Immigration and Naturalization.

Also, petition of the Francis Scott Key Branch, American Continental League, Brooklyn, N. Y., protesting against the "One hundred years of peace celebration among English-speaking people"; to the Committee on Foreign Affairs.

Also, petition of W. E. Tension, of New York, and various Spanish War veterans of New York, favoring Spanish War pension bill; to the Committee on Pensions.

Also, petitions of J. S. C. Phillips, of Brooklyn; New York Typographical Union, No. 6; M. J. Conway, of Woodhaven; and F. Lohmiller, Frederick Kleine, William Zeigler, and E. J. Tanbenspeck, of Brooklyn, all in the State of New York, favoring the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of George L. Gaynor and Charles J. Marquart, of Brooklyn, N. Y., favoring the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the United States Customs Guards' Mutual Benefit Association, indorsing House bill 7217, relative to salaries for customs guards; to the Committee on Ways and Means.

Also, memorial of the managers of the New York Produce Exchange, opposing Senate bill 121, relative to Federal inspection of grain; to the Committee on Agriculture.

Also, petition of John Maier and sundry citizens of Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of District Grand Lodge No. 1, Independent Order of B'nai B'rith, against literacy test in immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of J. E. King, of Corning, N. Y., indorsing the Owen-Goeke bill, relative to fraud in gold filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of James Massey, of 372 Benedict Avenue, Woodhaven, N. Y., and other citizens of New York, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. O'LEARY: Petition of the New York Produce Exchange, against Senate bill 121, relative to standardization of grain; to the Committee on Agriculture.

By Mr. BAKER: Letter from Clarence Edward Ide, of Los Angeles, Cal., favoring House bill 12292, the Federal child-labor bill; to the Committee on Labor.

Also, resolutions of San Francisco Typographical Union, No. 21, of San Francisco, Cal., protesting against any increase in the postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, letter from Rollins-Noble Camp, No. 15, United Spanish War Veterans, of San Bernardino, Cal., favoring House bill 13044, providing pensions for widows of Spanish War veterans; to the Committee on Pensions.

By Mr. SABATH: Petition of the Chicago Association of Commerce, favoring passage of House joint resolution 183, relative to investigating trade conditions in China; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: Petition of sundry citizens of New Jersey, against national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens and churches of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WILLIAMS: Petition of Frank Bassett and six other citizens of Shermerville, Ill., protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of 270 citizens of Clyde, 30 citizens of Atlas, 180 citizens of Hazelton, 53 citizens of North Henderson, 75 citizens of Savannah, and 150 citizens of Oceana, all in the State of Illinois, favoring national prohibition; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of Mr. Isaac Keninila and others of Wing, N. Dak., for an investigation of terminal grain markets and stock gambling; to the Committee on Agriculture.

Also, petitions of various business men of Bismarck, N. Dak., favoring passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

## SENATE.

THURSDAY, March 26, 1914.

Rev. Ulysses G. B. Pierce, D. D., of the city of Washington, offered the following prayer:

O Lord, our heavenly Father, we know that Thou hast neither dawn nor eventide, seeing that Thine all beholding eye sleepeth not nor slumbereth. Yet unto us Thou dost bestow the great boon of the alternate mercies of night and of day. And now that Thou hast raised us from the darkness and death of the night to the life and light of a new day we consecrate to Thee Thine own priceless gift. Work in us, we humbly beseech Thee, this day to will and to do Thine own good pleasure, that in all things this day we may glorify Thee, who art our God and our Savior. And unto Thee will we render all praise now and forevermore. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. Smoot and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### MESSAGE FROM THE HOUSE.

A message from the House, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 14330) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor, in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (S. 4250) to authorize the county commissioners of Skagit County, Wash., to construct a bridge across the Swinomish Slough opposite the town of La Conner.

The message further announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13612) making appropriations to supply urgent deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, recedes from its disagreement to the amendments of the Senate Nos. 29 and 39, and agrees to the same; insists upon its disagreement to the residue of the amendments of the Senate; requests a further conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. FITZGERALD, Mr. BARTLETT, and Mr. GILLET managers at the further conference on the part of the House.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 9671. An act to appropriate \$5,000 to erect a suitable monument on the battle grounds at the Horse Shoe, on the Tallapoosa River, in the State of Alabama; and

H. R. 9897. An act to amend section 12 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909.

#### PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a memorial of Edward J. Fogarty, warden of the Indiana State prison, Michigan City, Ind., remonstrating against the enactment of legislation to prohibit the interstate shipment of convict-made goods, which was referred to the Committee on Education and Labor.

Mr. WEEKS presented a memorial of East Boston Young Men's Hebrew Association, of Massachusetts, remonstrating against the enactment of legislation to provide a literacy test for immigrants to this country, which was ordered to lie on the table.

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

He also presented petitions of sundry citizens of Indianapolis, Goodland, Dale, New Lebanon, Terre Haute, Kokomo, Uniondale, Hartford City, Decatur, Greencastle, Clinton, La Fayette, Brook, and Monroe, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Indianapolis, Ind., remonstrating against the repeal of the exemption clause of the Panama Canal act, which was referred to the Committee on Inter-oceanic Canals.

Mr. BRANDEGEE presented a memorial of sundry citizens of New Haven, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

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

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

He also presented a memorial of Johnathon Sells Camp, No. 321, Ohio Division, Sons of Veterans, of New Comerstown, Ohio, remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Columbus, Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Cleveland, Ohio, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of Local Union No. 1324, United Mine Workers of America, of Moxahala, and a petition of Local Union No. 509, United Mine Workers of America, of Roswell, Ohio, praying that an investigation be made of the conditions

existing in the mining district of Colorado, which were ordered to lie on the table.

Mr. SHIVELY presented petitions of sundry citizens and religious organizations in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of Hoosier Lodge No. 261, Brotherhood of Railway Trainmen, of Indianapolis, Ind., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a memorial of sundry retail jewelers of Fort Wayne, Ind., remonstrating against the enactment of legislation making it illegal to stamp time guaranties on gold-filled watchcases, etc., which was referred to the Committee on the Judiciary.

Mr. OWEN presented a petition of sundry citizens of Pottawatomie County, Okla., praying for the enactment of legislation to enable Indians to meet the assessments against their lands embraced in Salt Creek drainage district No. 1, which was referred to the Committee on Indian Affairs.

Mr. NORRIS presented petitions of sundry citizens of Friend, Merriam, and Dorchester, all in the State of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of sundry citizens of Albion, Cal., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Seventh-day Adventists Church of Mountain View, the Presbyterian Church of San Luis Obispo, the First Presbyterian Church of San Jose, and the First Baptist Church of Ukiah, all in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the City Teachers' Association of Los Angeles, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Education and Labor.

Mr. TOWNSEND presented a memorial of sundry citizens of Saginaw, Mich., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of Bear Creek Grange, Patrons of Husbandry, of Petoskey, Mich., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. LODGE presented memorials of sundry citizens of New Bedford, Fall River, Taunton, and Bristol, all in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Division No. 3, Ancient Order of Hibernians, of Worcester, Mass., remonstrating against the repeal of the exemption clause of the Panama Canal act, which was referred to the Committee on Inter-oceanic Canals.

Mr. NELSON presented memorials of sundry citizens of Mankato and Minneapolis, in the State of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of Pap Thomas Post, No. 30, Grand Army of the Republic; the J. C. Congdon Circle, No. 89, Ladies of the Grand Army of the Republic; and the Pap Thomas Woman's Relief Corps, No. 47, all of the city of Brainerd, in the State of Minnesota, remonstrating against any change being made in the American flag, which were referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented a petition of sundry citizens of Detroit, Mich., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a memorial of Local Union No. 150, United Garment Workers of America, of Detroit, Mich., remonstrating

ing against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of Stevens Relief Corps, No. 161, Women's Relief Corps, of East Jordan, Mich., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

He also presented a petition of Cambria Grange, No. 24, Patrons of Husbandry, of Hillsdale, Mich., and a petition of Pine River Grange, No. 1518, Patrons of Husbandry, of St. Clair, Mich., praying for the enactment of legislation to establish a system of rural credits, which were referred to the Committee on Banking and Currency.

He also presented petitions of the Woman's Mission Society of the First Baptist Church, of Ludington; and of sundry citizens of Benzonia and Ludington, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

#### CROP VALUES OF LOS ANGELES COUNTY, CAL.

Mr. WORKS. Mr. President, I have here a short bulletin of the Department of Commerce, Bureau of the Census, relating to agriculture, which I ask to have read.

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

The Secretary read as follows:

#### RANK OF COUNTIES BY VALUE OF CROPS.

DEPARTMENT OF COMMERCE,  
BUREAU OF THE CENSUS,  
Washington, D. C., March 25, 1914.

Los Angeles County, Cal., took the first rank as regards value of crops of all the 2,950 counties of the United States, according to the final report on the census of agriculture, 1910, by Director William J. Harris, of the Bureau of the Census, Department of Commerce. Lancaster County, Pa., ranked second as regards value of the production of crops; McLean County, Ill., was third; Whitman County, Wash., fourth; Livingston County, Ill., fifth; Iroquois County, Ill., sixth; La Salle County, Ill., seventh; and Aroostook County, Me., eighth.

The valuation (at the farm) of the crops raised in Los Angeles County, Cal., according to the census, was \$14,720,900; Lancaster County, Pa., \$13,059,300; McLean County, Ill., \$12,811,500; Whitman County, Wash., \$12,540,700; Livingston County, Ill., \$11,377,300; Iroquois County, Ill., \$10,607,800; La Salle County, Ill., \$10,222,200; and Aroostook County, Me., \$10,151,000. The total valuation of the crops raised in these eight counties was \$95,491,000, or about 2 per cent of the total valuation of all crops raised in the United States, which was \$5,487,161,000.

The principal crops raised in Los Angeles County, in the order of their value, were fruits, etc., hay and forage, live stock, dairy products, etc., and vegetables; of Lancaster County, Pa., corn, wheat, and oats, and live stock and dairy products; of McLean County, Ill.; Whitman County, Wash.; Livingston County, Ill.; and La Salle County, Ill., corn, wheat, oats, and cereals; and of Aroostook County, Me., potatoes and vegetables. The principal crops of the United States, in the order of their value, were the cereals, corn, wheat, oats, etc., hay and forage, and cotton.

Some interesting data are presented by the figures for the value per acre and per capita of the crops raised in these eight banner counties of the United States. The figures for Los Angeles County show that the total value of the crops raised there averaged \$35 per acre and \$23 per capita (the city of Los Angeles, being the chief reason for the low rate per capita); for Lancaster County, Pa., \$28 per acre and \$78 per capita; for McLean County, Ill., \$18 per acre and \$188 per capita; Whitman County, Wash., \$14 per acre and \$377 per capita; Livingston County, Ill., \$18 per acre and \$28 per capita; Iroquois County, Ill., \$16 per acre and \$298 per capita; La Salle County, Ill., \$17 per acre and \$113 per capita; and Aroostook County, Me., \$23 per acre and \$136 per capita. The corresponding crop value figures (at the farm) for the United States for the same year were \$16 per acre and \$60 per capita.

Mr. WORKS. One correction should be made in the statement. The population of Los Angeles is given at 320,000, as shown by the last census, while, in fact, the city of Los Angeles now has a population of over half a million and is the largest city in population on the Pacific coast.

#### DOMMICK TAHENY AND JOHN W. MORTIMER.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 1058) for the relief of Dommick Taheny and John W. Mortimer, reported it without amendment and submitted a report (No. 383) thereon.

#### BILLS INTRODUCED.

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

By Mr. TOWNSEND:

A bill (S. 5063) to correct the military record of Clark G. Russell (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5064) granting an increase of pension to Thomas (with accompanying papers); to the Committee on Pen-

By Mr. GALLINGER:

A bill (S. 5065) to correct the military record of Mirick R. Burgess; and to the Committee on Military Affairs.

By Mr. BRISTOW:

A bill (S. 5066) to increase the authorization for a public building at Osage City, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. SHERMAN:

A bill (S. 5067) concerning crimes against the elective franchise in the election of United States Senators, Representatives, and Delegates in the Congress of the United States of America; and

A bill (S. 5068) concerning the elective franchises in elections for United States Senators, Representatives, and Delegates in the Congress of the United States of America; to the Committee on Privileges and Elections.

By Mr. KERN:

A bill (S. 5069) for the relief of Thomas Purdell; to the Committee on Military Affairs.

A bill (S. 5070) granting an increase of pension to Oscar S. Pomeroy (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 5071) granting an increase of pension to George F. Beymer (with accompanying papers); to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILL.

Mr. BRYAN (for Mr. FLETCHER) submitted an amendment proposing to amend the act of August 30, 1890, so as to authorize the Secretary of Agriculture to permit the opening of the port of Tampa, Fla., for the admission of cattle for slaughtering purposes, from Venezuela, Honduras, and Mexico, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. BRADY submitted an amendment proposing that when any forest reserves extend into more than one State the distributive share to each State and the counties wherein the reserve is situated shall be proportioned to the amount of money received from that portion of the forest reserve situated in that State, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

#### OMNIBUS CLAIMS BILL.

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

#### THE COMMITTEE ON BANKING AND CURRENCY.

Mr. OWEN submitted the following resolution (S. Res. 318), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Banking and Currency in preparing a bill relating to rural credits is hereby authorized to employ the assistance of a financial expert to advise on technical points involved, at a salary not to exceed \$25 per day while so employed, the total amount to be paid for such purpose not to exceed \$500, to be paid from the contingent fund of the Senate upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

#### PANAMA CANAL TOLLS.

Mr. LEWIS. Mr. President, I tender a resolution on the subject of Panama Canal tolls. It is in the usual form, and I should like to have it read.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 319), as follows:

*Be it resolved by the United States Senate*, That, in pursuance of the true American doctrine of equal and exact justice to all, special privilege to none, that it is expedient and just that all vessels or tonnage passing through the Panama Canal shall bear and pay a sum of compensation so adjusted as shall compensate for expense and upkeep of the canal.

That the amount and method of payment of such tolls shall be regulated jointly by the Secretaries of War and the Treasury, with the approval of the President of the United States.

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

Mr. CHAMBERLAIN. I object.

Mr. LEWIS. May I be pardoned? The immediate consideration of the resolution is not desired.

The VICE PRESIDENT. The resolution will go over under the rule.

#### TRADE WITH SOUTH AMERICA.

Mr. WEEKS. I submit a resolution, which I ask to have read and given immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 317), as follows:

Whereas it is desirable to develop and extend commercial relations between the United States and the countries of South America by the establishment of direct lines of communication for carrying the United States mail and for the transportation of passengers and freight; and

Whereas private capital has not engaged in this service to a sufficient extent to furnish facilities comparable to those enjoyed by the people of other countries having trade relations with South America: Therefore it is

*Resolved*, That the Secretary of the Navy be, and he is hereby, directed to cause to be prepared, in detail, a plan for the establishment of a line of ships to run between the cities of New York and New Orleans and the city of Valparaiso, Chile, and intermediate ports, to consist of the cruisers *Columbia* and *Minneapolis* and the scout cruisers *Salem*, *Chester*, and *Birmingham*, and that the information requested in this resolution shall include the following:

1. The time required by these ships to make a round trip between the ports named.

2. The number of passengers which could be carried in each ship as now equipped or with any changes that would not impair their usefulness if required in the naval service.

3. The amount of freight that each ship could carry under similar conditions; this estimate to include mail as well as freight.

4. The number of naval officers and seamen required to man the ships engaged in the service which is proposed.

5. The probable cost of the service, including the pay of the officers and men employed in connection with it, and all other necessary elements, such as wharfage in the cities where the ships would touch, fuel, repairs, and maintenance of every description.

6. The cost of such necessary changes as may be required to put the ships named in condition for such service, in removing unnecessary military equipment, and any other changes necessary in order to carry passengers and freight safely and to adequately perform the service proposed in this resolution.

7. An expression of opinion by the department as to whether the above-named ships can be used for such purposes without impairing their usefulness for naval purposes should their prompt return to the naval service be required.

Mr. SWANSON. I hope the Senator from Massachusetts will consent to have the resolution go to the Committee on Naval Affairs.

Mr. WEEKS. Before that is done I should like to make a few comments on the resolution. Perhaps the Senator from Virginia after I have done so will be willing to have the resolution adopted without going to the committee.

Mr. President, at the present time South American mails are sent at long and sometimes irregular intervals, and all American mails south of the Equator are carried in vessels sailing under a foreign flag. It is the purpose of this resolution to call for the information which it is believed will justify using fast cruisers of the Navy as a mail line to Valparaiso via the Panama Canal. These ships are of two types, the second-class cruisers *Columbia* and *Minneapolis*, carrying light batteries, having a trial speed of about 23 knots, and the scout cruisers *Birmingham*, *Chester*, and *Salem*, without substantial batteries, having a trial speed ranging from 24½ to 26½ knots an hour. These vessels, especially the three scout cruisers, are not built for fighting purposes, but are in the time of war the eyes of the fleet, furnishing information, which their great speed will enable them to do. In time of peace they are not useful ships, because they have not the guns which would make them available for training purposes.

At this time our mail service to Brazil, Argentina, and Uruguay is carried by the Lamport & Holt Line, which makes regular sailings from New York, or by other steamers which are temporarily available for that purpose—most of the mail being carried by the Lamport & Holt Line—the other ships used in this service being those of the Prince, Norton, Houston, Barber, and American-Rio Plata Lines. Many of these companies are subsidiary to the English Royal Mail Line, and it is believed that the Lamport & Holt Line is controlled by that company. Our mails to the west coast, after reaching the Isthmus, are forwarded to their destination by a weekly service under the terms arranged by the Universal Postal Convention. At present some mails for Argentina and Uruguay are sent by this route, but the service is very slow, and this, it may be easily assumed, militates against the development of our trade with South America.

It takes at the present time 7 days to carry the mail to the Isthmus and from 22 to 24 days to deliver it at Valparaiso, the shortest time being at least 22 days, and a proportional time to Guayaquil, Ecuador, which is 900 miles south of Panama, and Callao, Peru, which is 1,400 miles south of Panama, is required. By using the vessels of the Navy which I have mentioned and running them at a 15-knot speed, which is an economical rate for them to make, they would carry substantially coal enough so that by replenishing their supply at Valparaiso and recouling at Panama they could make the trip from New York, stopping at the Isthmus and Callao, in about 13 days, or mail could be delivered in Valparaiso, Buenos Aires, and Montevideo from 7 to 9 days quicker than can be done either by the east or west coast routes.

It is believed these vessels could without any considerable expense be arranged to carry a considerable number of first-class passengers, and the amount of freight which they could carry would probably be sufficient to pay the expenses of the line from the beginning. I am opposed to Government ownership of transportation lines; and, generally speaking, in my judgment the Government is the least economical and in many cases the least effective business agency. If later on private capital undertakes the building and running of a line of steamers over this route, I should be inclined to withdraw the Government line, on the theory that it is unwise to put the Government in competition with private capital in such service; but that is a matter which may be properly considered when the service is once established and we are assured of our legitimate share in South American trade.

We are in the position of having spent \$400,000,000 in the building of a canal, one of the reasons for doing so being that it would aid in the extension of our foreign trade; but as far as I know there are no American steamers prepared to undertake this service. From Panama south there is a Chilean, a Peruvian, and an English line, the latter controlled by the Royal Mail. English and German shipping interests are alive to the possibilities to be derived from the opening of the canal. They know that if they once secure lines of trade that it is difficult for others to successfully get into the same field. I am informed that the English Government has very recently increased the subsidy to the Royal Mail Line \$360,000 a year for the express purpose of extending and developing this particular service; and as we are not prepared to cover the field in any other way and this Government owns ships which are not useful for any other purpose in time of peace, why not use them in developing such a trade? It seems to me that we might fairly be criticized if we fail to authorize this line and have it ready for operation the day the canal opens.

At the present time the foreign trade of Ecuador, Peru, and Chile amounts to \$340,000,000. The eastern ports of the United States, by way of the canal, will be several days nearer this trade than are our commercial rivals. We at the present time control about 30 per cent of the trade of Ecuador, less than 25 per cent of the trade of Peru, and less than 15 per cent of the trade of Chile. Great Britain and Germany control the larger part of the balance. The trade of either of these nations with Chile amounts to more in dollars and cents than our total trade with the Pacific coast nations of South America. If this fast mail line were established, it would undoubtedly very greatly develop our business in the important ports of Montevideo and Buenos Aires, which are less than two days by railroad from Valparaiso. Argentina and Uruguay have a foreign trade amounting to much more than a billion annually, that of Argentina alone being more than \$900,000,000. We obtain an insignificant part of this trade, compared with what we might have if we had better, more frequent, and quicker connections. I should add that the steamers running from New Orleans will make the run to Valparaiso about two days quicker than from New York, which might be important in the delivery of freight, if not so important in the mail service, and it may be desirable to run steamers alternately from New York and New Orleans if this line is established.

All this possibility is an attractive picture, and it will be a long step in the development of our trade in South America if we take prompt action to firmly establish this line of steamers. It would be an inspiring thought for the American people that a ship flying the American flag, carrying American mail, passengers, and freight, will be ready and waiting at the Atlantic gates of the canal to continue her trip to the western ports of South America—the first merchant ship to pass through the canal.

I hope the Senator from Virginia will not object to the adoption of the resolution.

Mr. SWANSON. Mr. President, first I desire to suggest an amendment to the resolution. I should like to include the cities of New York, Norfolk, and New Orleans. I should want to have Norfolk included in any estimate made.

Mr. WEEKS. Mr. President, I have not intended in the resolution to refer specifically to cities of this country. I should say, generally speaking, that it might be wise to have these ships, if the line is established, run alternately from New York and from New Orleans. I want to state to the Senator from Virginia that it was not my purpose or my thought that the line should start from Boston. I am looking at it from the larger national standpoint rather than the local standpoint.

Mr. SWANSON. I should like to say, in that connection, that so far as Norfolk is concerned it is not from any local standpoint that I view it. Great lines of railroad connect from the West and South. There is as large a territory

Also, memorial of Commodore Perry Council, No. 14, Junior Order United American Mechanics, of Wakefield, R. I., favoring passage of Senate bill 2337, to create a coast guard; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKEAD of New Jersey: Petitions of sundry citizens of the eighth congressional district of New Jersey, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. L'ENGLE: Papers to accompany a bill (H. R. 15101) for relief of heirs of Charles Morgan; to the Committee on War Claims.

By Mr. LIEB: Petitions of Neitert Produce Co.; Fisher Raphael Co.; Gottman & Weber; Standard Brick Manufacturing Co.; William E. French Co.; Lahr-Bacon Co.; F. Grote Manufacturing Co.; Evansville Brass Works; Imperial Desk Co.; Evansville Planing Mill Co.; John G. Hast, dry goods; West Side Clothing Co.; A. C. Koch Co.; Evansville Plumbing Co.; and Alexander's Drug Shop, all of Evansville, Ind., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of the William Rahr Sons' Co., of Manitowoc, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the Merchants' National Bank of Norwich, of Norwich, Conn., in re New York, New Haven & Hartford Railroad Co. affairs; to the Committee on the Judiciary.

By Mr. McDERMOTT: Petitions of F. T. White and others, citizens of Chicago, Ill., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. O'BRIEN: Memorial of the New York Times chapel Typographical Union No. 6, and Joseph Benrime, of Brooklyn, N. Y., favoring the Bartlett-Bacon anti-injunction bills; to the Committee on the Judiciary.

By Mr. PAYNE: Petitions of sundry citizens of Canandaigua, Geneva, Penn Yan, and Waterloo, all in the State of New York, favoring national prohibition; to the Committee on the Judiciary.

By Mr. POST: Petitions of 600 members of Washington Court of Honor of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Letter from Henry C. Bidle, of Ambler, Pa., favoring the cumulative voting system in national banks; to the Committee on Banking and Currency.

Also, letter from the William Rahr Sons Co., of Manitowoc, Wis., protesting against national prohibition legislation; to the Committee on the Judiciary.

By Mr. REILLY of Connecticut: Petitions of sundry citizens of Meriden, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of the New York Times Chapel, favoring passage of the Bartlett-Bacon anti-injunction bill; to the Committee on the Judiciary.

Also, petition of the Rev. W. A. Harty Branch of the Ancient Order of Hibernians, protesting against repeal of canal tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Thames National Bank, of Norwich, Conn., protesting against dismemberment by the Government of the New York, New Haven & Hartford Railroad; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Evidence in support of a bill for the relief of Mrs. Lucius B. Wright; to the Committee on Invalid Pensions.

By Mr. SCULLY: Petitions of sundry citizens and church organizations of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEINERSON: Petition of settlers in Minnesota who purchased land under the act of February 20, 1904, in favor of House bill 12290, to restore the homestead right to them; to the Committee on the Public Lands.

Also, petition of sundry citizens of Minnesota, favoring a national farm-land bank; to the Committee on Banking and Currency.

By Mr. TEMPLE: Petition of 90 citizens of Beaver Falls, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petition of 880 citizens of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of W. H. Bryenton and 29 other citizens of Morrow County, Ohio, in favor of House joint resolution 168, relating to national prohibition; to the Committee on the Judiciary.

Also, petition of Joseph Stein, of Marion, Ohio, against House joint resolution 168, relating to national prohibition; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of Major General George F. Elliott Camp, No. 84, Department of New York, United Spanish War Veterans, favoring passage of House bill 13044, the widows and orphans' pension bill; to the Committee on Pensions.

## SENATE.

FRIDAY, March 27, 1914.

Rev. Ulysses G. B. Pierce, D. D., of the city of Washington, offered the following prayer:

Almighty God, our heavenly Father, who didst send Thy Son into the world to establish a kingdom of peace on earth and of good will toward men, as we present ourselves before Thee as the willing instruments of Thy righteous will, we humbly pray Thee to quicken in our minds the vision of the glories of Thy spiritual kingdom, and by the inspiration of Thy Holy Spirit so to move us that we may so labor that the kingdoms of this world may become the kingdom of our God and of His Christ. And unto Thee, our Father and our God, will we render all praise, now and forevermore. Amen.

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

## REVENUES OF RAIL CARRIERS, ETC.

The VICE PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, acknowledging the receipt of the resolution of the Senate of March 23 requesting copies of evidence and exhibits before the commission in the pending rate increase cases, which was referred to the Committee on Interstate Commerce.

## PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of Darwin M. Aldrich Camp, No. 9, United Spanish War Veterans, of Keene, N. H., praying for the enactment of legislation granting pensions to widows and minor children of soldiers and sailors who served in the Spanish-American War, which was referred to the Committee on Pensions.

He also presented the petition of Benjamin Johnson, of Rochester, N. H., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

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

He also presented petitions of sundry citizens of Evansville, Indianapolis, Huntington, Goodland, Darlington, and Greenwood, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. STERLING presented a memorial of Hope Chapel Local Union, No. 3, Ethan, S. Dak., remonstrating against the enactment of legislation to provide a national farm-land bank system, which was referred to the Committee on Banking and Currency.

Mr. WARREN presented a petition of the congregation of the Methodist Church of Lander, and a petition of the Woman's Club of Laramie, Wyo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented memorials of sundry citizens of Rutland, Burlington, and Winooski, all in the State of Vermont, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of St. Johnsbury, Vt., praying for the repeal of the toll-exemption clause in the Panama Canal act, which was referred to the Committee on Inter-oceanic Canals.

He also presented memorials of sundry citizens of Brattleboro and Jamaica, in the State of Vermont, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the Judiciary.

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

He also presented a petition of 300 citizens of New Orleans, La., and a petition of 25 citizens of Lafayette, La., praying for

the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD presented memorials of sundry citizens of Houston, Fairbanks, San Antonio, and Cibola, all in the State of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Dallas, Denison, Atlanta, and Gilmer, all in the State of Texas, and a petition of the Sunday School of the Foundry Methodist Episcopal Church, of Washington, D. C., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of sundry citizens of Vincennes, Vigo, Indianapolis, Anderson, Evansville, and Terre Haute, all in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

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

Mr. POINDEXTER presented a memorial of the Woman's Relief Corps, Auxiliary of the Grand Army of the Republic, of Seattle, Wash., remonstrating against any change being made in the United States flag, which was referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming presented a petition of 70 citizens of Pine Bluff, Wyo., and a petition of 50 citizens of Laramie, Wyo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JONES presented petitions of the congregations of the First Methodist Church of Blaine; the Plymouth Congregational Church, of Colfax; and the Immanuel Presbyterian Church, of Tacoma, all in the State of Washington, praying for a suspension for one year of the naval programs of the great powers and the negotiation of treaties of arbitration with England and other countries, which were referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Seattle, Wash., praying for the enactment of legislation to create a commission to provide for the celebration of the centenary of the signing of the treaty of Ghent and the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Seattle, Walla Walla, Spokane, Everett, Bellingham, and Tacoma, all in the State of Washington, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Vancouver, Farmington, Battleground, and Snohomish, all in the State of Washington, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of the Society of Master House Painters and Decorators of Connecticut, remonstrating against the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, etc., which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of sundry citizens of Gloucester, Rockport, Essex, and Manchester, all in the State of Massachusetts, praying for the enactment of legislation to prevent discrimination in prices and to provide for the publicity of prices to dealers and the public, etc., which was referred to the Committee on Interstate Commerce.

He also presented a petition of Stephen J. Ryan Camp, No. 7, United Spanish War Veterans, of Lawrence, Mass., and a petition of Roger Wolcott Camp, No. 23, United Spanish War Veterans, of Boston, Mass., praying for the enactment of legislation granting pensions to widows and minor children of soldiers and sailors who served in the Spanish-American War, which were referred to the Committee on Pensions.

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

He also presented a petition of the Anti-Food-Trust League, of Seattle, Wash., praying for the enactment of legislation to regulate and control the cold storage of food, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Fern Bluff Grange, No. 267, Patrons of Husbandry, of Sultan, Wash., praying for the enactment of legislation to establish a system of rural credits, which was referred to the Committee on Banking and Currency.

Mr. CLAPP presented a memorial of sundry citizens of Duluth, Minn., remonstrating against the enactment of legislation to repeal the compensatory time privilege of post-office employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Brook Park and Mora, both in the State of Minnesota, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of the National Association of the Deaf, of Columbus, Ohio; the State School for the Deaf, of Columbus, Ohio; of Chicago Chapter, Illinois Association of the Deaf, of Chicago, Ill.; and of Pittsburgh League of the Deaf, of Pittsburgh, Pa., praying for the enactment of legislation to establish a bureau for the deaf and dumb in the Department of Labor, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Lake City, Minn., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of the congregations of the Swedish Lutheran Church of Holmes City, the First Presbyterian Church of Pipestone, and the First Presbyterian Church of Mora, all in the State of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of St. Paul, Hastings, Red Wing, Perham, Mankato, and Minneapolis, all in the State of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 1149) to correct the military record of Seth Watson, reported it with an amendment and submitted a report (No. 382) thereon.

He also, from the same committee, to which was referred the bill (S. 4045) to correct the military record of John Chick, reported it with amendments and submitted a report (No. 383) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

A bill (S. 1576) to correct the military record of Charles Bowen (Rept. No. 384); and

A bill (S. 3472) granting an honorable discharge to Franklin Martin (Rept. No. 385).

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (S. 3752) to authorize the construction of a lighthouse at Willapa Harbor, Wash., reported it with amendments and submitted a report (No. 386) thereon.

Mr. CHAMBERLAIN, from the Committee on Commerce, to which was referred the bill (S. 4875) to authorize the Secretary of Commerce to exchange rights of way in connection with lands pertaining to the Lighthouse Service, reported it without amendment and submitted a report (No. 388) thereon.

#### CENSUS OF TULSA, OKLA.

Mr. OWEN. I report back favorably, without amendment, from the Committee on the Census the bill (S. 4601) to authorize the Director of the Census to enumerate the population of the city of Tulsa, State of Oklahoma. It is a very short bill, and I ask for its present consideration.

Mr. SMOOT. I should like to ask the Senator from Oklahoma if there is any real hurry for the passage of the bill?

Mr. OWEN. Yes; there is. The prestige of a town depends upon its size. Tulsa has doubled in size within the last two years. There are now probably 30,000 people in it, whereas the census gives it only about 16,000 or 18,000.



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

The amendment to the amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I wish now to present, perfected, the amendment which was printed several days ago, and which I then suggested for the consideration of the Senate. I have eliminated certain features in the amendment to which some Senators objected. The amendment as now proposed meets with the approval of the Senator from South Carolina [Mr. SMITH], the Senator from Louisiana [Mr. RANSDELL], the Senator from North Carolina [Mr. OVERMAN], and those of us who have been working on this matter.

The PRESIDING OFFICER. Is the amendment proposed by the Senator from Georgia proposed as an amendment to the substitute of the Senator from South Carolina?

Mr. SMITH of Georgia. It is proposed as an amendment to the substitute.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment proposed by the Senator from Georgia.

The SECRETARY. In section 1, page 1, line 9, of the reprint of the substitute, after the word "cotton," it is proposed to strike out the remainder of the paragraph, and in lieu thereof to insert:

To comply with the following conditions:

That such contract shall specify the number of bales of cotton involved in the contract, the price per pound of middling cotton, hereinafter called the basis grade, at which the cotton is contracted to be bought or sold, the date of the purchase or sale, and the month in which the contract is to be fulfilled or settled, and provide that the cotton therein mentioned or dealt with shall be within the grade limits fixed by the Secretary of Agriculture, to wit, within the limits of middling fair and good ordinary, inclusive, of Government standards, and no other grade or grades, and provide that in the settlement of such contract by the actual delivery of the cotton other than the basis grade, the difference above or below the contract price which shall be paid for such grades shall be determined as hereinafter provided.

That for the purposes of this paragraph the differences above or below the contract price which shall be paid for grades above or below the basis grade, in the settlement of a contract for the future delivery of cotton, by the actual delivery of the cotton involved therein, shall be determined by the actual commercial differences in value thereon, established by bona fide sales of spot cotton of the same grades, respectively, made in the course of actual trade, upon the sixth business day prior to the settlement of the contract, in the market where the future transaction involved takes place and is consummated; and in the event that there be no bona fide spot market in which spot sales are made from day to day, at or in the place in which such future transaction takes place, then, and in that case, the said average differences in value in the spot markets at five places designated by the Secretary of Agriculture, as the said average differences were established by the sales of spot cotton of the same grade, respectively, in such five markets upon the sixth business day prior to the settlement of the contract: *Provided*, That for the purposes of this paragraph such values in the said spot markets be based upon the standards for grades of cotton fixed by the Secretary of Agriculture. That for the purposes of this paragraph the only markets which shall be considered bona fide spot markets shall be such as are designated by the Secretary of Agriculture. That in determining, pursuant to the provisions of this paragraph, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the price of middling cotton and the differences between the prices or values of middling cotton and other grades of cotton for which standards shall have been established by the Secretary of Agriculture.

That such contract shall further provide that each bale of cotton tendered for delivery shall be separately marked and tagged before date of delivery and the date of its arrival and classification indicated thereon, and that no cotton which has been certified for a longer period than one year can be tendered or delivered.

Such contract must further provide that no pro forma tender can be made, but actual delivery of classified cotton shall be made on the day named for delivery in the contract.

Mr. SMITH of Georgia. That is the end of one portion of my amendment. It might be well first to act on that.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia [Mr. SMITH] to the substitute reported by the Senator from South Carolina [Mr. SMITH]. The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will now state the next amendment.

The SECRETARY. After section 1 of the substitute, it is proposed to insert a new section, to be known as section 2, as follows:

Sec. 2. It shall be the duty of the Secretary of Agriculture to standardize the grades of "upland" and "gulf" cottons separately; and such grades as are established for both upland and "gulf" cottons shall not include cotton below good ordinary or above middling fair. It shall be the duty of the Secretary of Agriculture also to standardize according to grades, stains, and tinges.

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

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment submitted by the Senator from Georgia to the

amendment reported by the committee in the nature of a substitute.

The SECRETARY. It is proposed to designate the present section 2 as section 3.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment submitted by the Senator from Georgia to the amendment.

The SECRETARY. In the amendment of the committee, after section 3, it is proposed to insert a new section, to be known as section 4, as follows:

Sec. 4. That no person or corporation shall send through the mails or over the telegraph wires any price lists of sales of cotton in any cotton exchange engaged in selling futures which does not use a contract for future delivery of cotton in accordance with the provisions of this act.

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

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment submitted by the Senator from Georgia to the amendment.

The SECRETARY. It is proposed to amend the amendment by adding a new section, to be known as section 5, as follows:

Sec. 5. That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States shall withhold his testimony because of complicity by him in any violation of this statute, but any such person so required to give evidence as a witness shall be exempt from prosecution in any court of the United States for the particular offense in connection with the prosecution whereof such testimony was given.

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

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment proposed by the Senator from Georgia to the amendment.

The SECRETARY. It is proposed to amend the amendment by inserting after section 5 a new section to be known as section 6, as follows:

Sec. 6. It is hereby declared to be legal for any number of men or corporations to agree to purchase lint cotton and to further stipulate that the same is not to be sold by or through a cotton exchange which is engaged in selling futures.

Mr. SMITH of Georgia. Mr. President, the words "from an exchange engaged in trading in futures" have been omitted from the draft sent to the Secretary's desk. I ask that those words be inserted after the word "cotton."

The PRESIDING OFFICER. The Senator from Georgia modifies his amendment to the amendment. The Secretary will state the amendment to the amendment as modified.

The SECRETARY. It is proposed to amend the amendment, after section 5, by inserting a new section, as follows:

Sec. 6. It is hereby declared to be legal for any number of men or corporations to agree to purchase lint cotton from an exchange engaged in trading in futures and to further stipulate that the same is not to be sold by or through a cotton exchange which is engaged in selling futures.

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

Mr. SMOOT. Mr. President, I ask that the Secretary again state the amendment to the amendment as it now reads.

The PRESIDING OFFICER. The Secretary will again state the amendment to the amendment.

The Secretary again read the amendment to the amendment.

Mr. SMOOT. Is that the way the Senator from Georgia desires the amendment to read?

Mr. SMITH of Georgia. Yes.

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

Mr. REED. Mr. President, I merely wish to ask for information, whether it is the purpose to expressly authorize by a statute of Congress gambling in futures in cotton?

Mr. BRISTOW. Mr. President, I want to say that I had in my mind the same inquiry. It seems to me that the last amendment read simply stipulates that men may gamble in cotton futures, and I will not vote for any measure that contains such a provision as that. I think it ought to be forbidden instead of authorized.

Mr. SMITH of Georgia. The Senator refers to section 6?

Mr. BRISTOW. Yes; to the amendment which was just read.

Mr. SMITH of Georgia. No; the Senators have placed upon the section exactly the wrong meaning. What it means is that a contract providing that certain cotton shall not be used on an exchange dealing in futures shall not be illegal.

Mr. BRISTOW. I do not know whether or not I understand that. Will the Senator explain just what he means by it?

Mr. SMITH of Georgia. It means that if two or more men agree to purchase a lot of lint cotton and agree further that they will distribute that lint cotton to manufacturers for actual manufacturing purposes and not sell it on a cotton exchange which is engaged in selling futures, such a contract shall be legal. It is just the reverse of what the Senator has in mind; it is to make legal a contract that they will distribute the cotton among manufacturers and not put it on a futures exchange to be speculatively used.

Mr. SMOOT. Mr. President, as I understand the wording of the section, it will allow any number of men or corporations to agree to purchase lint cotton from an exchange engaged in selling futures. That is what the section plainly says. Does the Senator claim that the meaning of that language is different from the interpretation which I place upon it?

Mr. SMITH of Georgia. I will leave out the words "from an exchange engaged in selling futures."

Mr. SMOOT. That is exactly why I called the Senator's attention to those words and asked that they be read again from the desk.

Mr. SMITH of Georgia. I will omit the language "from an exchange engaged in selling futures."

The PRESIDING OFFICER. Will the Senator restate the amendment so that the Secretary may get it?

Mr. SMOOT. I will ask the Senator if it would not be better to strike out from line 7 the words "from an exchange engaged in selling futures and to" and to insert the word "and," so that the section then would read:

It is hereby declared to be legal for any number of men or corporations to agree to purchase lint cotton and to further stipulate that the same is not to be sold by or through a cotton exchange.

Mr. SMITH of Georgia. That is entirely satisfactory, and I accept the suggestion. I will ask to modify my amendment in that way.

The PRESIDING OFFICER. The amendment as modified to the amendment of the committee will be stated.

The SECRETARY. On page 5, line 8, of the proposed amendment to the amendment it is proposed to strike out the words "from an exchange engaged in selling futures and to" and to insert the word "and," so as to read:

Purchase lint cotton and further stipulate that the same is not to be sold, etc.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified to the amendment reported by the committee.

The amendment as modified to the amendment of the committee was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

#### ARMY APPROPRIATION BILL.

Mr. CHAMBERLAIN. I ask the Senate to resume the consideration of the Army appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 13, after line 2, to insert:

Additional 20 per cent increase while on foreign service, \$9,400.  
*Provided*, That on and after July 1, 1914, the pay of clerks and messengers at headquarters of territorial departments, tactical divisions, brigades, and service schools, who are citizens of the United States, shall be increased 20 per cent while serving in the Philippine Islands, such service to be computed from the date of departure from the continental limits of the United States to the date of return thereto: *Provided further*, That the money hereby appropriated for such of said clerks, at \$1,200 and \$1,000 each per annum, and such of said messengers at \$720 each per annum as may be employed and assigned by the Secretary of War to the headquarters of the Philippine Department, districts and posts therein, may, in the discretion of the commanding general, Philippine Department, be expended, in whole or in part, for the employment of Filipinos as clerks at not to exceed \$500 each per annum, and messengers at not to exceed \$300 each per annum.

The amendment was agreed to.

#### PANAMA CANAL TOLLS.

Mr. OWEN. Mr. President, I have no desire to delay the passage of the pending bill or to interrupt the proceedings, but under the practice of the Senate I avail myself of the opportunity to call attention to some matters which, I think, are very urgent and of pressing importance, and to remind the Senate

that on the 13th of March I introduced Senate bill 4893, providing:

That the second sentence in section 5 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," approved August 24, 1912, which reads as follows: "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States," be, and the same is hereby, repealed.

That bill was sent to the Committee on Inter-oceanic Canals, where its consideration has been delayed up to this time. I wish to express the hope that it shall not be longer delayed, but that the committee may at a very early date consider and take such action in the matter as the committee sees proper and report it to the Senate.

Mr. President, I greatly regret to find myself in direct antagonism with the opinion of the Senator from Oregon, for whom I have a very great respect, special and personal regard, and in asserting my own opinions I do so with the greatest deference for the patriotism and high purposes of other Senators and personal friends who differ with me.

The patriotic zeal with which an American rushes to the protection of American interests, the fervor with which a representative of the United States defends the interests of the United States against any foreign aggression, is highly commendable and has my sympathy; but the issues in this controversy contain no element of yielding American rights to foreign demands. The repeal of the toll-exemption act involves nothing but the observance of the laws of sound business sense, the observance of treaties, and "a decent respect for the opinions of mankind."

Mr. President, the President of the United States in requesting Congress to repeal the statute exempting coastwise vessels owned by citizens of the United States from the payment of tolls through the Panama Canal is justified by economic justice, by national honor, and by political wisdom.

#### ECONOMIC JUSTICE.

Ninety millions of our people have taxed themselves to build this canal at an expense of over \$350,000,000, and in doing so they have rendered a very great service both to the Atlantic and to the Pacific coasts by opening a means of communication many thousand miles shorter than passing around Cape Horn; they have rendered a vast service both to the Atlantic seacoast and to the Pacific seacoast, which will result necessarily in the most serious, important, and valuable reduction in the rates charged on transcontinental freight, which now is carried exclusively by the railways; and in this respect the whole country has rendered the most important service to that portion of the country lying on the seacoast on the east and on the west; but there is no equity or economic justice in the selfish insistence that a small number of persons with money invested in steamboats in the coast trade should not, when they use this international canal, contribute their pro rata part of the cost of maintenance and interest. Ninety millions of Americans have been exceedingly patriotic in building this canal needed by the Nation, and now less than 9,000 shipowners on the Atlantic and Pacific coast line are demanding as a right the use of this canal without paying for the cost of keeping it in order or interest on the prime cost. It is true these shipowners speak of their boats as "American boats" as if they were owned by 90,000,000 Americans, instead of being owned by one ten-thousandth part of 90,000,000 Americans. One ten-thousandth part of the people—an insignificant fraction—rise up and say, "Our American boats must have free passage; our American rights are invaded. Senators and Congressmen and the President of the United States who oppose us are un-American, pro-British, and are traitors to the 'American people.'" Yes; there is a conflict from an economic standpoint between the pocketbook of 1 American and the pocketbooks of 10,000 other Americans, who furnished the money to build the canal. The one American with the coastwise-trade monopoly granted by law, giving him the exclusive right of controlling the coastwise ships, forbidding foreign ships to take any part in the coastwise traffic, has by law a monopoly, is not content with this great advantage—an advantage which I believe is used to his profit and to the injury of all those who pay the freight, which means everybody in the United States. Having a monopoly, he insists upon using the money, sacrifice, and labor of 10,000 other Americans without charge, and denounces the President, who seeks economic justice for the 10,000 whose pockets are to be picked by law, when he asks that the unwise, unjust law be repealed. I am of opinion that the coastwise monopoly should be abolished and our coastwise traffic opened to all ships. They now have a subsidy in being freed from any competition. Certainly we can not afford to further subsidize the coastwise monopoly by free tolls.

There is no common sense or justice in the proposal that one American should have the right to tax 10,000 other Americans for his private benefit. I understand perfectly well how a group of rich men owning a monopoly in coastwise shipping can stir up various organizations and patriotic Irish societies around seaports, whether in New York or San Francisco or Portland or New Orleans. It is the case of the three tailors of Tooley Street, who resolved: "We, the people of England," and so forth. The public sentiment of the United States is based on common sense—honor, wisdom, patriotism—and on established facts, and can not be stamped by a selfish propaganda nor by the expenditure of large amounts in advertising or in inspired editorials. Neither can the United States Senate or House of Representatives be stamped by cajolery or abuse.

The United States has spent over three hundred and fifty millions in building this canal. The interest at 3 per cent will equal ten millions per annum, and it may cost fifteen millions more per annum to keep it in order; and the question is, Who is going to pay for keeping this canal open in international traffic, and what is an equitable and just way in which to meet this burden of annual cost?

It seems fairly well understood that the tonnage for some years can not stand more tax than barely sufficient for maintenance, leaving the interest on the investment as an actual net loss of about a million dollars a month to the citizens of the United States. The total tonnage will amount to about 10,000,000 tons, of which 1,000,000 tons is estimated to be of so-called "coastwise" vessels belonging to United States citizens or corporations.

At 60 cents a ton on an average for the cost of going through the canal, the total amount involved in this subsidy to the coastwise vessels would amount to \$600,000. It is not a very large amount, but I am opposed to the principle of it, and I am opposed to ship subsidies.

I am not surprised that the Senator from New Hampshire [Mr. GALLINGER] brings in his remarkable substitute for the resolution offered by the Senator from Illinois [Mr. LEWIS]. The Senator from Illinois presented what I believe to be a Democratic proposal:

*Resolved*, That in pursuance of the true American doctrine of equal and exact justice to all, special privilege to none, that it is expedient and just that all vessels or tonnage passing through the Panama Canal shall bear and pay a sum of compensation so adjusted as shall compensate for expense and upkeep of the canal.

And I would say, if it were permissible, that it should also cover the interest upon the investment made out of the taxes exacted from the people of the United States.

Mr. GALLINGER. Mr. President—

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

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. As the Senator has referred to me, unnecessarily, as I think, I observe that the Senator says that the resolution of the Senator from Illinois is the true Democratic doctrine. What about this, Mr. President?

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

Is that American doctrine? It is the Democratic platform of 1912, on which your President was elected.

Mr. OWEN. I will deal with that in due course of time. I had not failed to observe that interesting plank of the Democratic platform.

Mr. GALLINGER. No; and the President did not fail to notice it when he agreed to it in his campaign speeches.

Mr. OWEN. But I will say that the point of view of the Senator from New Hampshire and my point of view are as far apart as the poles. The Senator from New Hampshire favored ship subsidy before. He fought for it before. He passed it through the Senate once.

Mr. GALLINGER. Two or three times.

Mr. OWEN. Two or three times; but always with my opposition and always with my disapproval.

Mr. GALLINGER. That is true; and I hope the Senator in his investigations of this great subject has noticed the developments that were made in the House of Representatives concerning the European ship combines, which are requiring from us a toll infinitely greater than anything that was ever suggested in the way of subsidy for American ships.

Mr. OWEN. The point of view of the Senator from New Hampshire is illustrated by the substitute he offered this morning, to wit:

That in pursuance of the true American doctrine that American interests are safer in the hands of Americans than in the hands of Europeans or other foreign nations—

The Senator by that intends to imply that the President and those of us who differ with the Senator from New Hampshire

are in favor of transferring American interests into the hands of Europeans. The Senator ought to know that there is no foundation for any such suggestion.

Mr. GALLINGER. Mr. President, will the Senator permit me?

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

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. The Senator is interpreting language that I used which he has no right to interpret in the way he does. I have made no assault whatever upon the President.

Mr. OWEN. I shall be pleased to have the Senator disclaim the natural meaning that attaches to these, his own, words.

Mr. GALLINGER. The Senator from New Hampshire will interpret his own language, and he does not at all agree with the proposition that the Senator from Oklahoma shall attack him in this way. I perfectly understand what that language means and at the proper time I shall endeavor to present it to the Senate.

If it does not agree with the view of the Senator from Oklahoma, that is possibly my misfortune and possibly the misfortune of the Senator from Oklahoma.

I do not see why the Senator should arraign me so violently to-day because I have offered a resolution which will have the consideration of the Senate, and probably the consideration of a committee of the Senate, before it is acted upon.

Mr. OWEN. Mr. President, when the Senator from New Hampshire offers a resolution to the Senate, that resolution is subject to criticism by those who compose this body. I am not invading his rights when I take the plain language of the resolution offered by him and put a fair and just interpretation upon it.

Mr. GALLINGER. Mr. President—

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

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. This matter is to be discussed, I apprehend, to-morrow morning. The Senator from Illinois [Mr. LEWIS], who takes the view that the Senator from Oklahoma does, proposes to discuss the resolution. I may have a few words to submit in behalf of the substitute I presented. They will be civil words. They will not arraign any other Senator, nor will they question his motives.

I submit that the manner in which the Senator from Oklahoma is discussing this substitute at the present time, prior to the time it would naturally come up for consideration, is not to his credit.

Mr. OWEN. Mr. President, the Senator from Oklahoma is well within his rights in criticizing this improper language of the substitute offered by the Senator from New Hampshire; and if his manner is not agreeable to the Senator from New Hampshire, that is the misfortune of the Senator from Oklahoma. It may be due, perhaps, to his natural constitution that his manner is not more agreeable to the Senator.

Mr. GALLINGER. There is no question about that.

Mr. OWEN. The Senator from Oklahoma, when he feels a matter strongly, has no hesitation in putting into his manner the sentiment which he entertains.

The view of the Senator from New Hampshire and the view of the Senator from Oklahoma are as far apart upon questions of this kind as the North Pole is from the South Pole. The Senator from New Hampshire believes in ship subsidy. The Senator from New Hampshire, in season and out of season, has been fighting for ship subsidy. I say, however, that that is Republican doctrine and is not Democratic doctrine, and I say such a doctrine had no proper place in a Democratic platform. I say it is contrary to the opinions and the teachings of the body of the Democracy for very many years.

Mr. GALLINGER. Why, Mr. President—

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

Mr. OWEN. Oh, yes; I yield, with pleasure.

Mr. GALLINGER. The distinguished Secretary of State, who I believe is the patron saint of the Senator from Oklahoma, says that a man who violates a party platform is a criminal, worse than a man who embezzles money. Perhaps the Senator from Oklahoma can square himself with that declaration of Mr. William J. Bryan.

Mr. OWEN. The Senator from Oklahoma will find occasion to square himself and to explain with great precision his attitude with regard to that matter. There is no difficulty about it. It sometimes happens that a man is in a position where he is compelled to take a choice of evils; and when that is the case, a wise man will choose the least of two evils.

The Senator from New Hampshire puts in his proposed substitute resolution the following:

That there is neither necessity nor justice in repealing the free-tolls provision of the Panama Canal act, the purpose of the exemption being to aid American shipping in its unequal contest with the subsidized shipping of other countries, which will probably include the payment of tolls by those Governments on their vessels passing through the canal.

That is the Republican view. It is not my view. In my opinion, it is not the view of the great body of the Democracy.

Mr. GALLINGER. Mr. President, the Senator is very kind to yield.

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

Mr. OWEN. I yield to the Senator, with pleasure.

Mr. GALLINGER. Other nations are paying, in the aggregate, \$46,907,220 as subsidies to their ships.

Mr. OWEN. Yes.

Mr. GALLINGER. Some of those nations are paying out of their treasuries the tolls through the Suez Canal.

Mr. OWEN. Yes.

Mr. GALLINGER. Is it inconceivable—is it not rather very probable—that those same nations will pay the tolls through the Panama Canal on their vessels? Yet I apprehend the Senator, who is so violently opposed to subsidies to American ships, would not agree that we should vote from the Treasury an amount sufficient to pay the tolls of our ships through the Panama Canal, would he?

Mr. OWEN. I would not agree to a subsidy.

Mr. GALLINGER. Mr. President, that is precisely what I said in my resolution—that there is an unequal contest going on between the shipping of foreign countries and our own, which is true.

Mr. OWEN. The Senator believes in the subsidizing of ships, and I take it he regards that as good Democratic doctrine.

Mr. GALLINGER. Oh, no, Mr. President; I would not venture to become the exponent of Democratic doctrine. I would not be willing to undertake that impossible task, because I do not believe the Democratic Party has any doctrine to-day. [Laughter.] It certainly is not standing by the doctrine of its platform.

Mr. OWEN. The Senator, of course, will concede that the remission of tolls is the same thing as a subsidy, will he not?

Mr. GALLINGER. Why, it is exactly the same; and when England agreed with this country, and went into a commercial agreement with us, that we should not impose anything upon English shipping that England did not impose upon ours, and in that way caused us to give up the differential duties' principle of the Democratic Party in its earlier and better days, England immediately subsidized her shipping and indirectly violated the agreement she made with this country.

Mr. OWEN. I will tell the Senator, incidentally, that while the Democratic Party has had earlier days it never had better days than now; and the Democratic Party has been for very many years opposed to subsidies. The Democratic Party has been opposed to taking money out of the taxes of the people and giving it to a few men who happen to have boats plying along the coast.

Mr. President, either the ships of the world, including ships owned by United States citizens, using the canal will pay enough to meet the cost of maintenance and interest in the future, or they will not. If foreign ships alone meet the cost, and the ships belonging to one ten-thousandth part of our citizenship are not required to pay toll, then it means that the cost is imposed on the citizens of other nations, and in that way citizens of other nations not only will pay their own full share of the cost, but they will be asked also to pay the cost which, in equity, should fall proportionately on American citizens. Foreign citizens then must pay not only their proportionate part, but also the American citizens' proportionate part. If there be a deficit, however, the deficit is not paid by citizens of other nations, it must be paid from our own Treasury, which on this theory will pay from public funds the proportionate part of our own citizen ship-owners and the deficit besides.

The precise effect of this transaction from any point of view is that the United States, under toll exemption, is giving a subsidy to vessels owned by citizens of the United States who use the Panama Canal.

It has the same identical effect, so far as the National Treasury is concerned, to give such shipowners a direct subsidy out of the Treasury from taxes collected from other citizens of the United States.

It is a form of special privilege which is flatly opposed to every principle of democratic teaching. It is taking away money from the many and giving it to the few, and in this case giving

the most of it to a few having a monopoly in coastwise transportation.

If the doctrine of giving a subsidy is recognized by the people of the United States as wise and economically just, it would be better for our foreign relations to give the subsidy directly out of our Treasury on the theory of encouraging shipping, and in this contingency we should not charge foreign vessels with more than their proportionate part of the cost of up-keep and interest. We can not wisely attempt to give a subsidy to a few American citizens at the expense of the citizens of every other nation. Such conduct would put the United States in a bad attitude with every nation of the world, who would recognize the obvious injustice of such conduct.

It is not the amount involved which is most important, for it will only involve six or eight hundred thousand per annum to American citizens, but it is the false principle of a subsidy to private interests at public expense which is so objectionable.

I am opposed to subsidies either direct or indirect, and I am opposed to this toll exemption to ships owned by American citizens, because it means a special privilege and indirect subsidy. It means taxing the many for the benefit of the few. It is economically wrong. It is getting something for nothing.

The shallow contention that the monopolists who control the coastwise shipping of the United States will make haste to return this subsidy to the shippers of freight is too preposterous for words. It violates the fundamental canons of commercial life, of the practice of business men, who, in business, make what they can and keep what they get.

#### THE NATIONAL HONOR.

It is of supreme importance to the United States that the whole world and every nation of the world should regard the United States as maintaining the highest possible standard of honor and rectitude of conduct. If the other nations of the world have just ground to think that the toll exemption is a violation either of the letter or the spirit of the Hay-Pauncefote treaty of November 18, 1901, the Senate would do an infinite harm to the prestige of the United States if it showed itself indifferent to that opinion.

The President of the United States in his message has assured us that the representatives of other nations entertain the view that the toll exemption is not justified under that treaty, and we should critically inquire as to whether or not this expression of opinion has any justification.

In my own opinion the toll exemption is a plain violation of both the letter and the spirit of the treaty.

We have sovereignty and control over the canal and can exercise it, but having agreed to keep the canal free and open on terms of entire equality to the citizens of other nations, we are bound by treaty as well as by economic justice to keep the agreement.

Mr. President, the treaty of November 18, 1901 (57th Cong., 1st sess., S. Doc. No. 85, p. 21), adopted the rules of equal rights to the citizens of all nations governing the Suez Canal under the convention of Constantinople, October 28, 1888, and further provided, more expressly (art 3, sec. 1):

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

The United States, in providing toll exemption for the ships belonging to certain of its own citizens, thereby discriminates in favor of such citizens and is driven to argue that "all nations" does not include the United States, although it includes Great Britain and every other nation.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. OWEN. Certainly.

Mr. CHAMBERLAIN. Does the Senator think we are compelled, under the terms of the clause of the treaty he has just read, to admit the war vessels of Japan and of the United States to the canal on the same terms that we admit our own vessels?

Mr. OWEN. I do.

The contention that the United States is not one of the nations referred to is, in my opinion, absurd. It would put the United States in a false light throughout the world.

Mr. LEWIS. Mr. President—

Mr. OWEN. I yield to the Senator from Illinois.

Mr. LEWIS. I am impressed with the belief that the Senator from Oklahoma misunderstood the question of the distinguished Senator from Oregon, and answered without qualification what he did not mean, not understanding and apprehending, I think, what the Senator from Oregon had in his mind. The Senator from Oklahoma, if I did not misunderstand him, answered that under the provision referred to and quoted by

him the warships, the battleships of foreign nations would be allowed to come through the canal upon the same equal terms as the merchant marine; but he did not mean to imply that that was to apply in time of war.

Mr. OWEN. I was not discussing war.

Mr. LEWIS. The question and answer as left might have made the impression that they did upon many of the Senators, and I knew the Senator from Oklahoma did not mean that.

Mr. OWEN. I perfectly well understood what the Senator from Oregon said, and I perfectly well answered it just as far as I cared to answer it.

Mr. BORAH. Mr. President—

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

Mr. OWEN. I yield to the Senator from Idaho.

Mr. BORAH. I was going to ask when these six rules which are provided for under subdivision 3 apply, if not in time of war. When do we apply the principle of neutralization except in time of war?

Mr. OWEN. Answering that suggestion from the Senator from Idaho, I will say that the neutralization referred to in this treaty is the neutralization expressly set forth in article 8 of the Bulwer-Clayton treaty of 1850, which does not deal with questions of war at all, but deals with the question of free and equal use of that canal on free and equal terms in times of peace and in war, with possible limitations. That is the neutralization referred to.

Mr. BORAH. Mr. President, that is not neutralization, nor is it neutrality.

Mr. OWEN. Mr. President, I understand the use of language quite as well as the Senator from Idaho. I understand perfectly well what neutralization means under the declaration of various judges on the bench who have considered the question of neutralization when they have dealt with questions of war. I also understand that the English language, when it uses the term "neutralization" in connection with making neutral the charges for use of a canal, means exactly what it says; and it can not be misinterpreted by some interpretation of the word "neutralization" used by some judge on the bench who has interpreted the word "neutralization" in relation to war.

Mr. BORAH. Mr. President, if the Senator will pardon me for a suggestion, the proposition of equality of use or equal tolls and the proposition of neutralization do not depend at all upon what some judge has said. The term "neutralization" has been defined so often by text-writers upon the subject and by people discussing the subject that I did not suppose it was open to discussion. I have seen no discussion of this treaty by anyone who applied the term "neutralization" otherwise than as it has always been applied with reference to such matters.

Mr. OWEN. Oh, well, then, if that be held true, the use of the term "principle of neutralization" in article 8 of the Clayton-Bulwer treaty has no meaning to the Senator in times of peace.

Mr. BORAH. Let me ask the Senator another question: Does the Senator contend that the other five rules under subdivision 3 apply to the United States the same as he claims rule 1 applies?

Mr. OWEN. I claim that the several subsections of article 3 should be interpreted in the plain, common-sense meaning which they ought to have.

Mr. BORAH. But, Mr. President, the question I ask is whether rules 2, 3, 4, 5, and 6 apply to the United States in the same sense as the Senator is now contending that rule 1 does?

Mr. OWEN. Mr. President, I am not going to be diverted into discussing rules 2, 3, 4, 5, and 6. I am now discussing the question of mere neutralization; and I say that the meaning of the term "neutralization" in the convention of 1907, as used in relation to article 8, is beyond any reasonable doubt. It is as easy enough for anyone, in reading it, at once to observe its necessary meaning. I shall presently read that section, and then I shall comment upon it and show that the suggestion of the Senator from Idaho has no force whatever.

Mr. BORAH. It is not necessary to read the rules to show that. All that is necessary is for the Senator from Oklahoma to say so.

Mr. OWEN. I meant to say that when I come to that section of article 8 I will explain more fully, and I shall reach it in just a moment if the Senator will permit me to make an argument with some degree of coherency, without being sidetracked with the discussion of a variety of things which have no direct relation to the matter I am presenting.

Now, Mr. President, if the United States should contend that it was not one of the nations referred to in article 3, section 1, it would put the United States in a false light

throughout the world, and, having dealt inequitably by making an unjust and an unwise discrimination, we are then put in the worse attitude of contending that our own treaty, which we drew ourselves, pledging the canal on free and open terms to the citizens of all nations, does not include the United States. No wonder the representatives of foreign powers diplomatically suggest to the President of the United States that this act of Congress passed by the Senate and House of Representatives August 24, 1912, and approved by the President of the United States (37 Stat., 562, sec. 5) is a violation of the treaty with Great Britain.

It is a very delicate thing to tell the President of the United States that his predecessor and Congress have made such a serious mistake, and, no overt act having yet occurred, nothing more than a suggestion can be made that this act ignores a treaty obligation in providing that "no tolls shall be levied upon vessels engaged in the coastwise trade of the United States." (It is otherwise provided that foreign vessels shall not engage in the coastwise trade of the United States.) Therefore, in effect the law provides for discrimination against foreign vessels passing through the Panama Canal, which are taxed and not permitted to go through the canal on terms of entire equality with certain American vessels.

The provision of the treaty, to wit, "such conditions and charges of traffic shall be just and equitable," is violated when the ships of citizens of the United States pass through the canal without any charge, because free passage is not imposing a "just and equitable charge" as the treaty contemplates.

It is easy to understand the full significance of the Hay-Pauncefote treaty by reviewing its history and considering the convention of 1850.

The Clayton-Bulwer treaty of April 19, 1850, was regarded as a wise piece of American diplomacy, because Great Britain joined the United States, when the United States was not strong, in an agreement to promote an interoceanic canal across the isthmus between the Americas, and to protect it. The Clayton-Bulwer treaty bristles with the importance of promoting the interoceanic canal upon the terms of equality to the citizens of all nations, and emphasizes this principle in article 8, to wit:

#### ARTICLE 8.

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

In the subsequent treaty of 1901 reference is made to the "neutralization" established by this article 8, showing that the neutralization referred to there refers to the equality of right to pass through that canal. And it should be remembered that this very article 8, establishing the general principle of neutralization, as set forth in article 8, was reasserted in the preamble of the treaty of November 18, 1901.

Senator Bacon, of Georgia, on December 16, 1901, moved the following amendment, to wit:

In the preamble strike out all of the words after "United States" in the tenth line down to and including the word "convention" in line 11.

In other words, he moved to strike out the words of the preamble, as follows:

Without impairing the "general principle" of neutralization established in article 8 of that convention.

Here is language referring to the general principle of "neutralization" established in article 8 of the convention of 1850, which article only provides for impartiality in canal tolls, and so forth, toward citizens of all nations. It has no reference to war or the principle of neutrals as understood in war, but has reference to the management of the canal being conducted as a neutral would in times of war.

The term "neutral" means neither for nor against. The term "neutral" means dealing dispassionately, without partiality to one or to the other. The term "neutralize" means to make neutral, and the word "neutralization" means the act of making neutral. The act of making neutral referred to in article 8 means the act of making neutral, and without partiality or discrimination, the charges for going through this canal to the citizens of all nations.

The plain, simple language above quoted, "the principle of neutralization as established in article 8 of this convention," can have only one common-sense meaning, and that is making neutral, impartial, and without discrimination the canal tolls.

The Senate of the United States refused to strike out the words I have read. I call the attention of the Senate to that fact. Senator Bacon moved to strike them out and the Senate of the United States refused to strike out these words recognizing the general principle of neutralization established in article 8 of that convention by a vote of 18 to 60. Among distinguished Democrats voting against striking out this principle of neutralization would be found Senators Cockrell and Vest, of Missouri; Senators Foster and McEnery, of Louisiana; Senators Morgan and Pettus, of Alabama; and Senator Jones, of Arkansas, the leader of the Democrats of the Senate at that time and the chairman of the Democratic conference, and Senator MARTIN of Virginia. But the important fact is that 60 Senators out of 78 voted against striking out the general principle of neutralization established in article 8, and this treaty with the principle of neutralization renewed was confirmed by 72 Senators to 6 against it when it came before the Senate for action in executive session.

Senator McLaurin, of Mississippi, December 16, 1901, proposed to strike out of article 3 the following words, fixing the rates on equal terms:

Substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal.

Again the Senate of the United States refused to change this principle proposed to be written into the convention of 1901, and by a viva voce vote rejected Senator McLaurin's motion. There were not enough Senators in favor of it to justify a recorded vote by yeas and nays. The United States thus gave notice to all the world of the almost unanimous opinion of the Senate of the United States that the general principle of neutralization or "equal terms" to the citizens of all nations established in article 8 of the convention of 1850 was intended to be retained. Article 8 of the convention of 1850 provided that the canal should be open to the citizens of the United States and Great Britain and of all other States on equal terms. We reaffirmed it in 1901.

It is a denial of equal terms to charge the citizens of Great Britain and to exempt from charge the citizens of the United States.

The Clayton-Bulwer treaty contemplated that the interoceanic canal would be constructed by private parties or corporations, and contained an agreement that neither the United States nor Great Britain would ever obtain or maintain for itself "any exclusive control over the said ship canal."

When the United States began to contemplate building the canal itself it became necessary to abrogate the Clayton-Bulwer convention of 1850, and this was sought to be accomplished by the Hay-Pauncefote treaty.

When the first draft of the Hay-Pauncefote treaty was submitted to the Senate, Mr. Bard, of California, December 13, 1900, moved to substitute the following:

#### ARTICLE 3.

The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.

There was a proposal for this very discrimination. There was this very proposal offered to "discriminate in favor of coastwise vessels." Was it written into the treaty? No; it was rejected by a vote of 43 to 23. The Senate of the United States not only did not give a two-thirds vote in favor of such discrimination, but gave almost a two-thirds vote against it. It was defeated by 43 nays to 23 yeas. So that it appears that the whole world, looking at our conduct and having before it Senate Document No. 85, Fifty-seventh Congress, first session, published in 1902, knew that the Senate of the United States had refused to amend the Hay-Pauncefote treaty by inserting an amendment recognizing the right to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in coastwise trade (Dec. 17, 1900, p. 16), and that the Senate had also, by an overwhelming vote, refused to strike out the provision of the treaty in the preamble of the convention of November 18, 1901, reaffirming the general principle of neutralization established in article 8 of the convention of 1850.

With such a record before us we could not face the world and interpret the Hay-Pauncefote treaty as permitting discrimination. We refused to put in a provision recognizing discrimination on December 17, 1900; we had recognized the doctrine in the Clayton-Bulwer convention of 1850 for 50 years for equal terms to the citizens of all nations; we recognized it again in the Hay-Pauncefote treaty of 1901, confirmed by 72 Senators

to 6, and we refused to strike out of the Hay-Pauncefote treaty the neutralization agreed upon in 1850.

#### PRECEDENTS.

Mr. President, we have some precedents where we took the exact opposite view and claimed that Canada had no right to give rebates or preference to certain Canadian vessels passing through the Welland Canal, which Canada claimed the right to do by remitting the Welland Canal tolls to Canadian coastwise vessels with goods bound for Montreal and points east. The contention that the Welland Canal is within the coast limits is sound.

The argument that the Panama Canal is a coastwise canal for coastwise vessels is a strained construction. It is over 1,500 miles from Galveston to Panama, and still farther from Panama to Los Angeles. Is Hawaii also a part of our coast line, and Guam and the Philippines?

Great Britain could, owning India and the British Isles, with about as much propriety, claim exemption for her coastwise vessels going through the Suez Canal as a coastwise canal. In point of fact, the charges of the Suez Canal upon the boats belonging to citizens of all nations are the same.

Mr. CLARK of Wyoming. Just on that point, I will ask the Senator for information. Is the Suez Canal in any sense a government constructed or a government owned canal?

Mr. OWEN. No; it is not.

Mr. CLARK of Wyoming. No.

Mr. OWEN. But the right of equal tolls is maintained by governmental power.

Mr. McCUMBER. Mr. President—

Mr. OWEN. I yield to the Senator from North Dakota.

Mr. McCUMBER. I call the Senator's attention to the fact that article 8 of the Clayton-Bulwer treaty provided that the rule of neutrality and equal treatment should inure to all nations of the world, no matter who should own or construct the canal, and in the Hay-Pauncefote treaty we adopted article 8 of the Clayton-Bulwer treaty as the basis of the neutrality and equality of treatment.

Mr. CLARK of Wyoming. If the Senator from Oklahoma will permit me, I think the Senator from North Dakota is straining article 8 a little. At the time article 8 was adopted there was no question at all as to a Government owned or constructed canal.

Mr. McCUMBER. I will ask the Senator to read it. He will find that it says "by whomsoever owned or operated."

Mr. CLARK of Wyoming. But it does not contemplate a Government canal.

Mr. OWEN. We are following the precedent of the Suez Canal in the Hay-Pauncefote treaty.

#### THE WELLAND, ST. LAWRENCE, AND OTHER CANALS IN CANADA.

By article 27 of the treaty of Washington, May 8, 1871, Great Britain undertook to secure for citizens of the United States the use of the Welland and other Canadian canals on terms of equality with the inhabitants of the Dominion. In 1888 and in 1891 the United States protested because Canada had denied the stipulated equality. This was done by Canada charging 20 cents a ton on grain, flour, and so forth, passing through the Welland Canal to Montreal or points east thereof and giving a rebate of 18 cents a ton. The effect of this system was to make ineffective the stipulated equality, because a like rebate was not granted on transfers of freight made to the United States. The Canadian Government argued, first, that its orders in council, as they applied to Canadian and American vessels alike, did not infringe the treaty. As they applied to Canadian and American vessels alike, it did not infringe the treaty. The United States replied, first, that the treaty guaranteed equality of treatment, not merely to vessels of the United States, but also to their citizens. Second, that this equality was violated by the system in question, since it required grain bound to United States ports to pay ten times as much toll as grain bound to Montreal, and thus discriminated against American vessels, ports, consumers, and trade routes.

The matter was submitted by the President to Congress in a message June 20, 1892, and retaliation was proposed by denying Canadian vessels free passage through the St. Marys Falls Canal. It resulted in Canada abandoning its contention and ceasing any discrimination in favor of Canadian ships, in order that no cause of friction with United States authorities in regard to the matter should exist.

It therefore appears that we had practically the same controversy with Canada, which was giving toll exemption to Canadian ships through the Welland and St. Lawrence Canals while denying like toll exemptions to American vessels or to vessels carrying freight bound for American ports and thus

discriminating against the citizens of the United States, and that this controversy was settled in our favor.

The Canadian Government had held in effect that the words "on terms of equality" did not apply to vessels engaged in coastwise commerce and allowed substantial rebates to her own vessels. When we come to the Hay-Pauncefote treaty we strengthen this language "on terms of equality" to read "on terms of entire equality."

When Secretary Hay was negotiating in 1899 "the open door in China" the French, the English, and the Germans had territorial concessions in the Chinese Empire, and Russia and Japan, by virtue of their immediate neighborhood, had a great influence there.

Secretary Hay in a note addressed to Germany, Great Britain, Russia, Italy, and China, referring to their cases and agreements with China, requested a formal assurance from each of these nations that within its sphere of influence it would levy no higher harbor dues on vessels of another nationality and no higher charges over lines built or operated within its sphere on merchandise belonging to citizens or subjects of other nationalities transported through such sphere than should be levied on similar merchandise belonging to its own nationals for equal distances, and this request was granted by the powers addressed.

In view of our demand and settled policy, it is obviously entirely inconsistent that we should demand an exemption for our alleged coastwise commerce in order to obtain discriminating favor for ships belonging to Americans which pass through this interoceanic canal, which we have constructed under an agreement with Great Britain, made on behalf, however, of the citizens of all the nations of the world.

It will be remembered, Mr. President, that this great pathway between the Atlantic on the one side and the Pacific on the other must be regarded as an international highway. We can not treat it as a private proposition and say to the whole world, "You shall not cross this continent." We ought not to desire to do that. It has always been regarded as an international work. When the French undertook to construct the canal they were not doing it with a view to making it a private canal. It was expected that it would be open to the ships of all the world; and the common sense of the matter just as much justifies this canal being used as an international highway on equal terms as it justifies the use of the ocean itself as being open to the nations of the world.

Under the convention of 1850 we could not have constructed this canal or acquired a strip of ground across the Panama Isthmus, through which it has been built. And in modifying the convention of 1850 to enable us to acquire the land without violating our treaty with Great Britain we wrote the new agreement with Great Britain, pledging equal treatment to the citizens of other nations, and did this with our eyes wide open, refusing to permit a provision to be inserted authorizing the exemption from tolls of coastwise vessels owned by citizens of the United States.

When, on May 23, 1912 (CONGRESSIONAL RECORD, 7019), the act was passed for establishing the rules for the use of the Panama Canal and its maintenance, the Doremus amendment providing for the exemption of coastwise vessels from the payment of tolls, the yeas were 147 and the nays 127. Of the yeas there were 74 Democrats and 73 Republicans; 91 Democrats who voted nay and 37 Republicans who voted nay, so that a decided majority of the Democrats were opposed. This was immediately before the Democratic national convention of June 25, 1912.

The highest expression from the Democrats of the Nation was given immediately before the Democratic national convention by this vote in the House of Representatives, and a majority of the Democrats voted against it.

In the Senate on August 6, 1912, after the Democratic platform had been adopted on July 3, 1912, a motion to strike from the bill the toll-exemption provision (p. 10296), 24 Democrats voted against it (19 Democrats not voting), and it is obvious that the Democrats in the Senate were powerfully influenced by the party platform and that the vote of the Democrats in the House, which was May 23, 1912, previous to the platform, was against it.

In all human probability the unfavorable Democratic vote in the House of Representatives had not been analyzed when this plank was inserted in the Democratic platform.

POLITICAL WISDOM.

It is the part of political wisdom to act with the most absolute integrity, with the highest and most delicate sense of honor, and carefully ascertain what this course requires. It is the part of political wisdom, also, to have "a decent respect for the opinions of mankind."

I understand how men of upright and pure purpose may differ as to what this course is, but they will agree upon the im-

portance of a delicate sense of honor in disposing of a question of this character; and the thing which remains to do is to ascertain precisely what is required to be done in considering that principle when we pass upon a treaty of this kind.

If the United States should violate this treaty, or appear to the whole world to be violating this treaty, it would do the American Nation infinite harm. First, it would lead to the retaliation of other nations by having them discriminate against American vessels in every civilized port; and we are just entering upon an era of gigantic world development in which America ought to play a large part.

I pause, Mr. President, to observe that the investments of the United States have been in a very large degree, almost exclusively, I might say, confined to our internal development. We have been building railroads; we have been building factories of all kinds; we have been building cities; we have been building up a great continent; and while we have been using our resources in that way we have earned upon our resources a much higher rate of interest than we would if we had invested our funds in competing with other nations upon the sea.

Mr. CHAMBERLAIN. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Oklahoma yield to the Senator from Oregon?

Mr. OWEN. I do.

Mr. CHAMBERLAIN. I should like to ask the Senator if he knows what foreign powers have insisted that we are violating the terms of the Hay-Pauncefote treaty in making our coastwise shipping free of tolls.

Mr. OWEN. Mr. President, the only one who had a right to make a formal objection was the Government of Great Britain, and they did so. The correspondence has been published as a Senate document.

Mr. CHAMBERLAIN. Of course we have not any authentic information on this subject. I understand a resolution has been introduced to require that information. But, for instance, I received a letter from a German who said that the United States in its present controversy is making a laughingstock of itself all through Europe, except in Great Britain, where the course was applauded.

Mr. OWEN. I shall not, of course, attempt to analyze the objection of some isolated and unknown German citizen.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. OWEN. I yield to the Senator from Colorado.

Mr. THOMAS. The Senator has just referred to a Senate document which contains the correspondence between the two countries relating to the Panama Canal tolls. If I am wrong, I want to be set right, because I am very much interested in this part of the discussion; but my recollection is that in that correspondence Great Britain, either directly or indirectly, admitted the right of this Government by way of rebates or subsidies to virtually place the coastwise trade of the United States upon a free basis. Assuming that that is so—

Mr. OWEN. It was to the effect that they might concede it if it could be done, but they insisted that it could not be done.

Mr. THOMAS. It has been some time since I have read that correspondence.

Mr. OWEN. The public prints give only one part of the quotation and omit the more vital part. That is why I added it.

Mr. THOMAS. The impression I formed from reading it at the time was that that concession was made, and I was unable to perceive that that was anything but a distinction without a difference.

Mr. OWEN. The point was, as I understand it, that granting it would cost \$15,000,000 to pay the expense of the upkeep of the canal, then if the other vessels of the world were required to pay only their proportionate part of that cost according to tonnage, the United States might in that contingency distribute the difference, as I understand it, among its own ships if it saw fit by subsidy, but it should not impose the whole cost upon ships of other nations, because they thought that it would be an unfair discrimination to put the whole tax of upkeep upon the ships of other nations.

Mr. President, what I started to say was that having developed the United States in a very high degree, having a gigantic volume of resources, we are right at a point where the United States can profitably invest vast amounts in shipping on the sea and do it profitably; and I think it would be a great mistake, just from a material and selfish standpoint, to offend all the nations of the world by putting a construction upon this treaty which they do not believe is just and right. When I say they do not believe our act of toll exemption just and right, I think I have a right to say that, because the President of the

United States gave us the plainest possible intimation of it in his address to both Houses when this matter was presented by him to Congress.

Mr. WILLIAMS. Mr. President—

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

Mr. OWEN. I yield.

Mr. WILLIAMS. In this connection I want to say the best way to arrive at what the foreign people think of our construction of the treaty is from the press in Germany, France, Italy, and elsewhere. An interview lately with the President referred to that also.

Mr. OWEN. Mr. President, it would do us injury in a material way, but it would do us far greater injury in impairing the prestige of the United States and its influence as a world power.

The United States has a gigantic responsibility as a civilizing agency as the representative leading Christian Republic; and for the Nation to disregard the divine law of equity and of the golden rule would be a huge national blunder, a failure to faithfully improve the greatest God-given opportunity in the history of man.

#### THE OPPOSITION TO REPEAL.

Some patriotic men believe in ship subsidies; some good men of Irish extraction are unwilling to agree to "no exemption" because Great Britain's ambassador asserts the principle; some good men think of the ships belonging to a few citizens of the United States as "American ships," as opposed to British and French and German ships, and therefore entitled to special privilege; and many who oppose the repeal are being influenced to a greater or less degree by an obvious commercial political propaganda throughout the country, which is evidently inspired by selfish interests. Somebody is spending a considerable amount of money in advertising, in getting up meetings, in having editorials and memorials prepared and published. And in the face of economic justice, in the face of national honor, in the face of the plain letter of the treaty, we hear the reiterated demand "for reasons," when the reasons are overwhelming and have been repeatedly given.

A great outcry is made that to repeal this act is a violation of the Democratic national platform of 1912. It is a matter of astonishment, but nevertheless it is actually true, that there appears to have been put into the Democratic national platform of July 3, 1912, the most undemocratic provision for toll exemption, practically for a subsidy, notwithstanding the majority of Democratic Members of Congress had on May 23, 1912, voted against it.

The Democratic platform contains the following clause—

Mr. GALLINGER. Mr. President—

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

Mr. OWEN. In just a moment. The language of the platform is:

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

Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. Has the Senator from Oklahoma observed that on August 7, 1912, every Democratic Senator who voted voted in favor of exemption from tolls?

Mr. OWEN. Oh, yes; I observed that and commented on it a few moments ago, pointing out that the Democratic Senators were simply following their party platform, which had just been promulgated at Baltimore. Naturally they followed that which the national convention had just indorsed.

Mr. GALLINGER. On August 7, 1912.

Mr. OWEN. On August 7, 1912, which was a month and seven days after the passage of the resolution in Baltimore.

Mr. GALLINGER. It was; yes. Now, what I am wondering about is why the Senator from Oklahoma should lay such great stress upon the vote in another body and should not lay particular stress upon the vote in this body.

Mr. OWEN. I have explained both. I have explained that the Democratic Members of the other House voted against it before our party platform was adopted and that the Democrats of the Senate immediately after the adoption of the platform supported the platform.

Mr. GALLINGER. Was it not a singular and unexplainable circumstance that the Democratic Party, in view of the vote in the House, should in their national convention put this plank in their platform?

Mr. OWEN. Yes. I have suspected the Senator from New Hampshire of having been present at Baltimore. [Laughter.]

Mr. GALLINGER. I did not participate in the proceedings, but I recall the circumstance that my old-time friend, whom I greatly respect, Mr. William J. Bryan, had very much to do

with forming that platform. I think I am not mistaken on that point.

Mr. OWEN. I think that is the only plank in the platform that the Senator from New Hampshire indorses, is it not?

Mr. GALLINGER. Well, I would have to go a long way to indorse any plank in a Democratic platform. [Laughter.]

Mr. OWEN. Mr. President, I have no doubt that some able Democrat who believed in this undemocratic declaration believed that he was serving God and the country in procuring the insertion of these words in the very lengthy Democratic platform of that date.

I do not know where this undemocratic item came from and have not had time to find out. Those who very largely rely on this party plank adopted by the delegates at Baltimore and who know who authorized the insertion of this unhappy declaration ought to be able to explain it. What State convention first expressed this view and where did this item come from? Perhaps the chairman of the Committee on Inter-oceanic Canals can explain it, as I think he was on the subcommittee on resolutions of the Democratic national convention at Baltimore.

Mr. BORAH. Mr. President—

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

Mr. OWEN. I yield to the Senator from Idaho.

Mr. BORAH. I saw a very lucid and a very able explanation of that declaration some time ago from the Senator from Montana [Mr. WALSH].

Mr. OWEN. Well, Mr. President, I am very sure it did not come from the State convention of Oklahoma.

Mr. O'GORMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New York?

Mr. OWEN. I yield to the Senator.

Mr. O'GORMAN. The Senator from Montana [Mr. WALSH] kept the records of that committee, and was an active and important member of it. I think, if the inquiry were addressed to him, he could state with some accuracy how the proposal found its insertion in the platform. For the present I might gratify any anxiety or curiosity—

Mr. OWEN. Curiosity, Mr. President, rather than anxiety.

Mr. O'GORMAN. That the Senator from Oklahoma may have on the subject by referring to the official records of the Baltimore convention. May I ask the Senator from Oklahoma if he was a delegate to that convention?

Mr. OWEN. No; I was not.

Mr. O'GORMAN. And did not attend it?

Mr. OWEN. I was present there for some days.

Mr. O'GORMAN. If the Senator from Oklahoma had been officially accredited by his State to the convention, he would, of course, have more complete information regarding the proceedings. The plank in question was considered by a subcommittee, and subsequently considered by the entire committee on resolutions. It had the unanimous support of every member of the committee on resolutions. That committee embraced in its membership several Members of this body. I shall take the liberty, with the Senator's permission, at this time to refer to some of them.

Mr. OWEN. Would the Senator not just insert the entire list?

Mr. O'GORMAN. If the Senator from Oklahoma has no objection, I shall merely call attention to the names of those Senators who were members of the committee. The State of Arkansas was represented by Senator CLARKE, the State of Indiana by Senator KERN, the State of Maryland by former Senator RAYNER, the State of Mississippi by Senator VARDAMAN, the State of Montana by Senator WALSH, the State of Nebraska by the present Secretary of State, Mr. Bryan; it was my privilege to represent the State of New York on that committee; Ohio was represented by Senator POMERENE, South Carolina by Senator TILLMAN, Texas by Senator CULBERSON, and Virginia by Senator MARTIN. When, during the course of the convention, the Senator from Indiana [Mr. KERN] took the platform to read the resolutions to the convention he said—I now quote from page 365 of the official record of the Democratic national convention at Baltimore in 1912:

Mr. JOHN W. KERN, of Indiana. Mr. Chairman, I have the honor to present to the convention the following report of the committee on resolutions, which resolutions were adopted by the full committee without a dissenting voice.

After the resolutions were read in part by Senator KERN and in part by Senator WALSH, of Montana, no dissenting voice was heard in that convention, and during the weeks that ensued, during the presidential campaign, there was no responsible Democrat in this country who dissented from any declaration of the platform, stress being laid on every hustings that it was



little less than criminal to seek public office on pledges which were not to be observed; and in that connection the principal criticism leveled at the Republican Party was that the administration had failed to recognize the pledges upon which it had secured office four years earlier; and to give emphasis to the difference between the practices of the two parties, at the request of certain Democrats who were on that committee, a proposal was made to insert in the declaration of principles—and you will find it inserted—that pledges when made by the Democratic Party are made not only for the purpose of securing office but for the purpose of recognition and enforcement after election.

Mr. JAMES and Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Oklahoma yield?

Mr. OWEN. I yield to the Senator from Kentucky.

Mr. JAMES. If I recollect the Democratic national platform of 1912 correctly, there is a provision in it which says that all recommendations of judges made to the President should be made public. My understanding is that a report was made by the committee of which the Senator from New York is a member, which struck that provision from the law; and I should like to ask the Senator whether or not he adhered to the Baltimore platform upon that provision?

Mr. O'GORMAN. Mr. President, no committee of which I am a member has, with my knowledge, disregarded any pledge of the Democratic national convention of 1912. If there has been a disregard or a departure from the pledges of the Democratic Party as found in that platform, I do not know of it.

Mr. JAMES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield further to the Senator from Kentucky?

Mr. OWEN. I yield.

Mr. JAMES. The Senator from New York will recall that several bills creating new judges have passed through the Senate and the other House of Congress, and been referred, before passing the Senate, to his committee. Did the Senator undertake by amendment to carry out the promises of the Democratic national convention that such recommendations of persons to the President should be made public?

Mr. O'GORMAN. So far as I am aware, Mr. President, no nomination for a judge has come to the Committee on the Judiciary without that committee having presented to it all the papers that at any time had reached the Attorney General in reference to the matter. I presume the papers reaching the Attorney General embrace those which may go to the President, because, so far as I am advised, the uniform practice is for the President to forward to the Attorney General any communications he receives with respect to judicial nominations.

Mr. JAMES. Mr. President, the Senator from New York misapprehends the issue, as I understand it. The provision of the platform provided that all recommendations made to the President of the United States upon which he acted in making an appointment to the judiciary should be made public. The question I direct to the attention of the Senator is whether or not in creating these new judges the Senator from New York adhered to the national platform of his party and made a part of the law creating such judgeships the provision that the President of the United States should make public all recommendations made to him for the judgeship?

Mr. O'GORMAN. I have answered that question, Mr. President; but I desire to add one word to what I have already said, which is, that it is a poor defense of disloyalty to a party obligation to call attention to the fact that there have been other departures from the pledges made by the party.

Mr. JAMES. However, Mr. President—

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. To whom does he yield?

Mr. OWEN. I yield to the Senator from Kentucky for just a moment.

Mr. JAMES. It may be a poor defense, but it seems to me that it is quite as poor a defense upon the part of the Senator from New York to cling tenaciously to one principle in the Democratic platform and neglect in legislation other principles in the Democratic platform.

Mr. THOMAS, Mr. O'GORMAN, and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Oklahoma yield?

Mr. OWEN. I yield to the Senator from Colorado.

Mr. THOMAS. Mr. President, I merely wish to ask the Senator from New York a question. I have discovered in the Democratic platform a plank pledging the party to rigid economy in public expenditures, and I should like to inquire whether

at Baltimore there was any dissent from that plank in the platform when it was reported out of the committee?

Mr. O'GORMAN. None at all.

Mr. BORAH. Mr. President—

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

Mr. OWEN. I yield to the Senator from Idaho.

Mr. BORAH. While our Democratic friends are looking around for the pieces of their platform, I want to read a statement which may compose their differences. I read from the platform adopted by the Democratic convention at Baltimore in 1912:

Our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign.

Mr. JONES. Mr. President—

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

Mr. OWEN. I yield to the Senator from Washington.

Mr. JONES. While we are calling attention to the rigid observance of the planks of the Democratic platform, the observance of which is really the exception rather than the rule, I want to call attention to another plank in the Democratic platform:

We demand for the people of Alaska the full enjoyment of the rights and privileges of a territorial form of government, and we believe that the officials appointed to administer the government of all our Territories and the District of Columbia should be qualified by previous bona fide residence.

Nominations are being made to office in Alaska of gentlemen who have never been within three or four thousand miles of that Territory.

Mr. OWEN. Mr. President, I do not wish to pursue this matter further. I am sure that this item did not come from the State convention of Oklahoma, and I do not recall where a majority in any number of Democratic State conventions have expressed themselves on this question, or, indeed, whether any of them have done so, although it would not be difficult for a few citizens desiring this privilege at public expense to have had perhaps such a clause inserted by some misinformation in some of the conventions in States bordering on the coast. I should like to ask the Senator from New York, if he knows, whether any State convention did pass upon this matter?

Mr. O'GORMAN. Mr. President, I do not know that any State convention passed upon it, but I do know that for a period of six or eight weeks the Committee on Inter-oceanic Canals while considering the bill which was then pending for the government of the Panama Canal had before it citizens from every section of the United States, calling attention to the grinding monopoly of the transcontinental railroads, and pointing out that the only way the people of the country could escape from the exactions of the transcontinental railroads and the British syndicate now in control of the Tehantepec Railroad was first to exclude from the canal all boats controlled by railroads, so that railroads could not have control of a competing water line, it being the observation of every student of economics that no railroad in this country ever had control of a competing water line without destroying competition.

In that same connection it was pointed out that the best way to compel the transcontinental railroads of this country to reduce their freight rates to a proper basis was to make it possible for the boats using the canal to go through at a minimum cost of expenditure, so that cheap water transportation would necessitate cheaper transportation by the competing railroads.

For 30 years the railroads of this country opposed the construction of the Panama Canal. Every time the Government made an effort to construct the canal it encountered the formidable opposition of the railroads. Their opposition was presented to our committee; indeed, they were the only ones in opposition to the bill; and it was largely because of that information and the impression produced on some of us with respect to the exactions of the railroads that I deemed it prudent and others deemed it prudent to have a declaration such as was inserted in the Democratic platform. A similar declaration was inserted in the platform of the Progressive Party. I think that was one of the most commendable principles to which the Democratic Party in 1912 committed itself. The difficulties that we have encountered for the last 30 years with the railroads are still with us. They still hope that cheap water transportation, even after the opening of the canal, will be made impossible. I believe, as one Senator, that they will be disappointed.

The Senator from Oklahoma referred to the interests of the coast States. If I permitted my judgment, representing the people of the United States on the floor of the Senate, to be in-

fluenced by local considerations, my interest would be with the railroads, the most powerful factor in the country; but I am as indifferent to the power and influence of the railroads of this country as I am to any other influence that may attempt to trammel my judgment or dictate to me what my action may be on the floor of the Senate.

Mr. McCUMBER. Mr. President—

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

Mr. OWEN. I yield to the Senator from North Dakota.

Mr. McCUMBER. I wish to ask both the Senator from Oklahoma and the Senator from New York—and I do not care which one answers the question—whether or not the Interstate Commerce Commission was not created for the express purpose of compelling reasonable railroad rates from one point to another in the United States—

Mr. O'GORMAN. Mr. President—

Mr. McCUMBER. Just a moment, until I finish my sentence—and whether or not the Interstate Commerce Commission is impotent now as a power to enforce, without any outside influence whatever, just and fair rates between one ocean and the other, and whether or not it is necessary to bribe a monopoly in the United States in the shape of granting them a commission in order to make other transportation lines give us just and fair rates?

Mr. O'GORMAN. May I answer the question?

Mr. OWEN. I yield to the Senator from New York.

Mr. O'GORMAN. I should say, Mr. President, that among the witnesses who appeared before the Committee on Inter-oceanic Canals two years ago were Judge Prouty and Mr. Lane, who at that time were members of the Interstate Commerce Commission, Mr. Lane being now Secretary of the Interior. The question suggested by the Senator was put to both of those commissioners, and their judgment, as sworn to and as found in the testimony of the hearings, was that the only effective way to prevent railroad monopoly of the canal was to exclude from the use of the canal every boat in which any railroad might have any interest. It was largely in deference to their expert judgment that the committee inserted that provision in the act which is now sought to be changed.

Mr. McCUMBER. If the Senator from Oklahoma will yield one moment longer—

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

Mr. OWEN. I yield to the Senator from North Dakota.

Mr. McCUMBER. No matter what any judge may say, no matter what may be the view of any individual, the fact remains that we created a commission for the very purpose of compelling all the railroads to give us just and fair rates, and we put within the hands of that commission all authority necessary to make its power effective. The Senator from New York does not deny, nor can any Senator deny, that authority lies within the Interstate Commerce Commission to enforce fair and just rates for the transportation of both passengers and property, and, having that power, if they fail to exercise it, if they acknowledge their inability to put it into effect, then they ought to send in their resignations and allow the President to appoint those who would put the law into effect.

Mr. O'GORMAN. Does the Senator think there are no abuses to-day with respect to the railroads of the country?

Mr. McCUMBER. If there are any abuses to-day in reference to rates, the place to fight out those abuses and to eradicate them is before the Interstate Commerce Commission, which has full power and authority to eliminate the abuses.

Mr. O'GORMAN. Does not the Senator observe by adopting the plan which we have incorporated in the Panama Canal act, and which we were advised to follow by Mr. Lane and Judge Prouty, that we have prevented the possibility of an abuse, while the best that can be accomplished by the Interstate Commerce Commission is to correct abuses after they develop?

Mr. McCUMBER. We not only have the ability to correct abuses after they have developed, but by proper orders we can prevent abuses through the authority of the Interstate Commerce Commission. All that we seek, Mr. President, and all we ought to ask, is that rates be just and fair, and we ought not by the use of money or by the use of favors paid out of the pockets of the American people put it in the hands of one corporation to force another corporation to lower its rates when we have the authority in our own hands to deal with the situation.

Mr. O'GORMAN. Mr. President, will the Senator from Oklahoma permit me one further word?

Mr. OWEN. I yield to the Senator from New York.

Mr. O'GORMAN. I merely desire to supplement the reasons I offered a moment ago with regard to the economic phases of

this question by calling attention to the very persuasive reasons offered by Mr. Wilson on August 15, 1912, when he said:

One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports \* \* \* and have coastwise steamers carry their products down around through the canal and up the Pacific or down the coast of South America.

One of the bills pending, passed, I believe, yesterday by the Senate as it had passed the House, provides for free toll for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

Mr. McCUMBER. Will the Senator from Oklahoma yield to me?

Mr. OWEN. I hope Senators will not unduly prolong the discussion.

Mr. McCUMBER. I merely wish to add a sentence, if the Senator will allow me—

Mr. OWEN. I yield to the Senator.

Mr. McCUMBER. And that is this, that I was not attempting to go into what the President has said or what he has not said. What I have stated is that it is not necessary for the American public to pay the coastwise-trade monopoly a million dollars to secure the end desired in connection with railroad rates.

Mr. CUMMINS. Mr. President—

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

Mr. OWEN. I yield to the Senator from Iowa.

Mr. CUMMINS. I desire to say just a word in response to the suggestion of the Senator from North Dakota. His view of the functions and powers of the Interstate Commerce Commission is technically correct, but the American people never have relied upon those powers for the correction of all the abuses of transportation. If so, it would then be our policy to allow all the railroad companies of this country to combine or consolidate and expect the Interstate Commerce Commission to protect us against excessive rates or abuses of transportation.

We all know that as an aid, a necessary aid, and supplemental to the powers of the Interstate Commerce Commission, we must introduce into the business all the competitive factors we can; and there is no more reason for eliminating competition on sea than there would be for eliminating all competition on land. I would rather expect to hear the Senator from North Dakota favor the policy of combining all the railroad companies of the country into one corporation and into one board of directors because we might look to the Interstate Commerce Commission for any relief against unjust or excessive rates.

Mr. JAMES. Mr. President—

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

Mr. OWEN. I should like to say that while I will yield to the Senator from Kentucky I am really trespassing upon the good nature of the Senator from Oregon [Mr. CHAMBERLAIN], who has the Army appropriation bill in charge, and I hope I may not be in the way much longer. I yield to the Senator.

Mr. JAMES. Just briefly, in order that we may be accurate upon the question of making public the recommendations made to the President upon which he makes appointments, I wish to say that the Democratic platform says:

And we commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations, verbal and written, upon which presidential appointments are made.

The purpose of that recommendation was to indorse the action of the House in passing what is known as the Cullop amendment, which provided that in the appointment of judges all recommendations should be made public by the President. The House of Representatives during the month of May, 1913, had under consideration House bill 32, which provided for an additional district judge for the eastern district of Pennsylvania. The House amended that bill as follows:

*Provided, however,* That the President shall make public all indorsements made in behalf of the person appointed as such district judge.

That amendment was adopted and the bill came to the Senate. It went to the Judiciary Committee, of which the distinguished Senator from New York [Mr. O'GORMAN] is a member. The Judiciary Committee of the Senate reported it back to the Senate with a recommendation that the amendment should be stricken from the bill. The House refused to recede from its amendment. Conference committees were appointed, and finally the Senate had its way and the House was forced to yield on that amendment, which was in accordance with the Democratic national platform.

The amendment was reported from a committee of which the Senator from New York was a member. I should like to know whether or not the Senator from New York voted for that amendment, and I should like to have him tell us who made the motion to strike out that amendment, which was made in accordance with the provisions of the Democratic platform.

Mr. O'GORMAN. Mr. President, with the Senator's permission—

Mr. OWEN. I yield to the Senator from New York.

Mr. O'GORMAN. I have no recollection of the incident. I am very sure the question never came up at a meeting of the Judiciary Committee when I was present. Knowing how regular in his attendance the junior Senator from Kentucky is, and knowing what a keen regard he has for party pledges, I marvel that he ever allowed the Senate to pass a bill in disregard of pledges made by the Democratic Party in Baltimore in 1912.

Mr. JAMES. I wish to say, in reply to that, that I will not plead that I was not present at the meeting of the committee, because it was not my duty to be there. I was not a member of the committee. My information, however—and I would not challenge anything the Senator from New York may say—is that a disclosure of the proceedings of the Judiciary Committee would show that the Senator himself made the motion to strike from that bill this amendment. In regard to myself, and as to why I did not make—

Mr. O'GORMAN. Mr. President, I beg to say here that the statement, if the Senator makes it on his own responsibility—

Mr. JAMES. I told the Senator I did not personally know the facts, but I was informed.

Mr. O'GORMAN (continuing). Is absolutely unfounded, and is nothing but a fabrication by the person who invented it.

Mr. JAMES. I did not say the Senator made it. I said I had that information; as to its accuracy I do not know. Of course if the Senator disavows it, I very cheerfully accept his word, as I do the statement that he was not present when the Judiciary Committee, of which he is a member, considered the bill.

In response to the statement of the Senator that I should have made a protest in the Senate, my record in the House speaks for me. I voted for the amendment in the House providing that these recommendations should be made public. It was indorsed by the Democratic national convention. I have no knowledge of the passage of the bill in the Senate. If I had been present, I should have very promptly entered my protest against a surrender of this Democratic doctrine.

Mr. NELSON. Mr. President, will the Senator from Oklahoma yield to me?

Mr. OWEN. I am obliged to ask permission to proceed.

Mr. NELSON. I ask the Senator from Oklahoma to yield to me for just a moment.

Mr. OWEN. I yield to the Senator, then; but I hope other Senators will not appeal to me to yield any more. I will take only a few moments more to finish what I have to say.

Mr. NELSON. If Republican testimony is of any value in this Chamber, I beg leave to say that I never knew a blinder follower than the Senator from New York [Mr. O'GORMAN] of the Democratic platform with reference to the currency question. I really felt that in his innermost heart—I do not want to do him an injustice—he felt it would have been for the best interests of the country to have had one large central bank instead of a multiplicity of smaller banks; but the Democratic platform was constantly on his mind. He quoted it in season and out of season, and I thought he slept with it day and night. [Laughter.]

Mr. OWEN. Mr. President, I was calling attention to the Democratic platform with regard to this matter of toll exemption. Since very great pressure is brought upon party members to the effect that they should follow the Democratic platform, I am curious to know what was the real authority for inserting this plank in the platform itself.

My State did not consider this as any part of the Democratic principle or doctrine. It was not considered in Oklahoma. I do not think it was considered in Nebraska or Missouri or Texas or similar States. I thought perhaps some State did pass a resolution which caused delegates representing that State to offer the matter before the committee.

I do not question in any way the high purpose and good sentiment of the gentlemen who were members of that committee; I am not to be interpreted in any such way as that; but when I am called on to make my choice between a broad Democratic principle which opposes special privilege, as I understand it, and a particular detail found in one or two lines in a plank put into a platform, I do think I am not trespassing too far if I make an inquiry as to where it came from. Some State probably had in its convention passed such a resolution, and it

was offered. I shall be glad if the Senator from New York will tell us about where it did come from.

Mr. O'GORMAN. If the Senator from Oklahoma needs any further information, I commend him to the Senator from Montana [Mr. WALSH], who kept a record of the hearings and who is now present.

Mr. OWEN. I thank the Senator from New York for his illuminating explanation.

Mr. President, I can not recall where a single Democratic State convention declared in favor of this provision, and I believe there was not one. I have myself attended many national conventions. I have seen many things put in platforms. I confess that I have contributed occasionally to putting things in platforms.

Mr. MARTINE of New Jersey. Mr. President, will the Senator permit just a word right there?

Mr. OWEN. I yield to the Senator.

Mr. MARTINE of New Jersey. The Senator states that he has seen no instance where it was in a State platform; but I will say it was spoken from many, many platforms in New York, New Jersey, and Pennsylvania, and with a good deal of vehemence.

Mr. OWEN. Mr. President, unfortunately, in the United States, under a system of party government, under the convention system, the platforms expressing the opinions in the name of party membership throughout the land are finally left to a very few men. If they make a mistake in putting some detail into the platform not based on approved party principles, it does not follow that the entire party membership is bound or that Senators representing States are bound to follow the declaration of some able gentleman who happened, by the contingency of caucus action of State convention, to finally find himself where he could write something approved by himself or by some of his constituents into the national platform, without objection, at a time of great confusion.

Delegates to party conventions are often party workers, complimented by their election as delegates to the national convention, who go to shout and "root" and intrigue for some favorite candidate for the Presidency. All attention is concentrated on candidates, and planks put in the platform are shaped by a small subcommittee, with but little debate, in great haste and confusion, and action on very many items in a few hours. No wonder if an error occur under such conditions. I assume, of course, that the subcommittee assented; but I do not believe they realized the error it involved, and I do not doubt the committee was greatly influenced by the fact that the House of Representatives (a Democratic House) had passed the toll-exemption provision, and that the committee was not aware that a majority of the Democrats in the House were opposed to this provision. When the error is used to attract votes, such an error becomes more grievous and embarrassing to faithful men who have with sincerity used the plank to secure support. When the error is discovered, we are face to face with a choice of evils. Each man must determine for himself which horn of the dilemma he prefers.

The people of the United States recognize the Democratic Party as standing for certain great principles of "equal rights," certain fundamental principles of government, "equal rights to all and special privilege to none," and they judge that party as a whole and trust that party in comparison with other parties, according to the general principles of the platform, but, above all, according to the leadership of the party, and when there is a conflict between the fundamentals of the Democracy and a phrase inserted in a platform which is in conflict with the principles of the party, I feel entirely justified, as a member of the party, in disregarding the letter and complying with the spirit of the platform and of the Democracy itself. If there is any real principle for which the Democracy above all else is distinguished, it is its life-long historic opposition to privilege, opposition to the right of the few to tax the many for the benefit of the few, opposition to the right of the few to enrich themselves at the expense of the many.

I do not wish to be understood as indicating that those who favor this provision of the Democratic platform were inspired by any other than the highest possible purpose.

Mr. WILLIAMS. Mr. President, I should like to say that for a long time it has been a principle of the Democratic Party to stand in opposition to the encouragement of monopoly by subsidy.

Mr. OWEN. Yes; that is true. Opposition to the encouragement of monopoly by subsidy is another principle of the Democracy. As our platform very properly says in the preamble, it is a platform of principles. The writing of minor details into the body of a platform is not in proper form, and ought not to

be done. Platforms ought to be principles, and not contain minor details.

I wish to say, however, that those who have favored the insertion of this provision in the platform in such language, conflicting as it does with what I conceive to be the principles of Democracy, can not by any such language bind my conscience or my vote. Moreover, Mr. President, granting that there was no objection otherwise, I think that the discovery since this platform was adopted that this part of it was regarded by other nations as a violation of the treaty, the discovery since the Baltimore convention that other nations regard this plank as lacking in fidelity to national promises, the discovery that the President of the United States is embarrassed in dealing with other nations by virtue of this interpretation of the act of 1912, regardless of the issue of the party platform of July 3, 1912, brings about a new state of facts which justifies any Democrat in conscientiously favoring the repeal of this act which is embroiling us with other nations, and doing mischief to our national administration.

Mr. JONES. Mr. President—

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

Mr. OWEN. I yield to the Senator from Washington.

Mr. JONES. I should like the Senator to tell me what other nations, aside from Great Britain, are questioning the good faith of the United States in carrying out its treaty obligations.

Mr. OWEN. It seems to me I have heard that query before. I will say to the Senator that Great Britain is the only nation with which we have an express treaty with regard to this matter, but the rights of other nations are involved in the treaty. When the President of the United States indicates to Congress in his message that he has received this suggestion from other nations it suffices for me, even if the Senator from Washington continues to insist upon some formal declaration as to this nation or that nation or the other nation. I do not feel any doubt whatever that the President of the United States has spoken the truth; and, believing that he has spoken the truth, I do not feel that an inquiry of that nature is justified. Any nation, such as the French Republic or the German Empire, would not feel justified in going further than a verbal diplomatic suggestion, which ought not to be attempted to be put in writing, because it is extremely difficult to write in words a conversation after it has occurred, even if it were proper to be done. A thoughtful and prudent man would not attempt to put in writing words which occurred in a conversation between him and some other man after a lapse of time.

A nation which is not a party to the treaty has no right in any contingency to be making any formal protest, but it can make a diplomatic suggestion to the effect that it does not regard the interpretation as justified. It would be grossly improper for the President to be placed in the attitude of saying what this ambassador or that ambassador or minister had said to him, and he should not be urged to do so.

Mr. JONES. Mr. President—

Mr. OWEN. I yield to the Senator.

Mr. JONES. Does the Senator know whether or not any nation other than Great Britain has, as a matter of fact, made diplomatic representations, either orally or otherwise, to the United States Government with reference to this matter?

Mr. OWEN. I know nothing more in regard to this matter than the statement of the President of the United States in his message, which is sufficient for me.

Mr. President, I do not believe any State in this Union, including New York and including New Jersey, if this issue were placed before it, would vote in favor of retaining in the law this toll exemption. The people of this country are always moved by considerations of prudence and of common justice. When they read this treaty and read this history, and hear what the President has said, I have no doubt of their action, because I sincerely believe that the people at home, whether in New York or California, the great overwhelming majority of the Democrats of this Nation and of the Republicans, too, are no longer in favor of monopoly or special privilege of any kind at the expense of the people of this Republic. I hold it as the part of political wisdom to repeal this law passed in 1912.

The President has been hectoring more or less by various Members of Congress and called on to give reasons and to transmit to the Senate the evidence that other nations do not approve our violation of the Hay-Pauncefote treaty. The correspondence submitted to the Senate long before the President's message shows the attitude of Great Britain (S. Doc. 11, 63d Cong., 2d sess.). The only nation that had a direct treaty right to object has objected. About all that other representatives of other nations could do would be to diplomatically suggest that they did not understand

the treaty as Congress appeared to have understood the treaty when it passed the toll-exemption provision.

The President in his short message to Congress gave all the reason that was necessary to justify our Government in repealing this provision, and when he suggested that he would be embarrassed in dealing with other nations on other matters affecting our foreign relations if we did not repeal this law, the intimation ought to be enough to a man who appreciates the importance of a great Nation like ours keeping its treaty obligations, both in letter and in spirit. If we break and refuse to keep both the letter and the spirit of the treaty provision, how shall the President of the United States know how to deal with other nations when he is no longer able to give them assurance that a treaty, when made, will be faithfully upheld? If the written promise of the United States is of no value to other nations, why should they negotiate with a Nation that does not keep faith?

Whatever any man may think of the political aspect of his conduct in this matter, I wish to put on the record that I have an abiding and an unalterable faith in the integrity, the honor, and the wise judgment of the people of the United States, and stand upon that firm foundation. I wish that the Hay-Pauncefote treaty shall be complied with, both in letter and in spirit, and I hope every Senator feels the same way. I can not believe that the exemption of tolls is justified either by the treaty or economic justice, and I am fully convinced that the people of my State and of the United States are overwhelmingly of this opinion.

Economic justice, the national honor, and political wisdom demand the repeal of this act.

#### ARMY APPROPRIATION BILL.

Mr. CHAMBERLAIN. Mr. President, I desire now to take up the Army appropriation bill again.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, beginning at the foot of page 13.

The next amendment of the Committee on Military Affairs was, on page 13, line 25, before the word "divisions," to insert "tactical"; on page 14, line 1, before the word "departments," to insert "military," and in the same line, after the word "departments," to strike out "posts commanded by general officers, or" and insert "brigades, service schools, and," so as to make the clause read:

And said clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve: *Provided*, That no clerk, messenger, or laborer at headquarters of tactical divisions, military departments, brigades, service schools, and office of the Chief of Staff shall be assigned to duty with any bureau in the War Department.

The amendment was agreed to.

The next amendment was, under the subhead "For pay of officers of the Staff Corps and Staff Departments," on page 14, line 9, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to strike out "to such officers"; and in line 10, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, \$22,000.

The amendment was agreed to.

The next amendment was, on page 14, line 13, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to strike out "to such officers"; and in line 14, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, \$16,000.

The amendment was agreed to.

The next amendment was, on page 14, line 17, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to strike out "to such officers"; and in line 18, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, \$105,043.12.

The amendment was agreed to.

The next amendment was, on page 14, line 22, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to

Mr. CHAMBERLAIN. It was suggested by the Senator from Mississippi that in the fifties, I believe, or somewhere about that time, Great Britain had removed all of these discriminatory charges. I should like to know if the Senator from New Hampshire is advised as to that?

Mr. GALLINGER. I am under the impression that the coastwise shipping of Great Britain is now open on equal terms to our vessels, but everybody knows that we can not run ships successfully in competition with the cheap, subsidized tramp steamers of Great Britain, hence the privilege is of no value to us. That Great Britain does discriminate in her port charges and between long and short voyages is undeniably true, and that operates to the disadvantage of our ships which reach British ports, as they necessarily make long trans-Atlantic voyages. On the other hand, we make no discrimination between our coastwise ships and British ships which cross the Atlantic.

Mr. WILLIAMS. Mr. President, as the Senator from Oregon referred to my statement—

Mr. CHAMBERLAIN. That is what I understood the Senator to say.

Mr. WILLIAMS. What I said was that all ships are admitted to the coastwise trade of Great Britain. You can take a ship over there right now from this country and engage in her coastwise trade.

Mr. CHAMBERLAIN. May I interrupt the Senator from New Hampshire again?

Mr. GALLINGER. Yes.

Mr. CHAMBERLAIN. I should like to ask the Senator from Mississippi if any discrimination is made whatsoever, either along the coast or in any of the harbors of Great Britain, against American or any other foreign vessels?

Mr. WILLIAMS. England makes a discrimination, as I understand, although I am not sure that I am right, as to harbor dues, and so forth, between ships that are engaged in the coastwise traffic and those that are engaged in the deep-sea traffic.

Mr. GALLINGER. Well, Mr. President, England takes care of herself always, and, in open violation of the treaty to which I have already referred, imposes a higher rate of duties in her ports upon American vessels in the foreign trade than she applies to her own vessels engaged in the coastwise trade. As to our being permitted to take ships across the ocean and engage in the coastwise trade of Great Britain, everybody knows that we can not do that profitably.

Mr. WILLIAMS. I think the Senator will find that that discrimination is in favor of all ships engaged in the coastwise trade as against ships engaged in the deep-sea trade. Upon that I am not sure; I may be mistaken about it.

Mr. GALLINGER. That is undoubtedly true, and it goes to prove that England is taking pretty good care of her coastwise trade. There is no doubt about that. I might add, Mr. President, that the record shows that Great Britain on many occasions has violated treaties with this country, which we are now asked to regard as sacred instruments, even when their provisions do not apply to the United States. Thus does England keep her agreements with us. It is also interesting to note the fact that in the only case that has been brought before the Supreme Court of the United States in reference to exemption of coastwise vessels from the same charges that were made upon foreign vessels, the test being upon a law passed by the State of Texas imposing pilotage charges upon all foreign vessels, but excepting vessels in the coasting trade of the United States, the decision was in favor of the exemption of coastwise vessels. The present distinguished Chief Justice of the Supreme Court of the United States [Justice White] rendered the opinion in that case, the syllabus being as follows:

A State pilotage law subjecting all vessels, domestic and foreign, engaged in foreign trade, to pilotage regulations, but which exempts pursuant to law coastwise steam vessels of the United States, is not in conflict with provisions in the treaty between the United States and Great Britain to the effect that British vessels shall not be subject to any higher or other charges than vessels of the United States.

This decision clearly shows that the Supreme Court of the United States held that the regulation of coastwise commerce does not concern vessels in the foreign trade.

#### DISCRIMINATING DUTIES.

Mr. President, during all the debates on the bill proposed by the Merchant Marine Commission of 1904, of which I was chairman, and in all the efforts to secure aid for American shipping, either by a direct subsidy or by enlargement of the ocean mail act of 1891, it was insisted upon by Democrats in both Houses of Congress that the proper way to rehabilitate the American merchant marine was to return to the discriminating-duties policy of the early days of the Republic, as advocated by Washington, Jefferson, Madison, and other leading men of that day. Under that law more than 90 per cent of our commerce was carried in

American bottoms, while to-day only about 9 per cent is so carried. It would thus seem that a return to that system, if practicable, would be both wise and expedient. It will be recalled that in the Underwood-Simmons tariff law a provision was inserted granting a discrimination of 5 per cent in favor of goods carried in American bottoms. But it will also be recalled that, at the suggestion of the Attorney General, the provision has in some way been suspended, on the ground that it is in violation of the terms of a commercial treaty between this country and Great Britain. I have never understood how a Cabinet officer could suspend a provision of law, but it has been done. The truth is that even if it could be enforced, the free list has been extended to such an extent that very little advantage would accrue to American ships in their trade between this country and South America, Australasia, and the Orient, and hence some other means for the upbuilding of the American merchant marine will of necessity have to be devised. The most we can hope for at the present time is to give every possible advantage to our coastwise shipping through the Panama Canal.

As for the development and increase of our shipping engaged in foreign trade, there is little encouragement in sight. We have spent millions upon millions to deepen harbors and build wharves for the steamships of foreign governments, which enables them to take a toll of between two hundred and three hundred millions of dollars annually from the American people; but in the face of that it is now solemnly proposed to tax our coastwise ships for the privilege of passing through our own canal.

#### SUBSIDIES.

In the matter of subsidies it is important to recall the fact that England solemnly agreed to a treaty which provided that there should be no discrimination in port charges as between the two countries, and thus we surrendered our right to continue the discriminating-duties policy; but Great Britain not only now discriminates in port charges, but she grants enormous subsidies to her shipping, thus creating a discrimination that has almost entirely swept our vessels from the oceans of the world. To-day Great Britain and her colonies are paying subsidies amounting in the aggregate to \$9,689,384 annually, and the subsidies paid annually to all the ships of foreign countries, including Great Britain, reached a grand total of \$46,907,220, according to the last available figures. It will thus be seen that we are laboring under a handicap that in some way must be ameliorated before we can successfully compete in the ocean-carrying trade. For the present let us at least protect our coastwise commerce to the full extent that the laws of the United States warrant us in doing.

The shipping subsidies, mail pay, bounties, and so forth, paid by the various countries is as follows, taken from official records:

Great Britain and colonies:	
Subsidies and mail pay (British postmaster general, 1908)-----	\$3,320,454
Cunard admiralty subvention (1909)-----	729,000
Royal Naval Reserves (1909-10)-----	1,783,620
Canadian fisheries and mail pay (1910)-----	1,581,800
Canadian fisheries bounties (1909)-----	160,000
Australian and New Zealand subsidies and mails (1909)-----	1,263,600
Cape Colony subsidy (1909)-----	656,910
Jamaica subsidy (1909)-----	194,000
Total-----	9,689,384
France:	
Mail subsidies (1908)-----	5,217,037
Navigation and armament (shipowners') bounties (1908)-----	6,079,500
Shipbuilding bounties (1908)-----	2,007,200
Fisheries bounties-----	120,000
Total-----	13,423,737
Japan:	
Mail subsidies (new law, 1910)-----	4,379,000
Shipbuilding bounties (1908)-----	907,700
Fisheries bounties-----	37,000
Total-----	5,413,700
Italy:	
Mail subsidies (1908)-----	2,328,917
Navigation bounties (1909)-----	677,734
Shipbuilding bounties (1909)-----	866,266
Total-----	3,872,917
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Spain:	
Mail subsidies (new law, 1910)-----	1,858,186
Navigation bounties (new law, 1910)-----	1,291,826
Shipbuilding bounties-----	Not ascertained.
Total-----	3,150,012

Austria-Hungary:	
Austrian-Lloyd subsidy (1908)-----	1,450,400
Suez Canal refunds (1908)-----	375,000
Navigation and shipbuilding bounties (1908)-----	880,000
Hungarian mail contracts (1908)-----	279,130
Total-----	2,984,530
Germany:	
Mail subsidies (1908)-----	1,706,460
Mail pay (1907)-----	594,569
Total-----	2,301,029
Russia:	
Subsidies (1908)-----	1,543,573
Suez Canal refunds (1908)-----	334,750
Total-----	1,878,323
Norway:	
Mail subsidies (1908-9)-----	561,788
Trade subsidies (1908-9)-----	513,555
Tariff refunds (1908-9)-----	26,800
Total-----	1,102,143
Netherlands:	
Mail subsidies (1908)-----	841,827
Naval reserves (1908)-----	38,184
Total-----	880,011
Sweden:	
South American and Asiatic subsidies (1909)-----	140,000
Mail pay (1908)-----	137,752
State loans-----	Not ascertained.
Total-----	277,752
Denmark:	
Trade subsidies and harbor dues exemption (1902)-----	145,000
Belgium:	
Trade bounties (1908)-----	23,160
Plotage refunds (1908)-----	32,810
Total-----	55,970
Portugal:	
Mail subsidy (1908-9)-----	50,000
Grand total-----	45,224,513

Outside of Europe and Japan subsidies and mail payments have been reported as follows: Chile, \$253,195; Mexico, \$75,000; Egypt, \$54,512; Brazil, \$1,300,000; in all, \$1,682,797, making with the above a total of \$46,907,230.

Mr. President, much more might be said, but for the present I refrain. Let the resolution that the Senator from Illinois introduced and the substitute I offered either go to the calendar or be referred to the able Committee on Inter-oceanic Canals, for their careful and mature consideration, and later on, when the bill repealing the free-tolls provision is before the Senate further discussion can and will be participated in. This is a great question, the wise solution of which will have much to do, for good or for bad, with the future development of the trade and commerce of the United States, and unless I am mistaken it will have much to do with the future of political parties in this country. A leading newspaper of this morning well says:

The political party that yields on this question, thereby surrendering an inherent American right, will go out of business. The American people will never submit to such a bartering away of their rights and privileges.

Mr. President, I believe that that newspaper uttered the solemn truth in the words I have quoted. I still indulge in the hope, faint though it may be, that the American Congress will be wise enough to refuse at the behest of any man or any nation to repeal the toll-exemption provision of the Panama Canal act, which was placed there by an almost unanimous vote of the Senate.

Mr. WILLIAMS. Mr. President—

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

Mr. GALLINGER. I yield to the Senator.

Mr. WILLIAMS. Before the Senator from New Hampshire takes his seat, for I know he does not want to mislead the country—

Mr. GALLINGER. I have not the least intention of doing so.

Mr. WILLIAMS. He has made the statement that he understands that a certain provision of the tariff law has been suspended. It is true that the Underwood-Simmons bill did discriminate in point of duties to the extent of 5 per cent between importations in American bottoms and importations in foreign bottoms; but it is also true—the Senator from New Hampshire temporarily lost sight of the fact, probably—that in conference, on account of the division between the two Houses, a provision was inserted that this was to take effect in so far as it did not affect any existing treaties of the United States.

There was not only a treaty with Great Britain, but, if my memory serves me correctly, there were 19 other treaties with other countries—

Mr. GALLINGER. Yes; nearly 30.

Mr. WILLIAMS. And it was thought by the Attorney General that these treaties were violated by the provision.

Mr. GALLINGER. The Senator is correct in that statement, which I failed to state accurately. The Attorney General did call attention to that fact, and for that reason the provision in the law was not put in force.

Mr. WILLIAMS. I did not want the impression to go to the country that a member of the Cabinet had arbitrarily suspended a law.

Mr. GALLINGER. He could not do that, as I have suggested; but the fact is that the provision which our Democratic friends insisted was of so much moment and would rehabilitate the American merchant marine, and which some of us have insisted on in season and out of season, as did the Merchant Marine Commission, could not possibly accomplish that result, has been surrendered by our Democratic friends; and unless we denounce treaties with more countries than the Senator has suggested—because I think there are nearly 30 of them in all, big and little—

Mr. WILLIAMS. I have forgotten the number.

Mr. GALLINGER. We never can again test that ancient custom which worked so well in the early days of the Republic, and hence I can see no relief to our foreign shipping. We are now competing on the oceans of the world—not to any great extent, I regret to say—with Great Britain, Japan, France, Germany, Russia, and Italy, which nations are giving enormous subsidies to their ships; and as the result of our Government refusing to grant subsidy in any form to American shipping we are being driven from the seas. Only four American ships are engaged in the foreign trade of the North Atlantic. There are but two or three American ships running across the Pacific to Australasia and the Orient, and I understand that they are kept in operation only because New Zealand, a foreign colony, adds a contribution to the ocean mail pay they receive from our Government. It is a pitiable spectacle, and it is a spectacle that, in my opinion, the American people will not always tolerate; they will find some remedy for it—I do not know in what form it will come—but for the present all we can do to aid American shipping is to give our coastwise ships passing through the Panama Canal the full benefit of our laws, enacted nearly one hundred years ago, which undeniably includes the right of free passage through that great waterway.

Mr. OWEN. Mr. President, I think it only fair to the Democratic Party that along with the toll-exemption plank, which the Senator from New Hampshire so strenuously presses, there should be put also in the Record the other declarations of the various platforms of the Democratic Party in recent years which denounce subsidies and bounties. This particular platform of 1912 not only contained the plank which the Senator has read with such unction, to wit—

I favor the exemption from toll of American ships engaged in coastwise trade passing through the canal—

But it contains also another plank immediately preceding it, to wit:

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

The distinguished Senator from New Hampshire very frankly conceded that this toll exemption was in effect a subsidy.

Mr. GALLINGER. Will the Senator permit an interruption? The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

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

Mr. GALLINGER. Can the Senator find in any Democratic platform—and I will allow him to go back just as far as he pleases—any denunciation of the exemption of our coastwise shipping from competition with foreign shipping? If it be a subsidy, the Democratic Party has been very remiss in discovering that fact and making some kind of pronouncement against it.

Mr. OWEN. Mr. President, the Democratic Party has always been opposed to subsidies, and the Senator himself on last Friday conceded that this exemption was "exactly the same" as a subsidy (CONGRESSIONAL RECORD, page 5594). The Democratic Party has always stood for equal rights to all and special privileges to none. It is a maxim of Democracy. In the particular platform of 1912 there is an express denunciation of subsidies, as I have just shown, immediately preceding toll exemption. So there is a conflict in the platform of 1912 itself, denouncing

subsidies on the one hand, and then immediately proposing to grant ship subsidies in obscure terms on the other hand.

Mr. GALLINGER rose.

Mr. OWEN. If the Senator pleases, I must be allowed to present this matter without interruption until I get through. Then I shall be glad to yield to the Senator.

Mr. GALLINGER. Certainly. I ask pardon of the Senator. I did not mean to interrupt him.

The PRESIDING OFFICER. The Senator from Oklahoma declines to yield.

Mr. OWEN. I wish to be permitted to present, in a coherent way, an answer to the Senator without having the argument distracted and led off by him into various bypaths which will make the argument itself unintelligible and worthless.

Mr. McCUMBER. Mr. President—

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

Mr. OWEN. Mr. President, I must decline to yield.

Mr. McCUMBER. I rise to a point of order, if the Senator declines to yield.

Mr. OWEN. Yes; I decline to yield. The Senator can make his point of order.

The PRESIDING OFFICER. The Senator from North Dakota will state his point of order.

Mr. McCUMBER. The point of order is that the unfinished business was temporarily laid aside in order that the Senator from New Hampshire [Mr. GALLINGER] might conclude his remarks upon the Panama Canal tolls question. The Senator from New Hampshire having concluded his remarks, the unfinished business properly comes before the Senate.

Mr. OWEN. The Senator is within his parliamentary rights, in my opinion, in taking the Senator from Oklahoma off the floor by that point of order.

Mr. McCUMBER. Mr. President, it was not my intention to do so, but I thought the Senator was a little lacking in his usual courtesy in not allowing me at least to suggest to him that the unfinished business had been temporarily laid aside, and that a Senator was waiting in order to discuss that business and to ask the Senator from Oklahoma how long a time he would desire on this matter. That is what I was going to ask.

Mr. OWEN. I beg the pardon of the Senator. I did not understand the purpose of his inquiry. I thought it was simply to discuss the merits of the matter. If I had understood his purpose I should, of course, have yielded.

The PRESIDING OFFICER. If the Senator from North Dakota insists upon his point of order, the unfinished business will be laid before the Senate.

Mr. McCUMBER. I shall not insist upon it if the Senator's remarks are to be brief.

Mr. OWEN. It will only take me 10 or 15 minutes.

Mr. McCUMBER. I only asked to interrupt the Senator for the very purpose of making that suggestion.

Mr. OWEN. But I would rather make no argument at all than not to be allowed to make it in a coherent fashion.

Mr. McCUMBER. How long does the Senator desire?

Mr. OWEN. I should think about 15 minutes.

Mr. McCUMBER. I ask if the Senator will not allow the matter to go over, as the whole matter will have to go over, so that the Senator from South Dakota [Mr. STERLING] may proceed with his argument.

Mr. OWEN. I will yield the floor if the Senator desires it.

Mr. McCUMBER. I am not asking it. If it is agreeable to the Senator from South Dakota, it is to me.

Mr. STERLING. It is agreeable to me.

Mr. McCUMBER. I ask, then, that the unfinished business may be further temporarily laid aside, in order that the Senator from Oklahoma may conclude his remarks upon the subject he is now discussing.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BRANDEGEE. Mr. President, before agreeing to the unanimous consent, let me ask the Senator from North Dakota if the unanimous-consent agreement does not include acting upon the resolution if nobody cares to speak upon it any further.

Mr. McCUMBER. I should hope not at the present time, Mr. President. I did not wish to go that far, because some of us may wish to discuss the same resolution to-morrow.

Mr. BRANDEGEE. I say, if there is no further discussion, if no one wants to discuss it, is there any objection to acting upon the resolution?

Mr. McCUMBER. I think there are others who will desire to have it go over.

Mr. BRANDEGEE. Very well.

Mr. OWEN. Mr. President, when a member of a party finds himself with a platform which declares on the one side that there shall be no subsidy, and in another part of the platform, immediately following, that there shall be a subsidy, he is necessarily face to face with the alternative of deciding in favor of one or the other. Therefore it is the most natural thing in the world that those Democrats who really believe in the general policy of the party of "no subsidy" should prefer to follow the general principle which always has been laid down by the party platform, and by the principles which have always been taught by the party.

The Democratic platform of 1908 declares:

We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

The platform of 1904 reads:

We denounce the ship-subsidy bill recently passed by the United States Senate as an iniquitous appropriation of public funds for private purposes and a wasteful, illogical, and useless attempt to overcome by subsidy the obstructions raised by Republican legislation to the growth and development of American commerce on the sea.

We favor the upbuilding of a merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

I might go back to other previous declarations of the Democratic platforms denouncing subsidies and denouncing bounties, but these planks are enough.

Even the Republican Party, when they granted the sugar bounty some years ago, were compelled to recede from that position because of the opposition of the people of the United States to bounties in taking money out of the Public Treasury for private purposes.

In this case the subsidies which are proposed to be granted by remitting the tolls through the Panama Canal are peculiarly objectionable and outrageous, because the great lines of shipping on the seacoast have parceled out the Atlantic seaports and the seaports of the Pacific, I am informed, among themselves, so that they have in effect practically destroyed competition in the shipping between the ports. They have also a monopoly by law in that 95 per cent of the shipping is in two companies. I understand, in a well-organized commercial monopoly, they are granted the exclusive right of transportation by ships from one port to another on the Atlantic coast, or at least exclusive of all foreign shipping. We do not follow the English custom, which allows any ship in the world to engage in coast-wise traffic; but these boats have a monopoly, and they are using the monopoly to extort from the people on the Atlantic seaboard unfair freight rates because of their monopoly.

Not content with that under advantage by law, excluding foreign competition which they ought not to have, which ought to be taken away from them by statute, they have busied themselves with creating alleged public sentiment, bringing pressure to bear upon Congressmen and Senators and public men and upon various political conventions—for example, the national convention of the Democratic Party, the national convention of the Progressive Party—they have been sending circular letters all over the country, getting resolutions presented before various civic bodies that they might hope to influence; having speeches made by their strikers, and so forth, and now they would like to delay action upon this matter until they can further work up this artificial public sentiment.

Why, with one-thousandth part of the people in favor of this odious privilege and monopoly they could send in 90,000 petitions to the Senate demanding this privilege for the few at the expense of the many. I am not in the least concerned about any of the petitions which are sent to me from this quarter, nor about their inspired letters. This modern lobby game is well understood by nearly every experienced public servant. I was justified in calling the attention of the Senate to the fact that not a single State in the Union, through its convention of any party, has demanded this privilege of exemption from tolls, this subsidy from the public treasury for the benefit of the coast-wise shipping monopoly.

The shipping monopoly's agents busy themselves denouncing the public men who stand for the general welfare, charging them with being pro-British, charging them with giving up American rights to British hands, charging them with tearing down American rights at the demand of foreign powers, and trying in that way to prejudice the public mind and mislead public men. Such deceitful abuse demonstrates the poverty and weakness of their case. Scurrility is the refuge of defeated argument.

We have a right to inquire how this absurd contradiction of a proposal for a subsidy in a platform denouncing "subsidy" found its way into the Democratic national platform; and we have a right, as soon as we can lay our hands upon it, to repeal

this law which violates the fundamental doctrines of Democracy and fair play.

Mr. GALLINGER. Mr. President—

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

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. Would the Senator be in favor likewise of repealing the law, which has been on the statute books a long time, giving preference to our coastwise vessels as against the vessels of other nations?

Mr. OWEN. I would take away such a monopoly from any set of men in this Republic.

Mr. GALLINGER. The Senator does not quite answer my question. Is the Senator in favor of repealing the law which protects our coastwise shipping from the shipping of other nations?

Mr. OWEN. I am.

Mr. GALLINGER. The Senator is in favor of that. Is the Senator in favor also of repealing the ocean mail act of 1891, which gives a subvention to American ships carrying the mails?

Mr. OWEN. Mr. President, I think there might arise a public necessity or a need to afford proper compensation to American ships in transmitting the mails and in establishing relations between this country and other countries. There is a possibility that might arise where a subvention would be justified, but I do not know of such a case. I would not say, however, that under no circumstances would I not consent to such a thing.

I will say, moreover, with regard to this particular agreement with Great Britain, that I think the United States would have a perfect right as far as the law is concerned to subsidize its own ships if it saw fit to do so. In demanding the repeal of the act of 1912 I am not willing to say, and I am not saying, that the United States has not the legal power to subsidize its own ships if it wants to, but I do not believe the people of the United States want to. I do not believe the people ought to want to. I think the plan of subsidy is fundamentally and morally wrong. This principle of privilege once adopted is always used as a lever to get more and more privilege and greater and greater advantages, which are not justified, out of the Public Treasury for private interests.

Mr. GALLINGER. What I particularly wanted the Senator's opinion on was the question whether he is prepared to repeal the law which has been on the statute books for a good many years—

Mr. OWEN. Oh, Mr. President, I am not passing on such questions now.

Mr. GALLINGER (continuing). Giving the preference to our coastwise ships, and thus permit the tramp steamers of every nation in the world to come and engage in our coastwise trade. The Senator said a moment ago that he was in favor of it, but now he says he is not.

Mr. OWEN. One thing at a time is sufficient. Mr. President, I should like to insert in the RECORD, without reading, the convention of Constantinople, signed October 28, 1888, for the free navigation of the Suez Canal, which is referred to in article 3 of the treaty of 1901.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[Translation.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of Spain, and in his name the Queen Regent of the Kingdom; the President of the French Republic; His Majesty the King of Italy; His Majesty the King of the Netherlands, Grand Duke of Luxembourg, etc.; His Majesty the Emperor of All the Russias; and His Majesty the Emperor of the Ottomans, wishing to establish by a conventional act a definite system destined to guarantee at all times and for all the powers the free use of the Suez Maritime Canal, and thus to complete the system under which the navigation of this canal has been placed by the Firmans of His Imperial Majesty the Sultan, dated the 22d of February, 1866 (2 Zilkadé, 1282), and sanctioning the concessions of His Highness the Khedive, have named as their plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Hon. Sir William Arthur White, her ambassador extraordinary and plenipotentiary;

His Majesty the Emperor of Germany, King of Prussia, M. Joseph de Radowitz, his ambassador extraordinary and plenipotentiary;

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, M. Henri, Baron de Calice, his ambassador extraordinary and plenipotentiary;

His Majesty the King of Spain, and in his name the Queen Regent of the Kingdom, Don Miguel Florez y Garcia, his chargé d'affaires;

The President of the French Republic, M. Gustave Louis Lannes, Count de Montebello, ambassador extraordinary and plenipotentiary of France;

His Majesty the King of Italy, M. Albert, Baron Blanc, his ambassador extraordinary and plenipotentiary;

His Majesty the King of the Netherlands, Grand Duke of Luxembourg, etc., M. Gustave Keun, his chargé d'affaires;

His Majesty the Emperor of all the Russias, M. Alexandre de Nélidow, his ambassador extraordinary and plenipotentiary;

His Majesty the Emperor of the Ottomans, Mehemed Saïd Pasha, his minister for foreign affairs;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE 1.

The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag.

Consequently the high contracting parties agree not in any way to interfere with the free use of the canal in time of war as in time of peace.

The canal shall never be subjected to the exercise of the right of blockade.

#### ARTICLE 2.

The high contracting parties, recognizing that the fresh-water canal is indispensable to the maritime canal, take note of the engagements of his highness the Khedive toward the Universal Suez Canal Co. as regards the fresh-water canal, which engagements are stipulated in a convention bearing date the 18th March, 1863, containing an exposé and four articles.

They undertake not to interfere in any way with the security of that canal and its branches, the working of which shall not be exposed to any attempt at obstruction.

#### ARTICLE 3.

The high contracting parties likewise undertake to respect the plant, establishments, buildings, and works of the maritime canal and of the fresh-water canal.

#### ARTICLE 4.

The maritime canal remaining open in time of war as a free passage, even to the ships of war of belligerents, according to the terms of article 1 of the present treaty, the high contracting parties agree that no right of war, no act of hostility, nor any act having for its object to obstruct the free navigation of the canal shall be committed in the canal and its ports of access, as well as within a radius of 3 marine miles from those ports, even though the Ottoman Empire should be one of the belligerent powers.

Vessels of war of belligerents shall not revictual or take in stores in the canal and its ports of access, except in so far as may be strictly necessary. The transit of the aforesaid vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and without any other intermission than that resulting from the necessities of the service.

Their stay at Port Said and in the roadstead of Suez shall not exceed 24 hours, except in case of distress. In such case they shall be bound to leave as soon as possible. An interval of 24 hours shall always elapse between the sailing of a belligerent ship from one of the ports of access and the departure of a ship belonging to the hostile power.

#### ARTICLE 5.

In time of war belligerent powers shall not disembark nor embark within the canal and its ports of access either troops, munitions, or materials of war. But in case of an accidental hindrance in the canal, men may be embarked or disembarked at the ports of access by detachments not exceeding 1,000 men, with a corresponding amount of war material.

#### ARTICLE 6.

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

#### ARTICLE 7.

The powers shall not keep any vessel of war in the waters of the canal (including Lake Timsah and the Bitter Lakes).

Nevertheless, they may station vessels of war in the ports of access of Port Said and Suez, the number of which shall not exceed two for each power.

This right shall not be exercised by belligerents.

#### ARTICLE 8.

The agents in Egypt of the signatory powers of the present treaty shall be charged to watch over its execution. In case of any event threatening the security or the free passage of the canal, they shall meet on the summons of three of their number under the presidency of their doyen, in order to proceed to the necessary verifications. They shall inform the Khedivial Government of the danger which they may have perceived, in order that that Government may take proper steps to insure the protection and the free use of the canal. Under any circumstances, they shall meet once a year to take note of the due execution of the treaty.

The last-mentioned meetings shall take place under the presidency of a special commissioner nominated for that purpose by the Imperial Ottoman Government. A commissioner of the Khedive may also take part in the meeting and may preside over it in case of the absence of the Ottoman commissioner.

They shall especially demand the suppression of any work or the dispersion of any assemblage on either bank of the canal, the object or effect of which might be to interfere with the liberty and the entire security of the navigation.

#### ARTICLE 9.

The Egyptian Government shall, within the limits of its powers resulting from the Firmans, and under the conditions provided for in the present treaty, take the necessary measures for insuring the execution of the said treaty.

In case the Egyptian Government should not have sufficient means at its disposal, it shall call upon the Imperial Ottoman Government, which shall take the necessary measures to respond to such appeal; shall give notice thereof to the signatory powers of the declaration of London of the 17th March, 1885; and shall, if necessary, concert with them on the subject.

The provisions of articles 4, 5, 7, and 8 shall not interfere with the measures which shall be taken in virtue of the present article.

#### ARTICLE 10.

Similarly, the provisions of articles 4, 5, 7, and 8 shall not interfere with the measures which His Majesty the Sultan and His Highness the Khedive, in the name of His Imperial Majesty, and within the limits of the Firmans granted, might find it necessary to take for securing by their own forces the defense of Egypt and the maintenance of public order.



In case His Imperial Majesty the Sultan or His Highness the Khedive should find it necessary to avail themselves of the exceptions for which this article provides, the signatory powers of the declaration of London shall be notified thereof by the Imperial Ottoman Government.

It is likewise understood that the provisions of the four articles aforesaid shall in no case occasion any obstacle to the measures which the Imperial Ottoman Government may think it necessary to take in order to insure by its own forces the defense of its other possessions situated on the eastern coast of the Red Sea.

## ARTICLE 11.

The measures which shall be taken in the cases provided for by articles 9 and 10 of the present treaty shall not interfere with the free use of the canal. In the same cases the erection of permanent fortifications contrary to the provisions of article 8 is prohibited.

## ARTICLE 12.

The high contracting parties, by application of the principle of equality as regards the free use of the canal, a principle which forms one of the bases of the present treaty, agree that none of them shall endeavor to obtain with respect to the canal territorial or commercial advantages or privileges in any international arrangements which may be concluded. Moreover, the rights of Turkey as the territorial power are reserved.

## ARTICLE 13.

With the exception of the obligations expressly provided by the clauses of the present treaty, the sovereign rights of His Imperial Majesty the Sultan, and the rights and immunities of His Highness the Khedive, resulting from the Firmans, are in no way affected.

## ARTICLE 14.

The high contracting parties agree that the engagements resulting from the present treaty shall not be limited by the duration of the acts of concession of the Universal Suez Canal Co.

## ARTICLE 15.

The stipulations of the present treaty shall not interfere with the sanitary measures in force in Egypt.

## ARTICLE 16.

The high contracting parties undertake to bring the present treaty to the knowledge of the States which have not signed it, inviting them to accede to it.

## ARTICLE 17.

The present treaty shall be ratified, and the ratifications shall be exchanged at Constantinople within the space of one month, or sooner if possible.

In faith of which the respective plenipotentiaries have signed the present treaty, and have affixed to it the seal of their arms.

Done at Constantinople, the 29th day of the month of October, in the year 1888.

(L. S.)	W. A. WHITE.
(L. S.)	RADOWITZ.
(L. S.)	CALICE.
(L. S.)	MIGUEL FLOREZ Y GARCIA.
(L. S.)	G. DE MONTEBELLO.
(L. S.)	A. BLANC.
(L. S.)	GUS. KEUN.
(L. S.)	NELDOW.
(L. S.)	M. SAID.

Mr. OWEN. I will not detain the Senate much longer.

Mr. President, the Hay-Pauncefote convention of 1901, in the preamble, declares the intention of the convention to be to provide for—

The construction of such canal under the auspices of the Government of the United States without impairing the general principle of neutrality established in article 8 of that convention.

And article 8—convention of 1850—declares the principle—

That the same canals or railways being open to the citizens and subjects of the United States and Great Britain on equal terms shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

The convention of November 18, 1901, in article 1, superseded the Clayton-Bulwer convention of 1850, and in article 2 authorized the United States to construct, regulate, and manage the proposed canal.

Article 3 adopted certain rules—

Substantially as embodied in the Convention of Constantinople, signed October 28, 1888, for the free navigation of the Suez Canal.

It will be observed that by the convention of Constantinople—see above—the canal is to be open to the ships of all nations on equal terms, except that Turkey and Egypt may protect their sovereignty rights, regardless of the rules of neutrality otherwise enforced.

This exception was not inserted in the Hay-Pauncefote treaty of November 18, 1901, because we had not at that time acquired sovereignty over the land itself, but, anticipating that this might be done, article 4 of the treaty provided as follows:

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

When in 1903 the Republic of Panama entered into a treaty with the United States granting a strip of land 10 miles wide to the United States for the purpose of establishing the inter-oceanic canal, the sovereignty of the United States attached, with all the rights of sovereignty to defend its rights, regardless of the rules established by article 3, just as Turkey and Egypt, in the convention of Constantinople, were recognized as having such sovereign right.

But the convention of Constantinople meant equal rights as to tolls and no discrimination against any nation in the matter of conditions or charges of traffic.

Section 1 of article 3 of the Hay-Pauncefote treaty declares:

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

It is contended that the term "free and open" to the vessels of all nations "observing these rules" does not mean to include the United States among the words "all nations," because the United States could not be expected to observe the rules 1, 2, 3, 4, 5, and 6, under article 3. It is true that the United States as the sovereign power would not be bound in the same way by these rules, but the United States in adopting these rules—in 1901—should observe them as modified by the duties of sovereignty—acquired in 1903—and should enforce them by virtue of sovereignty. Express attention, however, is called to the next line, which says:

that there shall be no discrimination against any such nation or its citizens or subjects—

That is, all nations.

No discrimination by whom? Obviously no discrimination by the United States, the sovereign power, against any such nation or its citizens or subjects, in a limited way, to wit—

in respect of the conditions or charges of traffic or otherwise, such conditions, and charges of traffic to be just and equitable.

When, therefore, the United States gives statutory exemption from tolls to the vessels of American citizens plying between the Atlantic and Pacific coasts of the United States, a traffic estimated primarily at a million tons, and which will probably in some years reach 10,000,000 tons, such a statutory exemption might seriously affect the charges levied on the citizens of other nations and would not be equitable or just unless the full volume of such tolls was by law estimated in fixing the charges proportionately upon the traffic passing through the canal. The treaty rights of other nations should not be left merely to executive discretion, with an invitation of statute law to discriminate.

An act of Congress giving exemption from tolls without recognizing this principle of equitable apportionment may justly, therefore, be regarded as a statutory discrimination by the United States against the vessels of citizens of other nations.

It is not necessary to assume in demanding the repeal, upon the above considerations, that the United States would not have the right to grant any subsidies it might see fit to vessels owned by American citizens. Whether it does so or not is a question of domestic policy, with which other nations have no concern, unless the subsidy is granted in such a way as to eventuate in or effectuate a discrimination in the matter of the charges levied upon the vessels of the citizens of other nations.

In demanding the repeal of the tolls exemption, I yield nothing whatever of the sovereign rights of the United States over the canal, only insisting that the sovereignty shall be exercised with justice to all mankind and that the charges imposed under the sovereignty of the United States shall be, as the treaty provides, "just and equitable" and "without discrimination."

Mr. President, a divine light, the subjective knowledge of truth and justice, is lodged within the soul of every living man. In the exercise of sovereignty our public men should be guided by this light—by the law of righteousness voiced by the Great Teacher in the golden rule, "Do unto others as ye would have them to do unto you." This is the wise policy for nations and men. "Be noble and the nobility that lies in other men, sleeping, but never dead, will rise in majesty to meet your own" applies also to nations.

Mr. BRISTOW. Mr. President, I desire to say, in order that there may be an expression in the Record in regard to this alleged monopoly in coastwise shipping, that it seems to me the term "monopoly," as used in that respect, is used improperly. There is no monopoly of the coastwise vessels of the United States, nor does the law give any institution or any individual a monopoly of the coastwise trade. It provides that only American vessels, built in American yards and manned by American seamen, shall engage in traffic between ports of the United States. That is all there is to it. There is no monopoly. The word "monopoly" can not be used in that connection except improperly, and the effect of it, of course, is to mislead the American public.

Mr. OWEN. Mr. President—

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

Mr. BRISTOW. I do.

Mr. OWEN. Of course the Senator knows, and I know, that the law, in terms, does not establish a monopoly. What the law does is to cut off foreign competition and permit those who have gotten control to arrange the ports and the prices at their will; and that does make, in effect, a monopoly.

Mr. BRISTOW. The Senator is mistaken as to its being a monopoly in effect. As he will understand upon reflection, the railroads have controlled or have obtained control of a large part of the coastwise traffic of the United States. I think the report that was recently made, and that has been commented upon very largely in the other body, shows that between 80 and 90 per cent, at least, of our coastwise traffic has been controlled by the railways. So railway domination of water traffic has become prevalent in many sections of the country. The Panama Canal act sought to break up that monopoly so as to give independent shipping an opportunity; and one of the agencies to give independent shipping an opportunity to break up the attempted monopolizing of that traffic was this very exemption clause which it is sought to repeal.

Mr. FALL. Mr. President—

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

Mr. BRISTOW. I do.

Mr. FALL. Is it not a fact that if there is any railroad monopoly in the shipping from the east to the west coast it is the monopoly of the Tehuantepec Railroad, a British-owned enterprise, which carries 750,000 tons per annum of the coastwise trade of the United States?

Mr. BRISTOW. I think the Tehuantepec road, in its traffic agreements and arrangements with the American-Hawaiian Steamship Co., is a very potent factor, and by cooperation with the Pacific Mail Steamship Co., the majority of whose stock is owned by the Southern Pacific Railroad, they have worked together and have established an absolute monopoly of shipping via Panama and Tehuantepec.

Mr. FALL. And that railroad is owned under a 51-year partnership agreement by Mexico and Lord Cowdray, is it not, by which Lord Cowdray has the entire control of the road and all of its income?

Mr. BRISTOW. It is owned by the Mexicans, and it is operated under a partnership contract with the English firm of Pearson & Co., who, I understand—

Mr. FALL. Sir Weetman Pearson is Lord Cowdray.

Mr. BRISTOW. Yes; and I am inclined to think that Pearson & Co., in connection with the Canadian Pacific interests, are the principal parties at interest in this controversy.

Mr. FALL. I agree with the Senator.

Mr. BRISTOW. And they have been so fortunate as to obtain powerful influences in their behalf in the United States against American interests and American enterprise, against the patriotic purpose of the American people to control their own domestic affairs.

Mr. FALL. It is a fact, is it not, that under that contract Lord Cowdray's road in Mexico receives one-third of the tonnage from New York, for instance, to Hawaii at the rate of \$4.07 gold per ton on all of our coastwise traffic, to the amount of 750,000 tons per annum?

Mr. BRISTOW. Yes; they have a percentage of the freight rate.

Mr. FALL. I will say that that is a fact; that it is one-third, and that it amounts to \$4.07 gold per ton upon all our coastwise traffic, which in turn amounts to 750,000 tons per annum. I will also say that the contract between Lord Cowdray and the American-Hawaiian Steamship Co. is exclusive, and is only contingent to this effect: That the American-Hawaiian Steamship Co. can abrogate that contract upon the opening to traffic of the Panama Canal, and it has been stated in sworn evidence taken by the House committee that the opening of the Panama Canal free will destroy the Cowdray enterprise.

Mr. BRISTOW. I desire to state further, along the line suggested by the Senator from New Mexico, that I was advised personally by a responsible party representing Sir Weetman Pearson & Co. that under proper toll charges in passing ships through the Panama Canal the Tehuantepec Railroad would be able to compete with the Panama Canal. In that conversation my informant said that the tolls ought to be, from a business point of view, in order to justify the American Government's investment in Panama, about \$2 per ton, and that if the tolls were imposed at that figure the Tehuantepec Railroad after the canal was open would be as profitable as before it was

open. Yet we have here to-day the humiliating spectacle of the American Government becoming absolutely subservient to the financial interests of an English company that is running a railroad across the Tehuantepec Peninsula in Mexico, and we are sacrificing American interests and American sovereignty in the interest of this English concern, and doing so apparently upon the pretense that there is some national honor at stake.

Mr. McCUMBER. Mr. President, I ask now that the unfinished business may be laid before the Senate.

Mr. GALLINGER. If the Senator from North Dakota will permit me, I wish to suggest to the Senator from Kansas a further important fact. That is, that if Great Britain carries out the same policy regarding the Panama Canal that she does regarding the Suez Canal, if we pay tolls on our shipping through the Panama Canal, Great Britain will remit from the treasury of the British Empire the tolls on British ships, and thus put us to a serious disadvantage unless we do the same thing, and the Senator from Oklahoma says the Democratic Party will never allow that to be done.

Mr. BRISTOW. Yes; and we shall find ourselves shut out of handling any traffic that England can handle.

Mr. GALLINGER. Absolutely.

Mr. BRISTOW. And we shall find every American ship driven from the seas and its place taken by an English or a German vessel.

Mr. McCUMBER obtained the floor.

Mr. GORE. Mr. President—

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

Mr. McCUMBER. I yield.

Mr. GORE. Mr. President, I merely wish to propound a question to the Senator from Kansas. According to the Senator from New Mexico [Mr. FALL], the freight rate per ton on the Tehuantepec Railroad is \$12.21. The tolls proposed on international shipping through the Panama Canal are \$1.20 per registered ton, which would be about 60 cents per freight ton. Even upon that basis there would be a saving of \$11.60 a ton. Does not the Senator think that might possibly contribute to the upbuilding of our interstate shipping, even in defiance of this British monopoly?

Mr. BRISTOW. Let me understand just what the Senator from Oklahoma said. I did not understand what he said as to the amount of charges made by the Tehuantepec Railroad.

Mr. GORE. According to the Senator from New Mexico [Mr. FALL] the charge is \$12.21 per ton.

Mr. BRISTOW. No; the Senator is entirely mistaken.

Mr. POINDEXTER. Four dollars and a half.

Mr. BRISTOW. They move traffic very much cheaper than that. There is some traffic that goes through, I know, as low as \$8 per ton from New York to the Pacific coast.

Mr. POINDEXTER. Four dollars and a half.

Mr. GORE. Mr. President, I understood the Senator from New Mexico [Mr. FALL] to say that one-third of the freight rate was \$4.07 per ton. I was surprised at the statement.

Mr. BRISTOW. I think the Senator from Oklahoma is mistaken. It is one-third of the rate that goes to the Tehuantepec Railroad, whatever the rate may be.

Mr. GORE. That would be far more reasonable, but I understood the Senator from New Mexico to say that \$4.07 was a third of the rate, making the aggregate \$12.21. Even upon that basis, however, there would be a saving of \$3.40 per ton in favor of free passage through the canal.

Mr. BRISTOW. Of course the Senator is entirely mistaken. The rates vary, of course, depending upon the commodities and their destination—

Mr. GORE. That is undoubtedly true, but I assumed the rate stated was the average.

Mr. BRISTOW. That is actual tons handled also, while the dollar and a quarter a ton is on the tonnage of the vessel.

Mr. GORE. Yes.

Mr. BRISTOW. And if the vessel is only half full, she pays then \$2.50 a ton on the traffic that is carried through.

Mr. GORE. It is supposed to average about 60 cents a ton.

Mr. McCUMBER. I know how hard it is to let go the tolls question, but I now ask that the unfinished business may be laid before the Senate.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Inter-oceanic Canals. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 120) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes.

Mr. STERLING obtained the floor.

## REPORTS OF COMMITTEES.

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

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

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

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

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

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

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

## BILLS INTRODUCED.

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

By Mr. BRISTOW:

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

By Mr. KERN:

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

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

By Mr. GALLINGER:

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

By Mr. SHIELDS:

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

By Mr. DU PONT:

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

By Mr. OWEN:

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

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

By Mr. SMITH of Michigan:

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

## AMENDMENTS TO APPROPRIATION BILLS.

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

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

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

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

## OMNIBUS CLAIMS BILL.

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

## DEPOSIT OF POSTAL FUNDS.

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

## THE ECONOMIC VALUE OF MAN.

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

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

## THE TOLLS QUESTION.

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

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

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

## "THE TOLLS QUESTION.

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

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

## "GAG RULE.

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

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

## "THE PLATFORM PLEDGE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### "THE 'SURRENDER TO ENGLAND'"

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

What has Great Britain done to justify the accusation that she is trying to dictate to this country? She has simply called attention to the terms of the treaty and asked for arbitration of the question of construction, in case this Government differs from the British Gov-

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

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

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

#### "SUBSIDY OR NO SUBSIDY."

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

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

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

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

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

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

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

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

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

He also presented a petition of sundry organizations of Grand Rapids, Mich., and a petition of sundry citizens of Clayton, Mich., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Bellaire, Mich., praying for the passage of the so-called pure wool and pure leather bill, which was referred to the Committee on Manufactures.

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

He also presented a petition of the City Council of Quincy, Mass., praying for the enactment of legislation to provide pensions for superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. WEEKS presented memorials of sundry citizens of Boston, Everett, Chelsea, Malden, Dorchester, Somerville, Cambridge, Lynn, Beverly, and Roxbury, all in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD presented a petition of sundry citizens of Charles Mix County, S. Dak., praying for the enactment of legislation to establish a system of rural credits, which was referred to the Committee on Banking and Currency.

Mr. JOHNSON presented petitions of Skowhegan Grange, Patrons of Husbandry, of Skowhegan; of Grand Lodge, Independent Order Good Templars, of Waterville; of the congregations of the Pine Street Congregationalist Church, of Lewiston; the Methodist Episcopal Church of Waldsboro; the Congregationalist Church of Dedham; the Congregationalist Church of Otisfield; the Baptist Church of Fort Fairfield; the Main Street Free Baptist Church, of Lewiston; of Easton Grange, Patrons of Husbandry, of Easton; of Ashland Grange, Patrons of Husbandry, of Ashland; of sundry citizens of Ashland, Fort Fairfield, Holden, Bangor, Waldsboro, Otisfield, and of Emerson H. Doughty, of Portland, all in the State of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

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

He also presented a petition of sundry citizens of Westfield, Ind., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented memorials of the Knox County Medical Society, the Boone County Medical Society, the Owen County Medical Society, and the Martin County Medical Society, all in the State of Indiana, remonstrating against the enactment of legislation to prohibit physicians, dentists, and veterinarians from dispensing and distributing narcotic drugs, which were ordered to lie on the table.

He also presented a petition of Richard J. Harden Camp, No. 2, United Spanish War Veterans, of Washington, D. C., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War and the Philippine insurrection, which was referred to the Committee on Pensions.

#### REPORTS OF COMMITTEES.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 1127) for the relief of Samuel H. Walker, reported it with an amendment and submitted a report (No. 426) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (S. 4857) for the relief of the St. Croix Chippewa Indians of Wisconsin, reported it without amendment and submitted a report (No. 427) thereon.

Mr. JOHNSON, from the Committee on Claims, to which was referred the bill (S. 105) for the relief of John T. Brickwood, Edward Gaynor, Theodore Gebler, Lee W. Mix, Arthur L. Peck, Thomas D. Casanega, Joseph de Lusignan, and Joseph H. Ber-

ger, reported it with amendments and submitted a report (No. 428) thereon.

Mr. SHIVELY, from the Committee on Pensions, submitted a report (No. 425) to accompany bill (S. 5278) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 181. Sidney Payne Smith.  
S. 729. Wenzel Patzelt.  
S. 1538. Sherwood C. Bowers.  
S. 1982. Frank M. Eldredge.  
S. 2163. George A. Porterfield.  
S. 2283. William H. Rackliff.  
S. 2825. Harry Jones.  
S. 2837. Matilda Robertson.  
S. 2858. Phebe W. Chase.  
S. 3524. Nelson Dimick.  
S. 4240. Mary J. Torney.  
S. 4588. William A. Taylor.  
S. 4724. John Andrews.  
S. 4989. Joseph A. Black.  
S. 5058. Charles W. Halls.  
S. 5074. George F. Behymer.  
S. 5118. John Abplanalp.  
S. 5120. Hezekiah C. Cotner.

#### BILLS INTRODUCED.

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

By Mr. KENYON:

A bill (S. 5279) granting an increase of pension to James E. Reed; to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 5280) to provide for the creation of a national farm loans association and State and local associations, and for other purposes; to the Committee on Banking and Currency.

A bill (S. 5281) for the relief of Wiley W. Houston (with accompanying papers); to the Committee on Military Affairs.

By Mr. OLIVER:

A bill (S. 5282) granting an increase of pension to Wesley A. Loucks (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 5283) to regulate the catching of whales in the waters of the Territory of Alaska; to the Committee on Fisheries.

A bill (S. 5284) for the relief of Frank C. Darling; and

A bill (S. 5285) for the relief of A. M. Darling, administrator; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 5286) for the relief of Frances L. Snell; to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 5287) authorizing the Secretary of War to erect a monument at Valparaiso, Chile (with accompanying papers); to the Committee on the Library.

A bill (S. 5288) granting an increase of pension to Cecilia Murphy (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 5289) to provide for warning signals for vessels working on wrecks or engaged in dredging or other submarine work; to the Committee on Commerce.

By Mr. CLAPP:

A bill (S. 5290) granting an increase of pension to Fridolin Strobel; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 5291) to authorize Edmund Richardson, or the parishes of East Carroll and West Carroll, La., or both, to construct a bridge across Macon Bayou, at or near Epps Ferry, La.; to the Committee on Commerce.

By Mr. JAMES:

A bill (S. 5292) granting an increase of pension to David Britton; to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 5293) for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army (with accompanying papers); to the Committee on Military Affairs.

By Mr. JOHNSON:

A bill (S. 5294) granting an increase of pension to Daniel Richardson; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 5295) to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. OWEN:

A bill (S. 5296) for the relief of A. W. Holland (with accompanying paper); to the Committee on Post Offices and Post Roads.

#### AMENDMENTS TO APPROPRIATION BILLS.

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

Mr. CRAWFORD submitted an amendment proposing to appropriate \$6,200 for the maintenance of an assay office at Deadwood, S. Dak., etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. KENYON submitted an amendment proposing to appropriate \$500,000 for farm demonstration outside of the cotton belt, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. LODGE submitted an amendment authorizing the Secretary of the Interior to add to the rolls of each of the Five Civilized Tribes the names of persons shown by the governmental records to be entitled to enrollment, irrespective of technical legal bars, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

#### POSTAL SAVINGS BANKS.

Mr. TOWNSEND. I submit a resolution in reference to deposits of postal savings funds, the matter that was up yesterday. The resolution (S. Res. 340) was read, considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Postmaster General is hereby directed to report to the Senate at as early a date as practicable the amount of money now on deposit in the postal savings banks of the United States; also the amount of such deposit on October 1, 1913, and on the 1st day of each month thereafter to April 1, 1914, inclusive.

#### ADDRESS BY SENATOR PENROSE—AFFAIRS IN MEXICO.

Mr. OLIVER. I have here a short address delivered by my colleague [Mr. PENROSE] in the Whitehall Baptist Church, at Tacony, Pa., last Sunday upon the Mexican situation. I ask unanimous consent to have it printed in the RECORD.

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

Armed intervention by the United States was held up yesterday by Senator PENROSE as the outcome of the present situation in Mexico, the inevitable solution of the problem, unless this Government changes its policy and takes steps to change conditions to suit the situation. In an address delivered in the Whitehall Baptist Church, Tacony, Senator PENROSE voiced vigorous criticism of the Wilson administration's policy with respect to foreign relations, with particular reference to Mexico.

Senator PENROSE addressed a small but enthusiastic audience. The Rev. Herbert Hargraves, pastor of the church, introduced him. After the address there was an impromptu reception for the Senator.

After his set speech, Senator PENROSE said he did not mean to indicate that we were actually in danger of war, but merely wanted to enlighten the people on the true conditions. The United States never participated in a war of aggrandizement, but always and only for either its own independence, for the maintenance of the Union, or for humanitarian reasons. The flag would never be carried to warfare, he concluded, for the personal advantage of any politician or set of politicians.

#### SENATOR PENROSE'S SPEECH.

Senator PENROSE said he was actuated in taking up a public discussion of the Mexican situation because of "less information and more misinformation in the minds of the people." This lack of information, he added, "has also been true of the statesmen who are now guiding the destinies of the Nation." The people had kept quiet, he said, because they did not want to embarrass the administration and its policy. He continued:

"The fundamental error in our attitude toward Mexico is that we have undertaken to deal with that country as we would with Denmark or Spain or Italy. We have assumed not only that Mexico is a nation in the political sense of the term, but also that the Mexicans are a people more or less homogeneous and certainly more or less animated by social and political motives which we would recognize as of the same category as our own political ideals, even if somewhat modified in form or application.

"No greater mistake could have been made. In the first place, Mexico within its political borders contains three distinct races. The migration which took place on this continent during the centuries while the Normans were conquering England was a migration consisting of various tribes of our own North American Indians. They pushed down from the North until they had reached the site of the present City of Mexico, about 200 years before Cortez landed on the Mexican shores of the Gulf.

"To give a better idea of what happened, it is well to remember that Mexico may be described as a long V-shaped high tableland, with the point roughly in the neighborhood of Mexico City. A narrow

strip of low coast land lies on both the Pacific and the Atlantic sides of this V. From Mexico City to the extremity of the peninsula of Yucatan is nearly the same distance as it is from the Rio Grande to the City of Mexico. This country beyond the city is relatively low and is what is described as the tierra caliente (hot lands). The territory Indians from the north, who are the Aztecs of Mexican history, pushed off the high plateau their predecessors, who are known as the Toltecs. They also are Indians. At the races in Mexico are Indians, and most of the inhabitants of Mexico are Indians to-day.

"Mexico is an Indian country. There are some 15,000,000 people in the country, according to the census of 1910. The census does not include racial statistics, but conservative students of Mexican conditions consider that of these 15,000,000 people, 13,000,000 are so nearly of pure Indian blood that such admixture of Caucasian blood as may flow in their veins is a negligible quantity, from a scientific standpoint. It is certainly negligible from a moral standpoint. Of the remaining 2,000,000, it is doubtful if there are 250,000 Mexicans of absolutely undiluted Caucasian blood, and the remainder are crossbreeds between the Spanish settlers and the Indians in varying proportions of European and native blood.

"Too much emphasis can not be laid on this condition. The problems which Mexico has to face are problems based on the same mental and moral characteristics, the same racial peculiarities, as the problems which we had to face in the winning of the plains and the Rocky Mountain country in the third quarter of the last century.

"The conditions were somewhat modified. The Spaniards, when they conquered Mexico, followed a policy which was different from that of our pioneers. The result of that policy was that the Indian lost something of his nomadic characteristics and became imbued in varying degrees with the characteristics of an agricultural instead of a hunting race. This change brought with it, however, no degree of homogeneity. There are some twenty-odd distinct tribes among the inhabitants of Mexico and an equal number of Indian tongues, with more local dialects.

"The same intertribal hostility which was the motive of the wars constantly going on when Cortez came to Mexico first has persisted to this day, although its outward form has been somewhat modified by the control of civilization. It persists in the form of resentment and hostility on the part of district against district, and most especially the north against the south.

"The Spanish colonial rule did nothing to overcome this. I believe that our conception of that period of colonial rule has been that of one in which the Viceroy of Mexico was the real representative, with all the pomp and stately trappings which accompanied royal delegates in those days, and who ruled more or less directly over the whole region which we now know as Mexico.

"As a matter of history, the various lieutenantcies—or intendencias, as they were called—when Mexico was divided were ruled as independent satrapies, and the intendents, or King's lieutenants, in the different sections of the country reported directly to the court and the King at Madrid, having no dealings with the Viceroy at Mexico for administrative or political purposes, their relations with him being purely fiscal and confined to the remission, through him, of the taxes and tribute to the court. This governmental organization naturally contributed to the maintenance of regional and tribal peculiarities, and even hostilities. At no time until the days of Porfirio Diaz can there be said to have been any sustained attempt to consolidate the unorganized and widely differing tribal units of Mexico into a homogeneous people.

#### TRIBAL CHARACTERISTICS.

"President Wilson wrote in one of his books that constitutional government was not a thing which could be given to a people. A very great part of the difficulties of our present situation with Mexico is due to his attempts to give constitutional government, not even to a people, but to a collection of Indian tribes whose racial characteristics are still painfully in evidence.

"If you have been reading the dispatches from the correspondents following the campaign in Mexico, you will notice in these last few days that the reports of the fighting in the vicinity of Torreón have all reflected the Indian character. There have been many incidents related of physical bravery and of truly Indian stoicism in the face of death and agony. This is the more admirable side, but the same dispatches, if read between the lines, also display the other characteristics which the records of a century of our expansion on this continent have compelled us to recognize as equally characteristic of the Indian. I mean cruelty—barbaric cruelty—and revenge that is nothing less than pagan.

"I say when read between the lines, because the returning correspondents tell by word of mouth details regarding incidents to which they merely referred in their letters, which make one doubt that this can be the continent of America in the dawn of the twentieth century. These tales of mutilation and torture sound like the barbarities of the Middle Ages.

"It is bad enough to know that these cruelties are inflicted by Mexicans on Mexicans. When, however, we realize that they have also been inflicted on American citizens and on American women and children, it is difficult to display that patience which is asked for with the action of an administration whose policy has fomented the conditions of anarchy and reversion to primitive instincts which permit such things to be.

"When the homes of American citizens are raided by bandits, and American men bound to trees in the good old Indian way of binding the victim to the stake, and the daughters of the house are assaulted, it is hard to restrain our human instincts as men and brothers and subordinate them to the political expediency which is demanded to uphold a course avowedly based on the highest principles of political morality.

#### LONG SCORE OF BARBARITIES.

"This is no composite picture, no exaggeration, of merely disagreeable incidents. I have referred to an actual case in the terms in which it actually occurred and in which it is actually on record with the Government at Washington. There is a long score of barbarities of this and other kinds, some of which can not be even mentioned in this presence—most of them fully recorded in reports in Washington; and it seems to me that not only the expediency but also the morality which it has been announced is to be the basis of our policy toward our neighbors to the south has not only failed to demonstrate its expediency, but what the ordinary citizen understands as morality, both of object and of procedure, has been more distorted than one should expect from such high professions. A policy which requires constant suppression of fact in order to retain even the possibility of public support is not conducive to the spread of ideas of public morality.

"An incidental feature of our Government's policy, which finds it necessary to furnish weapons and ammunition to a bandit chieftain who

## SENATE.

FRIDAY, April 17, 1914.

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

Almighty God, Thou art the All-Great, the All-Loving, too—  
So, through the thunder comes a human voice  
Saying, "O heart I made, a heart beats here!  
Face, my hands fashioned, see it in myself!  
Thou hast no power nor mayst conceive of mine,  
But love I gave thee, with myself to love,  
And thou must love me who have died for thee!"

We would be in Thy hands to be guided and blessed, to be kept and restrained, to be lifted up or cast down according to the Divine will, because we know that Thou art altogether love. So do Thou bless us this day. For Christ's sake. Amen.

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

## ENROLLED BILL SIGNED.

The VICE PRESIDENT announced his signature to the enrolled bill (S. 1829) for the relief of W. D. McLean, alias Donald McLean, which had heretofore been signed by the Speaker of the House of Representatives.

## POSTAL SAVINGS BANKS (S. DOC. NO. 467).

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of the 16th instant, certain information relative to the amount of money now on deposit in the postal savings banks of the United States, together with the amount of such deposits on October 1, 1913, and on the first day of each month thereafter to April 1, 1914, inclusive, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, requested the Senate to return to the House the enrolled bill (S. 1689) authorizing the accounting officers of the Treasury to allow in the accounts of the United States marshal for the district of Connecticut amounts paid by him from certain appropriations, which passed the House of Representatives on March 9, 1914.

## PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Greenville, Kalamazoo, and Baline Township, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a petition from Mrs. W. A. Lawson, president of the executive board of the Woman's Christian Temperance Union of Wisconsin, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Democratic Club of Ponce, P. R., remonstrating against the enactment of legislation to change the political status of Porto Ricans, which was referred to the Committee on the Pacific Islands and Porto Rico.

He also presented a petition of the Chamber of Commerce of Washington, D. C., praying for the enactment of legislation authorizing the opening up of suitable parts of the newly acquired land in the White Mountains and the Southern Appalachian Mountains for recreation, pleasure, and health, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HITCHCOCK presented a memorial of Local Branch No. 5, National Association of Letter Carriers, of Omaha, Nebr., remonstrating against any reduction in the rate of postage on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Maryland presented petitions of sundry citizens of Baltimore, Md., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

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

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

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

He also presented a memorial of James G. Blaine Council, No. 1, Junior Order United American Mechanics, of Stamford, Conn., remonstrating against any change being made in the United States flag, which was referred to the Committee on the Judiciary.

Mr. CHILTON presented a petition of the congregation of the Methodist Episcopal Church of Triadelphia, W. Va., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented petitions of sundry citizens of Brownsville, Lyons, Connersville, and Centerville, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Ambia, of the State board of veterinary examiners, and of the Jackson County Medical Society, all in the State of Indiana, remonstrating against the enactment of legislation to prohibit physicians, dentists, and veterinarians from dispensing and distributing narcotics, which were ordered to lie on the table.

Mr. OLIVER presented a petition of the Library Association of Beaver, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also (for Mr. PENROSE) presented memorials of sundry citizens of Allentown and Northampton County, in the State of Pennsylvania, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. MYERS presented a petition of the Christian Endeavor Society of the First Presbyterian Church of Anaconda, Mont., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented a memorial of sundry citizens of Bridgeport, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

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

He also presented a memorial of James G. Blaine Council, No. 1, Order United American Mechanics, of Stamford, Conn., remonstrating against any change being made in the United States flag, which was referred to the Committee on the Judiciary.

Mr. OWEN presented petitions of sundry citizens of Edmond, El Reno, Tecumseh, Gracemont, Pocasset, Talala, Thomas, Arapaho, Alva, and Blackwell, all in the State of Oklahoma, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

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

Mr. BURLEIGH presented a memorial of the Chamber of Commerce of Bangor, Me., remonstrating against the expansion of the Parcel Post Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Bingham, Guilford, Strong, Winter Harbor, Dexter, Auburn, Lewiston, Dover, Foxcroft, Beaus Corner, Ashland, Blue Hill, North Pownal, South Penobscot, Orrington, Winterport, Cumberland Center, Weld, North Berwick, Friendship, Nobleboro, and North Fayette, all in the State of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. LODGE presented memorials of sundry citizens of Boston, Cambridge, Dorchester, Brookline, Haverhill, Chelsea, Everett, and Charlestown, all in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented a petition of sundry citizens of Seneca, Wis., and a petition of sundry citizens of Wichita, Kans., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

#### PENSIONS AND INCREASE OF PENSIONS.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 13297) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 430) thereon.

#### BILLS INTRODUCED.

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

By Mr. SAULSBURY:

A bill (S. 5297) for the relief of James H. Palmer; to the Committee on Claims.

A bill (S. 5298) granting an increase of pension to Edmund E. Rogers; to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5299) to require the carriers of passengers for hire to establish an interstate rate which shall not exceed the combination of local rates; to the Committee on Interstate Commerce.

By Mr. ROBINSON:

A bill (S. 5300) to fix the salary of the Commissioner of Indian Affairs at \$7,500 per annum; to the Committee on Indian Affairs.

A bill (S. 5301) granting an increase of pension to James M. Harvey; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 5302) granting an increase of pension to William H. Scott (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 5303) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate Commerce.

By Mr. BRADY:

A bill (S. 5304) granting a pension to William R. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 5305) granting an increase of pension to Henry N. Oliver; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5306) granting an increase of pension to Maria L. Roraback (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5307) to authorize the Choctaw and Chickasaw Nations to bring suit in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. SHIELDS:

A bill (S. 5308) granting a pension to William R. Phillips; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 5309) for the relief of Minnie E. Howard; to the Committee on Claims.

A bill (S. 5310) granting a pension to William Weddington (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5311) granting an increase of pension to Benjamin E. Hull (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 5312) granting an increase of pension to Merritt Perham (with accompanying papers); to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. MARTINE of New Jersey submitted an amendment intended to be proposed by him to the river and harbor appropria-

tion bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate \$200 for the protection from high water of the north abutment of the Government bridge at Myton, Utah, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### VESSELS IN COASTWISE AND FOREIGN TRADE.

Mr. SHEPPARD. I submit a concurrent resolution and ask for its immediate consideration.

The concurrent resolution (S. Con. Res. 23) was read, as follows:

*Resolved by the Senate (the House of Representatives concurring), That the Interstate Commerce Commission be, and hereby is, authorized and directed to immediately investigate and, as soon as practicable, report to Congress the following information:*

First. To what extent, if any, vessels and steamship lines are engaged in transporting freight between Atlantic and Pacific ports wholly by water, or partly by water and partly by rail, and in the coastwise trade of the United States, under joint ownership or common control or in community of interest, directly or indirectly, by stock ownership, trust, holding committee, or otherwise, with railroad companies engaged in transporting freight by rail between the Atlantic and Pacific ports of the United States and in the coastwise trade of the United States, stating separately what vessels and steamship lines are owned and controlled by said railroad companies, if any, and what vessels and steamship lines in said transportation are under a common or joint ownership or control with said railroad companies, or any thereof, and the names of the owners, stockholders, trustees, holding companies, directors, and officers of all steamship lines and railroads engaged in the coastwise and foreign trade of the United States. And to what extent and how, if any, they are consolidated, directed, or operated by and through holding companies, interlocking stocks, interlocking directorates, or interlocking officers.

Second. What are the prevailing rates upon the principal commodities carried by vessels between said Atlantic and Pacific ports of the United States wholly by water or partly by water and partly by rail across the Isthmus of Panama or Tehuantepec, and what are the prevailing rates between said Atlantic and Pacific ports upon such commodities transported wholly by rail, and what are the prevailing rates for transportation of similar commodities wholly by water by vessels not under United States registry for similar distances as the water routes between said Atlantic and Pacific ports of the United States carried under similar conditions.

Third. And what are the prevailing rates upon the principal commodities carried by vessels in the coastwise trade of the United States in comparison with such rates on similar commodities for similar distances carried by vessels in the foreign trade of the United States.

Fourth. And what are the prevailing rates for transportation for similar commodities wholly by water by vessels not under United States registry for similar distances on similar commodities under similar conditions in comparison with the rates on commodities transported in the coastwise trade of the United States.

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

Mr. SMOOT. It may be desired that some amendments shall be offered to the resolution. For that purpose I ask that it may go over until to-morrow.

Mr. SHEPPARD. Very well.

THE VICE PRESIDENT. The concurrent resolution will go over until to-morrow.

#### EXECUTIVE SESSION.

THE VICE PRESIDENT. The morning business is closed.

Mr. GORE. I move that the Senate proceed to the consideration of House bill 13679, being the Agricultural appropriation bill.

Mr. SMOOT. That can only be done by unanimous consent.

Mr. SHIVELY. Pending that, I move that the Senate proceed to the consideration of executive business.

Mr. McCUMBER. Pending that, Mr. President, I suggest the want 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	Gore	Page	Smith, Md.
Borah	Hitchcock	Perkins	Smoot
Brady	Hughes	Pittman	Sterling
Brandegee	Kern	Ransdell	Sutherland
Bryan	Lodge	Robinson	Thomas
Burleigh	McCumber	Saulsbury	Thompson
Catron	McLean	Shafroth	Townsend
Chamberlain	Martine, N. J.	Sheppard	Vardaman
Crawford	Nelson	Sherman	Weeks
Cummins	Norris	Shively	West
Gallinger	Overman	Smith, Ga.	Works

Mr. TOWNSEND. I desire to announce the unavoidable absence of the senior Senator from Michigan [Mr. SMITH]. He is paired with the junior Senator from Missouri [Mr. REED] on all votes. I desire this announcement to stand for the day.

Mr. SMOOT. I wish to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY] and also of the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. SAULSBURY. I was requested to announce the necessary absence of the Senator from South Carolina [Mr. TILL-



munication with the executive of Colorado, with the House committee now engaged in investigating the Colorado situation, and with representatives of the miners.

Mr. THOMAS. I shall endeavor to bring the governor in contact with the Senator some time this afternoon.

Mr. WARREN. The situation ought to be relieved, of course; and it must have prayerful and the earliest possible attention and relief.

Mr. THOMAS. Mr. President, I have not called this matter to the attention of the Senate, because I have feared that because of my somewhat meager information as to details I might possibly say something that would reflect grave injustice upon some man, some official, or some interest; and that I want to refrain from doing. The situation seems to be a horrible one.

Mr. NORRIS. Mr. President—  
The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. THOMAS. I do.

Mr. NORRIS. I should like to ask the Senator from Colorado, since I presume he has perhaps made more investigation than any of the rest of us in regard to that particular subject, whether the committee recently appointed by the House to investigate this matter reached any conclusions as to what the power of Congress was, and, if so, as to what ought to be done?

Mr. THOMAS. I have not been advised that they have reached a conclusion as to that point. I understand they have reached some conclusions of fact, but whether they have made an official report or not I do not know definitely. I think, however, they have not.

Mr. KENYON. Mr. President, I will say that they have not, or had not a couple of days ago.

Mr. THOMAS. I thank the Senator for the information, because it corresponds with my own impression.

Mr. NORRIS. It occurs to me that since the House committee have made what I presume is a full and complete investigation of the subject, it would be well in some way to call the attention of that committee to the subsequent events that have been transpiring, with a view of having them take the whole matter into consideration.

Mr. THOMAS. Mr. President, one Member of the Colorado delegation is a member of the committee which has charge of this investigation, and he also has been the recipient of a number of telegrams concerning the subject, so I am sure that he is giving it personal attention.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. THOMAS. I do.

Mr. McCUMBER. I wish to know if these two telegrams, the one referred to by the Senator from Colorado and the other referred to by the Senator from Iowa, can not be used in some way to supplement each other. There seems to be a desire on the part of some of the young men there to satiate their thirst in Mexican gore; and there is also a demand for protection from certain citizens of Colorado, calling upon the strong arm of the Government. Is it not possible that the contingent that appeal here for some such work to do might satiate their thirst within the confines of Colorado?

Mr. THOMAS. Mr. President, I am too deeply impressed with the sober realities of existing conditions, both in Mexico and in my State, to make definite reply to the suggestion. Moreover, Mr. President, my heart is too full this morning of the human side of things. I fear, however, that the keen desire of so many young men to serve their country in the war now upon us will find full satisfaction before many more months have rolled around; and I also greatly fear that unless society can in some manner reconcile these terrible conflicts between capital and labor, Mexico is not the only country that will be torn by internecine strife. The conditions in my State are such as to fill me with apprehension for the immediate future.

Mr. GALLINGER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. THOMAS. I do.

Mr. GALLINGER. I will ask the Senator if my recollection is at fault that these striking miners in Colorado in the first instance shot down a marshal and some other citizens of the State.

Mr. THOMAS. Mr. President, last February when I was in Colorado I was told that the number of homicides up to that time totaled 138. I have no doubt, Mr. President, the history of this unhappy strife is replete with many murders and many crimes. I do not know. I think when this committee investigation shall have been given to the public we will then be able to speak fairly and do injustice to no man, at least I hope so.

Mr. GALLINGER. If the Senator will permit me, I think we ought to remain calm until the investigation in another body is completed. It was only a little while ago that the same class of telegrams were coming here concerning the strike in Michigan, and an investigation was made. The miners have gone back to work and everything is at peace there, as I understand.

Mr. THOMAS. That is the reason why I have introduced no telegrams, but no man having possession of his faculties and actuated by the common instincts of humanity can read without emotion the incineration of women and children in their little cots and tents out upon the plains.

Mr. GALLINGER. Of course we all sympathize with the Senator in that feeling, yet, as I suggested—

Mr. THOMAS. We ought at least to have some human feeling concerning it.

Mr. GALLINGER. As I suggested, an investigation is in progress, and I really think we ought, so far as the Senate is concerned, to patiently await the conclusions the committee will reach. The debate this morning will be helpful, for the reason—

Mr. THOMAS. I think we should remain as calm as possible at all times, but war is war and suffering is suffering, whether it be within the limits of the United States or out of the limits of the United States, and when we consider that the suffering falls so frequently upon the innocent, what wonder, Mr. President, that we look upon the future with more or less foreboding. I am no pessimist; I am inclined to take an optimistic view of things; but I feel that many of the conditions which are prevalent in this country demand summary rectification. There should be less of feeling, less of passion, less of recrimination; there should be an earnest recognition of grave social maladjustments and a patriotic desire to meet upon some plane where one side shall not say, "I demand everything," and the other side shall not say, "I demand everything," but in the interests of society, for the future of our children and of our children's children, try to reach some broad plane of human activity where the poor man and the rich man may each enjoy the opportunities which we proclaim as the heritage of American institutions, whether all shall take advantage of them or not.

Mr. GALLINGER. Mr. President, I sympathize, as we all do, with the sentiments expressed by the Senator from Colorado. Yet the fact is that telegrams are coming here from the State of Iowa depicting a condition in the State of Colorado which is alarming. If those allegations are true, a distinguished committee of another body, I apprehend, largely in sympathy with the working people, is investigating this matter, and I do feel that we ought to possess ourselves patiently until that investigation is completed. I have no doubt that committee will report a remedy, if the conditions that are pictured here to-day actually exist.

Mr. THOMAS. I should not have mentioned the subject at all, had it not been intruded on the attention of the Senate. I want to add the further fact that these are new conditions, new tragedies which have occurred since the committee left the field of its examination and returned to Washington.

Mr. WEST. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. THOMAS. I yield.

Mr. WEST. How can we act here without coming in conflict with State authority in Colorado?

Mr. THOMAS. I do not know, Mr. President. There are many difficulties which confront us here. I have no remedy to suggest from a Federal standpoint now.

Mr. McCUMBER. I perhaps did not put my proposition aptly so as to be understood by the Senator.

Mr. THOMAS. I fully understood it.

Mr. McCUMBER. Here are two telegrams, one of them coming ostensibly from a company of State militia seeking employment for service under the Government in foreign lands. Immediately follows a demand from citizens of that State for Federal aid to prevent crimes being committed in that State. I can not understand why the State company of militia that are seeking to be called into service, or any other company of the State, could not find employment in that State.

Mr. SHAFROTH. There are no State militia referred to here. It is a company that is not organized, but ready to be organized, and they simply tender their services. It seems to me that it is a proper matter for the United States Senate to consider.

Mr. GALLINGER. I will ask for the regular order.

Mr. McCUMBER. I understood that they were State troops.

Mr. THOMAS. My colleague has not fully answered the question of the Senator from North Dakota. The militia was mobilized several months ago. They had been, I understand, in control down there until recently, but they were withdrawn a couple of weeks ago, and this perhaps is one of the consequences.

Mr. GALLINGER. The regular order!

The PRESIDENT pro tempore. The regular order is demanded. If there are no further reports of committees, the introduction of bills is in order.

#### FOREST-PRODUCTS EXPOSITIONS.

Mr. RANDELL. Mr. President, there has been pending on the calendar for some days a joint resolution reported favorably by the Committee on Agriculture and Forestry to appropriate \$10,000 for the purpose of having the Secretary of Agriculture make an exhibit of forestry at a big exposition of forest products to be held at Chicago, Ill., April 30 to May 9, and in New York from May 21 to May 30. I am exceedingly anxious to call it up. It is a matter of very great importance to all the people of the United States who are interested in forest products, and unless we can act on it now it will be entirely too late.

Mr. GALLINGER. I will ask the Senator from Louisiana if he would not let the routine morning business be completed?

Mr. RANDELL. I thought the routine morning business had been completed.

Mr. GALLINGER. I certainly will not object if the Senator will wait until after the routine morning business has been completed.

#### RADIUM-BEARING ORES.

Mr. BORAH. Mr. President, what has become of the special order?

The PRESIDENT pro tempore. The Chair is not advised.

Mr. LODGE. If the Chair will allow me, in the absence of the President pro tempore, the Senate has been making some new parliamentary law in regard to special orders. It has been held by the Senate on an appeal from a ruling of the Chair that a special order has not only privilege for the day fixed in the order but a continuing privilege for every day at the time fixed in the order. Under that ruling the special order, the radium bill, should appear before the Senate automatically at 1 o'clock. It got out of sight somehow yesterday. What I want to inquire, as a matter of order, is whether it is not only clothed with a continuing privilege to come up every day at 1 o'clock, but clothed with the privilege to come up some days at 5 minutes past 1, to come up every other day, and to come up when it feels like it, according to what its condition is.

Mr. BORAH. I do not know exactly what power it has to come up of itself, but under the rule which has been established by the Senate we have a right to call it up.

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. The Chair will state the parliamentary condition as he is now advised about it. That particular bill was made a special order, and the ruling indicated by the Senator from Massachusetts was properly made. Since that time the Chair is advised that a motion was made to proceed to the consideration of some other bill, which had the effect of displacing it, and the Vice President, then presiding, sent the bill to the calendar under Rule VIII. That is an answer to the question of the Senator from Idaho.

Mr. BORAH. I do not understand that the Vice President ruled that it lost its place, but that it could recur to-day again like Banquo's ghost.

Mr. SMOOT. The Senator from Idaho is correct as to the original ruling of the Chair, but the Chair did decide afterwards that the ruling was an error, and therefore he changed the ruling by sending the bill to the calendar under Rule VIII.

Mr. BORAH. Then I am in error, and withdraw my request for its consideration.

Mr. WALSH. That disposition of the bill is quite objectionable to me, and I seize this opportunity to give notice that immediately upon the conclusion of the unfinished business I shall move that the Senate proceed to the consideration of Senate bill 4405.

Mr. GALLINGER. Regular order!

The PRESIDENT pro tempore. The regular order is the introduction of bills and joint resolutions. Are there further bills and joint resolutions? If not, concurrent and other resolutions are in order.

#### BILLS INTRODUCED.

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

By Mr. JONES:

A bill (S. 5335) granting an increase of pension to Peter Smith; and

A bill (S. 5336) granting an increase of pension to Theodore D. Swain; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 5337) for the relief of the legal representatives of James M. Brabston and Roche H. Brabston; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 5338) granting an increase of pension to Alexander Curd (with accompanying paper); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5339) granting a pension to Charles E. Mann (with accompanying paper); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5341) to provide for publication by national banking associations and savings banks and trust companies of the reports of resources and liabilities and dividends required to be made by them to the Comptroller of the Currency; to the Committee on Banking and Currency.

A bill (S. 5342) to correct the military record of John L. McGregor;

A bill (S. 5343) to correct the military record of Samuel Snyder;

A bill (S. 5344) to correct the military record of Adolph F. Hitchler;

A bill (S. 5345) authorizing the appointment of George R. Snowden on the retired list of the United States Army; and

A bill (S. 5346) to grant an honorable discharge to S. A. Moser; to the Committee on Military Affairs.

A bill (S. 5347) to correct the naval record of Charles R. Snyder; and

A bill (S. 5348) to remove from the record of John M. Reber, late second lieutenant in the United States Marine Corps, the charge of dismissal and grant him an honorable discharge; to the Committee on Naval Affairs.

A bill (S. 5349) for the relief of S. H. Evans; to the Committee on Post Offices and Post Roads.

A bill (S. 5350) to amend section 5 of the act of Congress entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," enacted on the 29th day of June, 1906; to the Committee on Immigration.

A bill (S. 5351) for the relief of William A. Hutson; to the Committee on Claims.

A bill (S. 5352) granting a pension to Theodore S. Fenn;

A bill (S. 5353) granting an increase of pension to A. Y. Whitmoyer;

A bill (S. 5354) granting a pension to Moses P. Osborn;

A bill (S. 5355) granting an increase of pension to Hartman K. Wismer;

A bill (S. 5356) granting an increase of pension to John H. Seagrist;

A bill (S. 5357) granting an increase of pension to J. J. Kerr;

A bill (S. 5358) granting an increase of pension to Isaac Wolfe;

A bill (S. 5359) granting an increase of pension to Charles Breyer;

A bill (S. 5360) granting an increase of pension to Andrew Cramer;

A bill (S. 5361) granting an increase of pension to Charles Stackhouse;

A bill (S. 5362) granting a pension to Mrs. E. L. D. Palmer;

A bill (S. 5363) granting a pension to Mary E. Burg;

A bill (S. 5364) granting an increase of pension to James P. Hayman;

A bill (S. 5365) granting a pension to Joseph Frick;

A bill (S. 5366) to restore the name of Lewis H. Lee to the pension rolls (with accompanying paper);

A bill (S. 5367) granting an increase of pension to John H. Condon (with accompanying papers);

A bill (S. 5368) granting an increase of pension to Percy H. White (with accompanying papers);

A bill (S. 5369) granting an increase of pension to George D. Hamm (with accompanying papers);

A bill (S. 5370) granting an increase of pension to Samuel S. Feehrer (with accompanying paper);

A bill (S. 5371) granting an increase of pension to David Speelman (with accompanying papers);

A bill (S. 5372) granting an increase of pension to Julia Sitz (with accompanying papers);

A bill (S. 5373) granting an increase of pension to John M. Mishler (with accompanying papers); and

S. 656. An act granting to the trustees of the diocese of Montana of the Protestant Episcopal Church, for the benefit of Christ-Church-on-the-Hill, at Poplar, Mont., lots 5, 6, and 7, in block 30, town site of Poplar, State of Montana;

H. R. 13453. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1915; and

H. R. 15906. An act providing an appropriation for the relief and transportation of American citizens in Mexico.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a telegram in the nature of a memorial from officers and members of the Railway Employees' Department of the American Federation of Labor, in convention assembled at Kansas City, Mo., representing 350,000 railway employees, remonstrating against the conditions existing in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

Mr. GALLINGER. Mr. President, I have heretofore presented a large number of petitions in favor of the proposed constitutional amendment for the prohibition of the importation, manufacture, sale, and so forth, of intoxicating liquors. I now present a memorial from 859 citizens of Portsmouth, N. H., remonstrating against the adoption of the proposed constitutional amendment, which I ask may be referred to the appropriate committee.

The PRESIDENT pro tempore. The memorial will be referred to the Committee on the Judiciary.

Mr. LODGE. I send to the desk a telegram which I ask may be read with the names attached.

The PRESIDENT pro tempore. The Chair hears no objection, and the Secretary will read as requested.

The Secretary read the telegram, as follows:

BOSTON, MASS., April 23, 1914.

Hon. HENRY CABOT LODGE,  
United States Senate, Washington, D. C.:

We earnestly urge avoidance of any steps involving war until whole complex Mexican situation can be examined by commission of inquiry that Congress and people may have full and accurate knowledge of facts. Further, that situation calls for immediate and express declaration by Congress that United States will in no event have any territory from Mexico by conquest.

JOHN D. LONG.  
ALBERT E. PILLSBURY.  
SAMUEL A. ELIOT.  
CHARLES F. DOLE.  
WILLIAM D. HOWELLS.  
EDWIN D. MEAD.  
JOHN GRAYSON BROOKS.

Mr. WORKS presented petitions of the congregations of the Pentecostal Church of the Nazarene, of Cucamonga, and of the Nazarene Church of Milton, in the State of California, praying for national prohibition, which were referred to the Committee on the Judiciary.

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

Mr. SHIVELY presented petitions of sundry citizens of Charlottesville and Remington, in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry druggists and pharmacists of Goshen, Ind., praying for the passage of the so-called antinarcotic bill, which was ordered to lie on the table.

He also presented a petition of Local Division, No. 303, Order of Railway Conductors, of New Albany, Ind., praying for the enactment of legislation to provide a literacy test for immigrants to this country, which was ordered to lie on the table.

He also presented a petition of the Benevolent Order of Buffaloes of Fort Wayne, Ind., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. BRADLEY presented a petition of Local Division No. 271, International Brotherhood of Locomotive Engineers, of Covington; of Lexington Division, No. 239, Order of Railway Conductors, of Ashland; and of Local Division No. 486, Order of Railway Conductors, of Paris, all in the State of Kentucky, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

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

Mr. BURLLEIGH presented a petition of sundry citizens of Edgecomb, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

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

Mr. PAGE presented a memorial of sundry citizens of Windham County, Vt., remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. LODGE presented petitions of sundry citizens of Attleboro and Warwick, in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

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

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

He also presented a petition of the Clearing House Association of Wheeling, W. Va., praying for the enactment of legislation to relieve banks and trust companies from the burden of work and expense thrust upon them by the income-tax law, which was referred to the Committee on Finance.

Mr. GALLINGER presented memorials of sundry citizens of Portsmouth, N. H., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

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

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

He also presented a petition of Upper Hay Lake Grange, No. 1552, Patrons of Husbandry, of Sault Ste. Marie, Mich., praying for the adoption of a system of rural credits, which was referred to the Committee on Banking and Currency.

He also presented a petition of sundry citizens of Shelby, Mich., praying for the enactment of legislation to provide a compensatory time privilege to post-office employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Branch, Scandinavian Aid and Fellowship Society of America, of Ishpeming, Mich., praying for an appropriation for the erection of a monument to the memory of Capt. John Ericsson, which was referred to the Committee on the Library.

He also presented a petition of the New Century Club, of Detroit, Mich., praying that an appropriation be made for the control and prevention of floods, which was referred to the Committee on Commerce.

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

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

Mr. DU PONT presented petitions of sundry citizens of Georgetown, Seaford, Lebanon, Rising Sun, Frankford, Ocean View, Clarksville, Selbyville, Millville, and Dagsboro, all in the State of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

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

He also presented a petition of the congregation of the Third Presbyterian Church of Grand Rapids, Mich., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a memorial of the Central Labor Council of Seattle, Wash., remonstrating against conditions in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 443) thereon.

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (S. 5289) to provide for warning signals for vessels working on wrecks or engaged in dredging or other submarine work, reported it without amendment and submitted a report (No. 444) thereon.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (S. 2798) to provide for warning signals for vessels working on wrecks or engaged in dredging or other submarine work, reported adversely thereon, and the bill was postponed indefinitely.

Mr. LEA of Tennessee, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon: A bill (S. 145) for the relief of Charles Richier (Rept. No. 448); and

A bill (S. 1905) to prevent the desecration of the flag of the United States of America (Rept. No. 450).

He also, from the same committee, to which were referred the following bills, reported them each with amendment and submitted reports thereon:

A bill (S. 1988) to remove the charge of desertion from the military record of John H. Armstrong (Rept. No. 446);

A bill (S. 1991) correcting the military record of Abram H. Johnson (Rept. No. 445);

A bill (S. 2550) to correct the military record of Jacob Scott (Rept. No. 449); and

A bill (S. 2882) to remove the charge of desertion from the record of Charles M. Clark (Rept. No. 447).

#### THE COMMITTEE ON BANKING AND CURRENCY.

Mr. SHAFROTH, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 341, submitted by Mr. HITCHCOCK on the 20th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That for the compiling of data showing the results of insurance of bank deposits in Oklahoma, Texas, Kansas, Nebraska, and South Dakota, also the compiling of the statutes on the subject in said States, and the judicial construction of said statutes in the courts of last resort, the Committee on Banking and Currency is authorized to employ expert assistance, the cost not to exceed \$50, to be paid from the contingent fund of the Senate, upon vouchers to be approved by the chairman.

#### BILLS INTRODUCED.

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

By Mr. BRADLEY:

A bill (S. 5386) granting an increase of pension to Bersheba Wood Logan (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 5387) granting an increase of pension to James D. Beasley (with accompanying papers); to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 5388) granting an increase of pension to Josiah Gamble;

A bill (S. 5389) granting an increase of pension to William W. Givens; and

A bill (S. 5390) granting a pension to Louise Capehart; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5391) granting a pension to Franklin Cochran; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5392) to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians; to the Committee on Indian Affairs.

By Mr. SHIVELY:

A bill (S. 5393) granting an increase of pension to Naomi Feidler (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 5394) granting a pension to Virginia C. Sawyer (with accompanying papers); and

A bill (S. 5395) granting an increase of pension to Albert White (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5396) granting an increase of pension to Frederick J. Young (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5397) concerning water-power plants hereafter located upon the public lands, and for other purposes; to the Committee on Public Lands.

By Mr. SHIELDS:

A bill (S. 5398) for the relief of Mrs. George M. Goodwin; to the Committee on Claims.

A bill (S. 5399) granting an increase of pension to Thomas Hickman; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 5400) granting an increase of pension to Jane E. Myers; to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. BANKHEAD submitted an amendment proposing to appropriate \$41,800 for the maintenance of a division of the Railway Mail Service, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate \$2,220 for the salary of one assistant clerk to the Senate Committee on Post Offices and Post Roads, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. JONES submitted an amendment proposing to appropriate \$200,000 for a water supply for 120,000 acres of irrigable land allotted to Indians in the so-called Wapato project, on the Yakima Indian Reservation, in the State of Washington, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

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

Mr. PERKINS submitted an amendment proposing to increase the salary of the general superintendent of the Division of the Railway Mail Service from \$4,000 to \$4,800 per annum, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

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

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

Mr. SUTHERLAND submitted an amendment proposing to appropriate \$3,600 for the maintenance of an assay office at Salt Lake City, Utah, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### OMNIBUS CLAIMS BILL.

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

#### THE FIVE CIVILIZED TRIBES (S. DOC. NO. 472).

Mr. OWEN. I have received a letter from the First Assistant Secretary of the Interior, transmitting a list of persons found to be apparently equitably entitled to enrollment in the Five Civilized Tribes of Oklahoma. I ask that the letter and accompanying statement be printed as a public document and referred to the Committee on Indian Affairs.

The PRESIDENT pro tempore. Without objection, that action will be taken.

#### RECEIVER OF PUBLIC MONEYS, SPRINGFIELD, MO.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3403) to abolish the office of receiver of public moneys at Springfield, Mo., and for other purposes, which were, on page 1, line 4, after "shall," to insert "10 days"; on page 1, in lines 4 and 5, to strike out "31st day of December, 1913" and insert "passage and approval of this act"; on page 2, line 5, after "regulation" to insert "Provided, That all the fees and commissions now allowed by law to both such register and such receiver shall, 10 days after the passage and approval of this act, be paid to and accounted for by such register in the same manner and in like amounts in which they are now required to be paid to and accounted for by such receiver, but the salary, fees, and commissions of such register shall not exceed \$3,000 per annum"; to strike out all of section 2; on page 3, line 8, strike out "3" and insert "2"; on page 3, in lines 10 and 11, to strike out "on the 31st day of December, 1913," and insert "10 days from and after the approval of this act."

Mr. STONE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

He also presented a petition of Local Division No. 286, Brotherhood of Locomotive Engineers, of Grand Rapids, Mich., and a petition of Local Division No. 565, Order of Railway Conductors, of Port Huron, Mich., praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of Calhoun County Pomona Grange, Patrons of Husbandry, of Battle Creek, Mich., praying for the establishment of a system of rural credits, which was referred to the Committee on Banking and Currency.

He also presented a memorial of sundry citizens of Coleman, Mich., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WEEKS presented a memorial of Rosecrans Post, No. 182, Department of California, Grand Army of the Republic, and of the Women's Relief Corps of Whittier, Cal., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a petition from sundry citizens of Denair, Cal., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. COLT presented a petition of the congregation of the Calvary Baptist Church of Providence, and a petition of sundry citizens of Woonsocket and Providence, R. I., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a petition of the Ministerial Union of Omaha, Nebr., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD. I present resolutions adopted by a large number of prominent business and professional men of Hillsboro, Tex., heartily indorsing President Woodrow Wilson's attitude with reference to the Panama Canal tolls matter. I move that the resolution be referred to the Committee on Inter-oceanic Canals.

The motion was agreed to.

Mr. BRADLEY presented a memorial of sundry citizens of Lexington, Ky., remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of Local Division No. 365, Brotherhood of Locomotive Engineers, of Louisville, Ky., praying for the enactment of legislation to provide an educational test for immigrants to this country, which was ordered to lie on the table.

He also presented a petition of the United Daughters of the Confederacy, of Lawrenceburg, Ky., praying for the enactment of legislation to provide for the refunding of the cotton tax collected from the year 1862 to the year 1868, which was referred to the Committee on Finance.

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

Mr. WEEKS. Mr. President, I present resolutions adopted by the Massachusetts Real Estate Exchange, a large commercial body in Boston, Mass., remonstrating against the repeal of the clause in the Panama Canal act exempting coastwise shipping from the payment of tolls. I move that the resolutions be received and referred to the Committee on Inter-oceanic Canals.

The motion was agreed to.

Mr. WEEKS. I present resolutions adopted at a citizens' mass meeting held at Faneuil Hall, Boston, Mass., April 27, 1914, relating to our relations with Mexico. In that connection, while I do not ask to have the resolutions read, I wish to call attention to the last one, because I think it is most pertinent. It is as follows:

That we earnestly urge an immediate and express declaration by Congress reaffirming the pledge given by President Wilson in his Mobile speech that the United States will not seek one foot of territory by conquest.

I hope the writers of that resolution will note the action of the Senate last Tuesday night, when an amendment to that effect was voted down by the unanimous vote of the majority.

The VICE PRESIDENT. The resolutions will be referred to the Committee on Foreign Relations.

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

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

Mr. BRANDEGEE. I send to the desk a very brief telegram which I have received from constituents of mine in Hartford, Conn., and ask that it may be read.

The VICE PRESIDENT. Is there objection?

Mr. SMITH of Michigan. Do I understand the Senator from Connecticut desires to have the telegram read?

Mr. BRANDEGEE. I should like to have the telegram read. It contains only a few lines.

Mr. SMITH of Michigan. I shall be very glad to have it read.

Mr. BRANDEGEE. I will read it myself if there is any objection.

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

The Secretary read as follows:

[Telegram.]

HARTFORD, CONN., April 29, 1914.

Hon. FRANK B. BRANDEGEE,

Senator from Connecticut, Washington, D. C.:

We, mothers, wives, and sisters of American boys, commend the action of the President in accepting offers of mediation, and urge that you use every effort for suppression of hysterical war spirit and consummation of speedy peace. Offenses committed are more than atoned for by Mexican and American homes already bereaved. Public and international sentiment demand generous action by United States.

(Signed by N. C. Palmer and about 150 others.)

Mr. BRANDEGEE. I will simply state that the signers of the telegram are among the first ladies of the city of Hartford, Conn. I do not ask that all their names be published, but that it be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The telegram will be referred to the Committee on Foreign Relations.

Mr. BRANDEGEE presented memorials of sundry citizens of New Haven and Bridgeport and of the German-American Alliance, of New Haven, all in the State of Connecticut, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Liberty Council, No. 8, Daughters of America, of Noank, Conn., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. SHIVELY presented petitions of the congregations of the Methodist Church of Oxford and the Bethel Evangelical Church, of Elkhart and of sundry citizens of Kendallville and Motticello, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

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

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

He also presented a petition of the Ministerial Association, of Fort Wayne, Ind., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

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

Mr. LODGE presented a petition of the Board of Selectmen, of Winthrop, Mass., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. POINDEXTER presented a memorial of the Mining Men's Club, of Spokane, Wash., remonstrating against the leasing of Government lands and resources which are contrary to the principles of our Government and urging that they be disposed of under the laws which have been in force until recently, which was referred to the Committee on Public Lands.

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

Mr. LA FOLLETTE presented memorials of 5,236 electors residing in the first congressional district, of 4,906 electors residing in the second congressional district, of 3,168 electors residing

in the third congressional district, of 23,638 electors residing in the fourth congressional district, of 22,726 electors residing in the fifth congressional district, of 6,930 electors residing in the sixth congressional district, of 4,554 electors residing in the seventh congressional district, of 2,354 electors residing in the eighth congressional district, of 6,754 electors residing in the ninth congressional district, of 924 electors residing in the tenth congressional district, and of 3,388 electors residing in the eleventh congressional district, all in the State of Wisconsin, remonstrating against the passage of House joint resolution No. 168 and Senate resolutions Nos. 50 and 88, seeking to amend the Constitution for national prohibition, which were referred to the Committee on the Judiciary.

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

He also presented a memorial of the State Board of Trade of Maine, remonstrating against the enactment of legislation to create an interstate trade commission, which was referred to the Committee on Interstate Commerce.

Mr. McLEAN presented a petition of sundry citizens of New Britain, Conn., praying for the repeal of the exemption clause in the Panama Canal act, which was referred to the Committee on Inter-oceanic Canals.

He also presented memorials of sundry citizens and organizations in New Haven, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BURLLEIGH presented petitions of sundry citizens of Mattawamkeag, Charleston, Waldo, and Jefferson, and of the congregation of the Methodist Church of Mattawamkeag, all in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 5392) to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nation of Indians, ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians, reported it with amendments and submitted a report (No. 467) thereon.

He also, from the Committee on Woman Suffrage, to which was referred the joint resolution (S. J. Res. 128) proposing an amendment to the Constitution of the United States, reported it without amendment and submitted a report (No. 468) thereon.

Mr. ROOT, from the Committee on the Library, to which was referred the bill (S. 3692) to promote the erection of a memorial in conjunction with the celebration of the centenary of the Battle of Plattsburg during the year 1914, in commemoration of the one hundredth anniversary of Macdonough's victory in the naval battle fought in the War of 1812, the last naval engagement between English-speaking peoples, reported it with an amendment and submitted a report (No. 471) thereon.

#### REPORT OF PUBLIC BUILDINGS COMMISSION.

Mr. SWANSON, Section 36 of the public-buildings act, approved March 4, 1913, provides for a Public Buildings Commission and requires the commission to submit a report to Congress. I present the report of the Public Buildings Commission, and ask that it be received and referred to the Committee on Public Buildings and Grounds.

Mr. SWANSON subsequently said: A short while ago I submitted a report from the joint committee of the Public Buildings Commission. I did not ask that the report be printed, as I thought it would be printed under the rule governing the printing of such documents. As it is not the report of a committee, but the report of a commission, I think I will be compelled to ask that 1,000 additional copies of the report be printed for the use of the Senate document room.

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

#### LIEUT. COL. CONSTANTINE MARRAST PERKINS.

Mr. TILLMAN. From the Committee on Naval Affairs I report the bill (S. 5148) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps without amendment, and submit a report (No. 466) thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That the President of the United States be, and is hereby, authorized to restore Constantine Marrast Perkins, now a lieutenant colonel on the retired list, to the active list of the Marine Corps, in the grade of colonel, to take rank in said grade next after Col. Franklin J. Moses, who was the officer immediately above the said Constantine Marrast Perkins in the list of lieutenant colonels at the date said Constantine Marrast Perkins was retired from active service with the rank of lieutenant colonel: *Provided,* That the said Constantine Marrast Perkins shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of colonel: *Provided further,* That the said Constantine Marrast Perkins shall be carried, while he may be advanced pursuant to this act, until such time as a vacancy occurs in said grade: *And provided further,* That the said Constantine Marrast Perkins shall not, by the passage of this act, be entitled to any back pay or allowances.

Mr. HITCHCOCK. I should like to learn from the Senator from South Carolina the reason for the retirement of this officer.

Mr. TILLMAN. That is all stated in the report which accompanies the bill. If the Senator from Nebraska desires the report read, that may be done.

Mr. HITCHCOCK. I do not like to have a bill of that sort go through without any explanation.

Mr. TILLMAN. I call for the reading of the report, Mr. President.

Mr. LODGE. Of course I have no objection to the reading of the report, but I think that I can make a brief statement which I believe will satisfy the Senator from Nebraska.

Mr. HITCHCOCK. I have no desire to have the report read, but I should like to have some statement concerning the matter.

Mr. LODGE. This officer was refused promotion on the finding of two medical officers of the service, and their finding was afterwards shown to be absolutely wrong and unfounded.

Mr. CLARK of Wyoming. By whom were the subsequent findings made?

Mr. LODGE. It was decided by Col. Gorgas and all the best authorities we have that the first board had made a mistake in diagnosis.

Mr. CLARKE of Arkansas. Let me ask the Senator from Massachusetts a question. I ask whether this officer was put out of the service by the activities of what is known as the "plucking board"?

Mr. LODGE. He resigned from the service.

Mr. CLARKE of Arkansas. What is the occasion of his being restored at this time and marked especially for advancement?

Mr. LODGE. He resigned from the service because he was unwilling to be retired by law, with the statement that he was mentally unsound. It has been shown, beyond any reasonable doubt, that he was not mentally unsound, and that showing has been accepted by the department, which, I assure the Senator, is a very unusual thing for them to do.

Mr. CLARKE of Arkansas. He voluntarily resigned?

Mr. LODGE. The Secretary of the Navy recommends the bill.

Mr. CLARKE of Arkansas. He voluntarily resigned when confronted by the finding of a board to the effect that he was mentally unsound.

Mr. LODGE. It was the finding of a board on the report of two physicians.

Mr. CLARKE of Arkansas. But he resigned, and now it is proposed that he be put back without any showing, except the fact that he retired at that time.

Mr. LODGE. He must be examined and found qualified in order to get back.

Mr. TILLMAN. The Secretary of the Navy explains the whole thing, as Senators will see if they will allow the report to be read.

Mr. LODGE. The whole matter is explained in the report, but I thought I could save time by making a brief statement of the case.

Mr. SMITH of Georgia. It is also true that there was a thorough investigation by the House committee and a unanimous report to the effect that the finding of the two surgeons that the officer was mentally unsound was entirely unfounded; and his mental soundness is certified to not only by Col. Gorgas, but by several other of the most distinguished surgeons in the service.

Mr. LODGE. By three of the most distinguished surgeons in the service.

Mr. SMITH of Georgia. He was really forced out under that charge. He was in a nervous condition at the time. That is my understanding.

tion and careful study for a full year, and who strongly favors the passage of this measure, the purpose of which is to make tardy amends to an honorable officer who has been grievously wronged, by giving back to him the place on the active list which is rightfully his, your committee feels called upon to voice its profound regret that it is not within its province at this time to do more than carry out the department's desire and recommend for passage the bill (S. 5148) which was drafted by the Secretary of the Navy himself, and which authorizes the President to restore Lieut. Col. Constantine Marrast Perkins, now retired, to the active list of the Marine Corps, in the grade of colonel, as an additional number, to take rank next after Col. Franklin J. Moses, who was the officer immediately above the said Constantine Marrast Perkins in the list of lieutenant colonels at the date that officer was retired from active service with the rank of lieutenant colonel.

And your committee so recommends to the Senate in the passage of the pending measure.

[House Report No. 727, Sixty-second Congress, second session.]

The Committee on Naval Affairs, to whom was referred a bill (H. R. 9290) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps, having had the same under consideration, report the same favorably with the recommendation that the bill do pass.

This bill provides for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the United States Marine Corps. Col. Perkins entered the service in 1875 as a cadet midshipman, graduated, was commissioned in the Navy, voluntarily transferred to Marine Corps in 1884, and was retired, after a service of 32 years, as a lieutenant colonel on June 18, 1907. He now claims that he ought to be reinstated to the active list, because his retirement, which pretended on its face to be voluntary, was really obtained by duress, coercion, and fraud. In other words, Col. Perkins claims that he was placed in a situation where he was compelled to elect between being dismissed from the service as a lunatic or a voluntary retirement, and that his consent to retire from the service was given solely to escape the disgrace of the charge of insanity.

The subcommittee to which this matter was referred accumulated a great mass of testimony and came to the conclusion that the claim of Col. Perkins is true. On a report of these facts to the full committee, it took the same view, and the conclusion of both the subcommittee and the full committee was unanimous. A brief review of the facts is now submitted to the House.

The history of Col. Perkins as an officer is highly creditable both to himself and to the service. For many years nothing but commendation from his superiors crowned the discharge of his duties. Finally, his protracted services in the Tropics undermined his health and in 1904, he was stricken with a tropical fever in the Philippines, and for quite a while his nervous system was left in a shattered condition. In the month of October, 1905, he had recovered his health, and his physicians certified that he was again fit for duty. On this certificate Gen. George F. Elliott, commandant United States Marine Corps, assigned him to the duty of recruiting officer in California, and later transferred him to Pennsylvania, and in this work he continued until the month of June, 1906, when the trouble which culminated in his retirement began.

The Navy regulations required a report to be made on the fitness of officers every six months and a copy of the report to be given to the officer in case the same should be unfavorable. A report on the fitness of Col. Perkins was due to be made on the 30th of December, 1905, but receiving no notice of it he assumed that it, like all of his other reports covering his service of 32 years, was favorable. But in June, 1906, six months after he should have received a notice, he was informed by the commandant, Gen. Elliott, that the report was unfavorable. To this report Col. Perkins replied that his health had been restored and requested a more favorable consideration, in view of the fact that he was due to appear before the board for promotion from the rank of major to that of lieutenant colonel in July. Gen. Elliott replied that he could not modify the unfavorable report, inasmuch as it expressed his honest opinion. Inasmuch as Gen. Elliott had not seen Col. Perkins for 17 years, and as no examination had been made of his fitness except the one in October, 1905, on the strength of which Gen. Elliott had assigned him to duty in California, the committee is unable to appreciate the honesty of this opinion. In July, 1906, Col. Perkins appeared before the board for promotion in Boston, and was then confronted with another unfavorable report from Gen. Elliott, and when asked by the board why he had not replied to this report, he replied that he had received no notice of this report. He was then informed that this report would be disregarded by the board, and, without any report to act on, the board subjected him to a rigid examination, which lasted two days, with the result that Col. Perkins was completely vindicated and promoted with the hearty congratulations of the entire board.

When Gen. Elliott notified Col. Perkins, in June, 1906, that he had made the unfavorable report, he also warned him that in case of his promotion he would probably be sent to Panama, a mission which was regarded as dangerous, especially to one like Col. Perkins, who had already been the victim of tropical diseases, and at the same time came a proposition from Capt. Borden to pay Col. Perkins \$1,000 for his number, proposing that sum of money if Col. Perkins would retire and make place for the promotion of Capt. Borden. The facts—that an unfavorable report was made on the 31st of December, 1905, by Gen. Elliott, who had neither personal knowledge nor a medical survey to base it on, and in conflict with the medical examination of October 25, 1905, on which he was assigned to duty; that notice of this unfavorable report was delayed, in violation of regulations, from January to June, 1906; that about the same time Col. Perkins was advised that his retirement was desired to make place for another to the extent of an offer of \$1,000; that he was warned that his promotion would be followed by the penalty of further service in the Tropics; that a second unfavorable report on his condition was made without personal knowledge or a medical survey on which to base it; that the existence of this report was concealed from him, in violation of regulations, until he appeared before the board, and his complete vindication by the examining board, which promoted him, together with the fact that the second unfavorable report has been mysteriously abstracted from his record and a favorable report substituted for it under date of July, 1907, a year after it should have been filed—constrain the committee to conclude that Gen. Elliott had determined to run Col. Perkins out of the service, in violation of law and in defiance of justice.

Soon after the promotion of Col. Perkins he was assigned to duty at Panama, and assumed command of the Marine Corps at that point, where he remained until May, 1907. While here every order he made was disapproved, and he was usually reprimanded in severe terms. A number of these orders for which he was reprimanded were in identical language employed by his predecessors and by his successors,

and although these orders were approved when issued by others, yet they were disapproved with reprimand when issued by Col. Perkins.

One of these orders was a requirement that the men should take quinine to preserve their health, which was recommended by the camp surgeon and approved by Col. Gorgas, the chief health officer of the Canal Zone. Another was an order assigning the horses of the command to certain officers in the discharge of their duties. Another was a request asking the quartermaster to aid in the collection of books for the use of the men to read in this isolated camp. These are samples of the orders issued by Col. Perkins, which Gen. Elliott disapproved and on account of which he reprimanded Col. Perkins.

But the order which culminated in the retirement of Col. Perkins was issued under these circumstances: When he went to Panama he called upon the American minister, Hon. Herbert G. Squires, who informed him that Secretary Taft, now the President, would soon visit Panama and that a public reception was contemplated in his honor. The minister expressed a desire that the officers under Col. Perkins's command should attend, but declared that he could not invite them unless they paid their official call upon him. In order to insure the attendance of his officers at this public function, Col. Perkins requested his officers to make this call upon the American minister, and issued what is known as the "calling order." For this act of courtesy he was stingingly reprimanded by Gen. Elliott, and his order of courtesy Col. Perkins respectfully appealed to the Secretary of the Navy, and the American minister brought the discourteous treatment accorded him by the officers under Col. Perkins to the attention of the Secretary of State. The appeal was never presented to the Secretary of the Navy, but was pigeonholed by Gen. Elliott, thus preventing its consideration by his superior officer, and Gen. Elliott, immediately upon receipt of this appeal, issued an order detaching Col. Perkins from his command and ordering him to report at once to headquarters, Washington, D. C. Upon the arrival of Col. Perkins here he reported to Gen. Elliott, who then informed him for the first time that he was to appear before a retiring board at 10 o'clock, it then being 3 minutes after the time, upon the ground that Col. Perkins was insane.

After some trouble, Col. Perkins secured a delay of a few days in which to obtain counsel and prepare his defense. After two or three days Col. Perkins secured the services of Mr. Gibbs L. Baker, of the Washington City bar, as his attorney, and the trial began. His military and medical record were read to the board, and then the two medical members of the board, Messrs. Urie and McClurg, gave him a physical examination, which lasted only a few minutes and consisted of feeling his pulse and listening to the beat of his heart. Upon this examination they reported to the board that he was afflicted with "mental instability" and incapacitated for the discharge of his duties. After this report was made the board heard the testimony of Col. Gorgas, Maj. and Surg. Woodruff, United States Army, and Surg. George A. Lung, and other witnesses, all of whom had known Col. Perkins intimately for years, and who not only made a thorough examination of Col. Perkins's physical and mental condition, but who knew his professional acquirements as well. This testimony, which it is unnecessary to discuss in detail, showed conclusively that Col. Perkins was physically and mentally sound and well qualified and eminently capacitated to discharge the duties of his rank. However, the board ratified the verdict which the medical members had rendered before they had heard the evidence, and found that Col. Perkins was afflicted with "mental instability" and incapacitated to discharge his duties.

It may be here mentioned that evidence was offered before the subcommittee, and the committee was satisfied after due investigation of its truth, that the president of the retiring board had, during the trial and prior to the introduction of evidence for the defense, expressed hostility toward Col. Perkins, thereby showing that he was prejudiced and had prejudged the case before him.

Your committee took the testimony of the members of the retiring board, who were given full opportunity to explain the grounds on which they reached this conclusion. They assigned only two reasons worthy of notice. One of these reasons is that, while in Panama, the records kept by Col. Perkins were unusually voluminous. The details of every occurrence were put into the record, and this, being unusual, was regarded as an evidence of mental unsoundness. The explanation of this is that Col. Perkins went to Panama with the belief, engendered by the occurrences already related, that Gen. Elliott had determined to drive him out of the service, and that this belief was confirmed by the fact that every order issued by him was disapproved with a reprimand, and therefore in order to protect himself, he took the precaution to make a complete and unusually detailed record of all that occurred. What the retiring board regarded as evidence of insanity has therefore impressed your committee as a manifestation of good judgment and wise precaution.

The other reason assigned for the alleged mental instability was a delusion of persecution. When pressed to explain what was intended by this new mental disease, called "mental instability" in the findings of the board, the committee was told that paranoia was the kind of insanity intended; and when asked what symptoms of paranoia the board discovered, the reply was that Col. Perkins seemed to be suffering with a delusion that he was the subject of persecution. In other words, on the 31st day of December, 1905, and on the 30th day of June, 1906, the commandant, Gen. Elliott, made two unfavorable reports on the fitness of Col. Perkins without any personal knowledge or medical survey as a foundation for said reports. Notices of these reports were, in violation of the regulations, withheld from him.

One of these reports was abstracted from his record and a new one substituted therefor a year afterwards; an effort was made to purchase his retirement; he was warned that he would be sent back to the Tropics, where he had lost his health; all of the orders he issued in Panama were disapproved with reprimand; and he was ordered before a retiring board on a charge of insanity without previous notice of what charge he was to face, not only without evidence to support it, but in the face of the certificates of his doctors and of the findings of the examining board at Boston; and because he interpreted all this as persecution the retiring board concluded that he was insane; but since the committee drew from these facts the same conclusion as Col. Perkins did, it is impossible to adopt the view that such conclusion showed insanity. In short, if there had been no affirmative evidence of the mental soundness of Col. Perkins, the testimony relied on by the board was wholly insufficient to sustain its findings of "mental instability."

But however this may be, the finding of the retiring board was set aside by the Judge Advocate General of the Navy, who reviewed it, and in this conclusion he has been sustained by two other judges advocate. In this condition of the record, your committee found it necessary to disapprove the finding of the retiring board or of the Judge Advocate General who had reversed that finding, and in view of the evidence it

has no hesitation in saying that the verdict of the retiring board was properly reversed by the Judge Advocate General.

But within an hour after the retiring board had found this unjust verdict, a messenger from the commandant, Gen. Elliott, came to the office of Attorney Gibbs L. Baker to inform Col. Perkins that the board had found against him, and, pretending friendship for Col. Perkins, urged him to submit to voluntary retirement, which the commandant claimed was the only way to prevent the publication of the stigma of insanity, as he declared that the President would approve the finding of the retiring board at 2 o'clock on that day unless some arrangement should be made at once. He reminded Col. Perkins that his son at the Naval Academy would be injured by the disgrace, and appealed to his love for his boy to induce him to submit. Soon after this the commandant himself called Col. Perkins over the phone and told him he must either voluntarily retire or be disgraced as a lunatic; Col. Perkins refused to acquiesce, and through his Congressman appealed to the Secretary of the Navy, who agreed to consider the case. On the next day the Congressman, Col. L. F. Livingston, called to ascertain the conclusion of the Secretary and was confronted with telegrams from Col. Perkins's wife and from personal friends in California urging the Secretary for the sake of the family to let Col. Perkins retire and send him home. The Secretary asked Col. Livingston how he could explain these telegrams, and on his admission that there was no explanation, he said that Col. Perkins must be crazy. Thus baffled and overcome, Col. Livingston and Attorney Baker informed Col. Perkins that he must submit to voluntary retirement, and then it was that Col. Perkins signed a paper making the best terms he could get and retired from the service.

But it was clearly proven before your committee some marine officer, whose name could not be ascertained, had written a letter to a close friend of Col. Perkins's wife in California in which it was stated that if Col. Perkins did not retire from the service voluntarily he would be dismissed from the service and his family left penniless. This letter was shown to the wife of Col. Perkins under her sacred pledge never to disclose the name of the author, and by this letter Mrs. Perkins and the personal friends of Col. Perkins were induced to send the telegrams to the Secretary of the Navy. The retirement of Col. Perkins was therefore not voluntary, but was procured by duress and fraud. The development of the fact is a complete vindication, but as a matter of justice the bill authorizing his reinstatement should be passed.

The record of the American Navy is the pride of the American people. It glows with unsullied honor. And every consideration of pride in the Navy, as well as justice to Col. Perkins, requires that this first dark stain should be blotted out in his reinstatement to the active list. The committee therefore unanimously recommends that the bill do pass.

Mr. OLIVER. Mr. President, I ask unanimous consent that the further reading of the report be dispensed with.

Mr. VARDAMAN. I do not care to hear anything further. I insisted on the reading of the report in order that the Senate might be informed about the case.

Mr. LODGE. What follows relates only to the form of the bill.

Mr. VARDAMAN. Yes.

Mr. CLARK of Wyoming. Mr. President, this report and the bill seem to present a very singular state of affairs. I confess that I really do not understand it. I desire to ask the senior Senator from South Carolina, the chairman of the committee, whether any steps have been taken in relation to this whole affair other than the introduction of the present bill?

Mr. TILLMAN. A bill has been introduced in the House dealing with the matter.

Mr. CLARK of Wyoming. Yes; but the bill and report present one of two things, Mr. President. If the bill and the report represent the true state of affairs, then there is existing in the medical department a condition that calls for action or investigation, because both committees report—and the Secretary of the Navy indorses the report—that this man's retirement was caused by fraud.

Mr. TILLMAN. Fraud and duress.

Mr. CLARK of Wyoming. The report which brought about his retirement is said to have been the result of fraud. If that is true, it shows a disgraceful intrigue in some branch of the service to get rid of a worthy officer.

Mr. TILLMAN. I think that is so.

Mr. CLARK of Wyoming. It seems to me that in connection with this report, if we are to decide here that this man was a worthy officer, and that his retirement was brought about by fraud and by intrigue or jealousies in the service, it is the duty of the Naval Affairs Committee to make some investigation and some report on the matter. I do not remember, in my experience, ever having had laid before the Senate reports of committees of the two Houses, backed up by the head of the department in which the occurrences took place, that said in definite language that there had been fraud, collusion, and intrigue in the administration of any branch of that department.

Mr. President, I know nothing about the circumstances of this case. I am compelled to rely upon the report and the investigation of these committees and of the Secretary of the Navy; but I do not like the looks of this whole circumstance.

Mr. TILLMAN. I agree with the Senator.

Mr. CLARK of Wyoming. If the report is true, I do not believe the matter ought to stop here. I think something ought to be done, particularly at this time, to remove from the Navy men who would take part in such miserable intrigues.

Mr. TILLMAN. I agree entirely with the Senator; and I promise him that, so far as I can bring it about, the Naval

Affairs Committee will look further into this matter and let the country know what the real facts are and what, if anything, the department has done or proposes to do.

Mr. CLARK of Wyoming. It occurs to me, by way of passing, that the Navy Department itself, having knowledge of this matter nearly a year ago, so far as we know, has taken no steps in regard to it. I do not know whether it has or not. I do not want to do the department an injustice.

Mr. WEEKS. Mr. President, the officer referred to in this bill was a classmate of mine at the United States Naval Academy. Therefore I have been familiar with him and his service for more than 35 years.

The impression has been given here that he retired from the service. He did go on the retired list in 1907, but did not resign from the naval service. There is no question about the fact that when Col. Perkins was ordered before the retiring board and was examined by a board of medical officers he had been in a highly nervous condition; but I do not think he was ever insane or that those who passed on his case at the time would so contend. Being in a nervous condition as he was, and wishing to avoid trouble which he doubtless exaggerated, he did apply for retirement and was placed on the retired list; but as soon as he had recovered his health he commenced to make a campaign to be restored to the active list of the Marine Corps, and that campaign has been maintained from that time until the present time by him and by his friends.

In my judgment there is no reason why Col. Perkins should not be restored to the active list. Since his retirement he has taken a law course at one of the law schools in Washington—the National Law School, I think—where he graduated at the head of his class and took the highest honors, which would seem to be a pretty clear indication that his mind is sound, and he must pass a physical examination in order to be restored to the service. I think it is a matter of justice to Col. Perkins and justice to the service that this bill should be passed, and passed at once.

Mr. SMITH of Michigan. I will ask the Senator how old he is?

Mr. WEEKS. About 52.

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

#### PANAMA CANAL TOLLS.

Mr. O'GORMAN. From the Committee on Inter-oceanic Canals I report back with an amendment the bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912, and I submit a report (No. 469) thereon. I give notice that at an early day I shall ask that a day be set for the consideration of the bill.

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

Mr. BRANDEGEE. What is the report? The Senator does not state with what recommendation he reports it.

Mr. SMITH of Michigan. It is reported without recommendation.

Mr. BRANDEGEE. I should like to have it stated for the RECORD. There is a report accompanying the bill?

The VICE PRESIDENT. There is a report.

Mr. BRANDEGEE. I ask that it be read.

The VICE PRESIDENT. The Senator from Connecticut asks that the report be read. Is there objection? The Chair hears none.

The Secretary read the report as follows:

Mr. O'GORMAN, from the Committee on Inter-oceanic Canals, submitted the following report:

The Committee on Inter-oceanic Canals, to which was referred the bill (H. R. 14385) entitled "An act to amend section 5 of 'An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone,' approved August 24, 1912," having considered same, report it back to the Senate without recommendation, with the following amendment:

On page 2, line 6, after the word "three," insert as follows:

"Provided, That neither the passage of this act nor anything therein contained shall be construed or held as waiving, impairing, or affecting any treaty or other right possessed by the United States."

#### RESERVES IN STATE BANKS.

Mr. OWEN. I report back from the Committee on Banking and Currency favorably, without amendment, the bill (S. 4966) proposing an amendment as to section 19 of the Federal reserve act, relating to reserves, and for other purposes. The amendment proposes to authorize State banks or trust companies to keep their reserves with other State banks or trust companies for the three years provided, where the law permits it to be done under the State statute. The bill is recommended by the Secretary of the Treasury, and I think it ought to be passed. I ask for its present consideration.



The VICE PRESIDENT. Is there objection?

Mr. LODGE. I should like to hear the bill, reserving the right to object.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill, and read as follows:

*Be it enacted, etc.*, That section 19, subsections (b) and (c), of the act approved December 23, 1913, known as the Federal reserve act, be amended and reenacted so as to read as follows:

"(b) A bank in a reserve city as now or hereafter defined, shall hold and maintain reserves equal to 15 per cent of the aggregate amount of its demand deposits and 5 per cent of its time deposits, as follows:

"In its vaults for a period of 36 months after said date, six-fifteenths thereof, and permanently thereafter five-fifteenths.

"In the Federal reserve bank of its district for a period of 12 months after the date aforesaid, at least three-fifteenths, and for each succeeding 6 months, an additional one-fifteenth, until six-fifteenths have been so deposited, which shall be the amount permanently required.

"For a period of 36 months after said date the balance of the reserves may be held in its own vaults, or in the Federal reserve bank, or in national banks in central reserve cities, as now defined by law.

"After said 36 months' period all of said reserves, except those hereinbefore required to be held permanently in the vaults of the member bank and in the Federal reserve bank, shall be held in its vaults or in the Federal reserve bank, or in both, at the option of the member bank.

"(c) A bank in a central reserve city, as now or hereafter defined, shall hold and maintain a reserve equal to 18 per cent of the aggregate amount of its demand deposits and 5 per cent of its time deposits, as follows:

"In its vaults, six-eightheenths thereof.

"In the Federal reserve bank, seven-eightheenths.

"The balance of said reserves shall be held in its own vaults or in the Federal reserve bank, at its option.

"Any Federal reserve bank may receive from the member banks as reserves not exceeding one-half of each installment eligible paper as described in section 13 properly indorsed and acceptable to the said reserve bank.

Mr. OWEN. I wish to call the attention of the Senate to the fact that the law as just read is merely a repetition of the Federal reserve act, and that the part which is now to be read, providing for State banks, is the amendment which is inserted in that provision.

The Secretary read as follows:

If a State bank or trust company is required or permitted by the law of its State to keep its reserves either in its own vaults or with another State bank or trust company or with a national bank, such reserve deposits so kept in such State bank, trust company, or national bank shall be construed within the meaning of this section as if they were reserve deposits in a national bank in a reserve or central reserve city for a period of three years after the Secretary of the Treasury shall have officially announced the establishment of a Federal reserve bank in the district in which such State bank or trust company is situated.

Mr. OWEN. That is the amended part of the section.

Mr. SMITH of Michigan. Mr. President—

Mr. OWEN. The reading of the bill has not been concluded.

Mr. SMITH of Michigan. The bill can only be considered by unanimous consent, and I object to its consideration to-day.

The VICE PRESIDENT. The bill will go to the calendar.

#### LANDS IN SALT CREEK DRAINAGE DISTRICT, OKLA.

Mr. OWEN. From the Committee on Indian Affairs I report back favorably, without amendment, the bill (H. R. 13133) for the approving and payment of the drainage assessments on Indian lands in Salt Creek drainage district numbered 2, in Pottawatomie County, Okla., and I submit a report (No. 47) thereon. The bill has passed the House of Representatives; it is a local matter, and I would be glad to have it given present consideration. It is only a short measure.

Mr. CLARK of Wyoming. Let it be read for information.

The Secretary read the bill.

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

Mr. OWEN. I ask that it go to the calendar.

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

#### BILLS INTRODUCED.

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

By Mr. ROOT:

A bill (S. 5436) authorizing the purchase of two pieces of sculpture by St. Gaudens; to the Committee on the Library.

By Mr. LIPPITT:

A bill (S. 5437) authorizing the Secretary of War to donate to the town of West Warwick, R. I., condemned cannon and bells; to the Committee on Military Affairs.

By Mr. JOHNSON:

A bill (S. 5438) granting a pension to Myra F. Brown;

A bill (S. 5439) granting an increase of pension to Allen C. Goodwin; and

A bill (S. 5440) granting a pension to Emily Morang; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5441) for the relief of Adam Culp; to the Committee on Military Affairs.

A bill (S. 5442) granting a pension to Matilda Weger; to the Committee on Pensions.

By Mr. COLT:

A bill (S. 5443) granting an increase of pension to Marguerite D. Pollard (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5444) granting an increase of pension to Susan J. Cantrell; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 5445) for the relief of Gordon W. Nelson (with accompanying papers); to the Committee on Naval Affairs.

FREDERICK A. COOK.

Mr. POINDEXTER introduced a joint resolution extending thanks to Frederick A. Cook for his discovery of the North Pole April 21, 1908, which was read the first time by its title.

Mr. POINDEXTER. I ask that the joint resolution be read and appropriately referred.

The joint resolution (S. J. Res. 144) extending thanks to Frederick A. Cook for his discovery of the North Pole on April 21, 1908, was read the second time at length, as follows:

*Resolved, etc.*, That the thanks of Congress are hereby extended to Frederick A. Cook for his discovery of the North Pole on April 21, 1908. The Secretary of the Navy is hereby authorized and directed to procure and present to the said Frederick A. Cook a gold medal of suitable design, in recognition of his services to science in making said discovery. The sum of \$300 is hereby appropriated out of any money in the Treasury not otherwise appropriated for said medal and the design therefor.

Mr. POINDEXTER. Mr. President, I desire to make a brief statement in explanation of the joint resolution.

The discovery of the North Pole and of the conditions surrounding the immediate polar region has added most valuable data to science. The explorer who had the courage and fortitude to travel into these hitherto unknown regions should be the recipient of recognition and honor from his country. I have observed very closely the so-called "polar controversy," and am firmly convinced that a grievous wrong has been done to Dr. Frederick A. Cook by the failure of his country to reward or officially recognize his great services in this connection. It is admitted by all that Dr. Cook sailed from Gloucester, Mass., for northwest Greenland on July 3, 1907, with a complete polar equipment; that he spent the winter of 1907-8 at Annoatok; that he left Annoatok with a well-equipped party of Eskimos February 19, 1908, for the north; that he went to Cape Svartevoeg and 60 miles beyond; that he spent the winter of 1908-9 at Cape Sparbo with two Eskimos; that he returned with them to Annoatok the middle of April, 1909; that he went from there south, by sledge, to Upernavik, arriving there on May 20, 1909. This admitted journey, including detours, covers a distance of approximately 3,000 miles, the longest and most difficult sledge journey on pack ice ever undertaken. If he was able to make this journey, it is reasonable to suppose he was able to travel the 520 miles from Svartevoeg to the pole when his outfit and party were in prime condition. Being so equipped and desirous of reaching the pole, it is unreasonable to suppose he would have spent the summer in idleness about Cape Svartevoeg. If, as has been claimed, he planned to make a false report of the discovery of the pole, it is reasonable to suppose he would have returned to Annoatok and to civilization in the summer of 1908, and unreasonable to suppose that he would have endured the horrors of a winter in a hut at Cape Sparbo.

The first description of conditions in the immediate region of the pole ever published was cabled by Dr. Cook from Lerwick, Shetland Islands, to the New York Herald September 1, 1909. This account was printed in full in the New York Herald September 2, 1909. In this account Dr. Cook reported the immediate polar surface as a sea of moving ice, composed of old ice, of large, level ice fields, apparently purple-blue in color, drifting southeast; ice moving freely; smooth surface, easy traveling; pressure lines less marked, easily crossed; leads and water sky east and south; temperature -15 to -46; horizon seemingly extended; a deep sea; no land. The only other account ever published of physical conditions at the pole was sent out by Robert E. Peary from Indian Harbor, Labrador, to the New York Times on September 11 and 12, 1909, nine days after Cook's account was published in the Herald. In this account Peary stated he was at the pole on April 6, 1909, and corroborated in every material detail the previously published description of Dr. Cook as to sea, ice, temperature, drift, colors, absence of land at the pole. If Cook did not reach the pole with his Eskimos in 1908, how did he know the physical conditions surrounding it? There was no human being who knew or ever claimed to know previous to that time, and his account of the

facts, corroborated by Peary, is at variance with previous theories.

Previous to the so-called polar controversy every one who had ever been associated with Cook in exploring expeditions spoke well of his character and ability. When the polar controversy arose and grew bitter an attempt was made to discredit Cook by attacking his account of the ascent of Mount McKinley. In this matter, as in the polar trip, Dr. Cook published an account of his explorations. In Harper's Monthly Magazine for May, 1907, he described the physical conditions and appearances of the ascent and the summit of McKinley. This was published in book form in 1908. Previous to these publications no one had ever described the summit of McKinley. No one claimed to know its conditions or appearances. He described minutely the "northeast ridge," its sharp summit, and the route by it to the extreme summit of the mountain; the great upstanding granite rocks at the point of approach to the Median Glacier, or Grand Basin, lying between the north and south peaks of the extreme summit; the two summit peaks themselves; and that the south peak is the higher of the two. No one had ever stated these facts before Dr. Cook's publication of them. No one ever claimed to know them before Cook's ascent of the mountain. They could only be ascertained by an ascent of the mountain.

In Scribner's Magazine for November, 1913, Archdeacon Hudson Stuck publishes an account of his own subsequent ascent of the mountain. In it he corroborates in every material feature Cook's previously published account of the sharp backbone of the northeast ridge; the difficulties of its ascent; the great granite rocks at the entrance to the Grand Basin; the Median Glacier; the north and south peaks; and that the south peak is the higher.

It is difficult to explain Dr. Cook's previously published accurate description of these things, the first ever given, except by admitting his actual ascent of the mountain's summit.

Congress has investigated the proofs of Robert E. Peary. It is but right it should also investigate those of Frederick A. Cook—and if injustice has been done and merited honor has been withheld, we should now bestow it.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on the Library.

#### THE REPUBLIC COAL CO.

Mr. CLARK of Wyoming. I ask that the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, be reprinted, showing the committee amendment in italics and the amendments made as in Committee of the Whole in small capitals. The joint resolution was rejected by a yeas-and-nays vote of the Senate, a motion was made to reconsider the vote, and it is now on the calendar for further action.

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

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. STERLING submitted an amendment authorizing the Secretary of the Interior to make a \$40 per capita payment to each member of the Sioux Tribe of Indians belonging on the Cheyenne River Reservation, S. Dak., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

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

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

#### OMNIBUS CLAIMS BILL.

Mr. BRADLEY submitted three amendments intended to be proposed by him to the omnibus claims bill, which were ordered to lie on the table and be printed.

#### WITHDRAWAL OF PAPERS—WILLIAM H. DENNISON.

On motion of Mr. JOHNSON, it was

Ordered, That the papers accompanying the bills S. 2090 and S. 2785, Sixty-second Congress, granting a pension to William H. Dennison, be withdrawn from the files of the Senate, no adverse report having been made thereon.

#### AGRICULTURAL APPROPRIATIONS.

Mr. GORE. I move that the Senate proceed to the consideration of the Agricultural appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

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

The VICE PRESIDENT. The Secretary will call the roll.

Mr. GORE. Mr. President, I hope the Senator from Utah will not make that motion. It will simply take time to call the roll. I will ask that the amendments which he intends to challenge be passed over for the present.

Mr. SMOOT. That will be perfectly satisfactory to me. I wish to say to the Senator from Oklahoma the only reason I suggested the absence of a quorum was that a certain Senator wished to speak upon the amendment which will next come before the Senate. He is not present, and I made the suggestion in order to secure time to enable me to send word to him that the bill has been taken up.

Mr. GORE. It is my purpose to ask that all objected amendments be passed over for the present.

Mr. SMOOT. I withdraw the motion I made.

The VICE PRESIDENT. The pending amendment reported by the Committee on Agriculture and Forestry will be stated.

The SECRETARY. The pending amendment is, on page 7, line 5, after the word "that," to insert "in the judgment of the Secretary of Agriculture," so as to make the clause read:

For the maintenance of a printing office in the city of Washington for the printing of weather maps, bulletins, circulars, forms, and other publications, including the pay of additional employees, when necessary, \$26,000: *Provided*, That no printing shall be done by the Weather Bureau that, in the judgment of the Secretary of Agriculture, can be done at the Government Printing Office without impairing the service of said bureau.

The VICE PRESIDENT. At the request of the Senator from Oklahoma [Mr. GORE], the amendment will be passed over for the present.

The next amendment reported by the Committee on Agriculture and Forestry was, on page 7, after line 14, to insert:

The Secretary of Agriculture is hereby directed to report to Congress at its next session the present condition and value of the tract of land, consisting of 84.81 acres of land, more or less, known as Mount Weather, and located in the counties of Loudoun and Clarke, in the State of Virginia, the original cost of said land, together with the cost of the improvements thereon and the present value of such improvements, the amount which in his opinion can be realized from the sale of said real property, including buildings and other improvements, at private sale, and whether in his opinion it would be most advantageous to sell the same at public or at private sale, and to advise Congress as to whether it would be better for the Government to sell said property or to lease it. And the Secretary of Agriculture is authorized, in his discretion, to discontinue the use of Mount Weather as a weather station and, if necessary, place a keeper in charge thereof for its protection and care, the expenses thereof to be paid out of this appropriation.

The amendment was agreed to.

The next amendment was, on page 8, line 8, after the words "Weather Bureau," to strike out "\$1,668,270" and insert "\$1,667,270," so as to make the clause read:

Total for the Weather Bureau, \$1,667,270.

The amendment was agreed to.

Mr. SMOOT. Mr. President, in agreeing to the totals, if any changes are subsequently made in the amendments which are passed over, of course it is understood that the amounts fixed in the totals shall be reconsidered, or will it be understood that the totals shall be corrected whenever the bill passes?

The VICE PRESIDENT. The Chair is informed that the Secretary always corrects the totals in an appropriation bill after the bill has passed.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, under the head of "Bureau of Animal Industry," on page 13, line 15, after the words "ostrich industry," to insert "And provided further, That of the sum thus appropriated \$10,000 may be used for the importation of Corriedale and other promising breeds of sheep for breeding purposes," so as to make the clause read:

For all necessary expenses for investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, \$182,840: *Provided*, That of the sum thus appropriated \$30,000 may be used for experiments in the breeding and maintenance of horses for military purposes: *Provided further*, That of the sum thus appropriated \$24,500 may be used for experiments in poultry feeding and breeding, including the feeding and breeding of ostriches and investigations and experiments in the study of the ostrich industry: *And provided further*, That of the sum thus appropriated \$10,000 may be used for the importation of Corriedale and other promising breeds of sheep for breeding purposes.

The amendment was agreed to.

The next amendment was, on page 14, line 18, after the word "reindeer," to strike out "*Provided*, That of the sums appropriated for the Bureau of Animal Industry, not more than \$5,000 shall be expended for the importation of animals for breeding purposes," so as to make the clause read:

Meat inspection, Bureau of Animal Industry: For additional expenses in carrying out the provisions of the meat-inspection act of June

Mr. SHEPPARD. I desire to announce the unavoidable absence of my colleague [Mr. CULBERSON]. He is paired with the Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

Mr. McCUMBER. I wish to announce the unavoidable absence of my colleague [Mr. GRONNA]. He is paired with the senior Senator from Maine [Mr. JOHNSON].

The PRESIDENT pro tempore. Sixty-seven Senators having answered to their names, a quorum of the Senate is present.

#### RIVER AND HARBOR IMPROVEMENTS (S. DOC. NO. 477).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting in response to a resolution of the 9th ultimo, a statement showing by States outstanding liabilities and contract obligations under authority of law to June 30, 1913, for each river and harbor and canal, etc., and also a statement of amounts authorized to be contracted for for rivers and harbors and canals to June 30, 1913, for which appropriations have yet to be made, etc., together with a statement showing contract obligations authorized on account of the Panama Canal, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 3468) for the relief of the heirs of the late Samuel H. Donaldson.

The message also announced that the House had passed the bill (S. 5031) quieting the title to lot 44 in square 172 in the city of Washington.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 3468. An act for the relief of the heirs of the late Samuel H. Donaldson; and

H. R. 2314. An act for the relief of Allen Edward O'Toole and others, who sustained damage by reason of accident at Rock Island Arsenal.

#### CITIZENSHIP OF FIVE CIVILIZED TRIBES.

Mr. OWEN. I ask permission to have reprinted Senate Document No. 472, with certain additions.

The PRESIDENT pro tempore. The Senator from Oklahoma asks that a certain document may be reprinted. Is there objection?

Mr. McCUMBER. I do not know whether there will be objection or not. I think the Senate is probably entitled to know what the document is that the Senator asks to have printed, and I object until we get some information upon the subject.

The PRESIDENT pro tempore. The Secretary will state what the document is.

The SECRETARY. Senate Document No. 472 of the present Congress and session, entitled "Citizenship of Five Civilized Tribes," a communication from the Assistant Secretary of the Interior to Hon. ROBERT L. OWEN, submitting a list of names of persons apparently equitably entitled to enrollment on the rolls of various tribes composing the Five Civilized Tribes of Oklahoma, and the list approved by attorneys of the Choctaw and Chickasaw Nations.

Mr. McCUMBER. There is nothing in the caption of that instrument to indicate any necessity for the public printing of the instrument.

Mr. OWEN. It has already been printed, Mr. President, and the addition which is proposed is the assent of the attorneys representing the various tribes.

Mr. McCUMBER. What is the object of the whole matter?

Mr. OWEN. The object of it is to place before the Senate the list of those persons who are found by the Interior Department to be apparently equitably entitled to be enrolled, and the assent is given by the attorneys of the Choctaw and Chickasaw Nations and the Creek Nation, those principally involved, to the enrollment of those persons.

Mr. McCUMBER. Is it the purpose of the Senator to have it referred to the Committee on Indian Affairs and printed for their convenience?

Mr. OWEN. It is my purpose to have it printed for the information of the Senate and referred to the Committee on Indian Affairs for their information.

Mr. McCUMBER. Has the Senator the slightest idea that any Member of the Senate, other than those who are directly interested in the possible question whether certain citizens may be put upon the rolls, will ever read a word of it? Has the

Senator even the slightest belief that one single word will be read by other Senators?

Mr. OWEN. If the Senator objects to it, I shall not insist upon it. I think it ought to be printed for the use of the committee and for the use of the Senate.

The PRESIDENT pro tempore. Does the Senator from North Dakota object?

Mr. McCUMBER. Yes.

The PRESIDENT pro tempore. The Senator objects.

#### PETITIONS AND MEMORIALS.

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

He also presented a petition of 385 voters and school children of Salem, Ohio, praying for an appropriation of \$100,000 to be used by the Department of Agriculture to enforce the migratory-bird law, which was referred to the Committee on Appropriations.

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

Mr. CATRON presented a petition of sundry citizens of Quay County, N. Mex., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of the Connecticut Peace Society, praying for a peaceable settlement of the difficulties between the United States and Mexico, which was referred to the Committee on Foreign Relations.

Mr. WARREN presented a memorial of the board of education of Hanna, Wyo., remonstrating against the treatment accorded citizens in southern Colorado by the military authorities of that State, which was referred to the Committee on Education and Labor.

Mr. GOFF presented petitions of 554 citizens of Harrison County, 54 citizens of Randolph County, 21 citizens of Boone County, 19 citizens of Upshur County, 19 citizens of Mason County, 25 citizens of Pendleton County, 52 citizens of Ohio County, 18 citizens of Morgan County, 33 citizens of Hancock County, 40 citizens of Brooke County, 15 citizens of Fayette County, 51 citizens of Wood County, 39 citizens of Raleigh County, 48 citizens of Hancock County, 31 citizens of Braxton County, 45 citizens of Taylor County, 136 citizens of Cabell County, 26 citizens of Wirt County, 26 citizens of McDowell County, 75 citizens of Mingo County, 78 citizens of Kanawha County, 66 citizens of Harrison County, 48 citizens of Nicholas County, 260 citizens of Kanawha County, 96 citizens of Randolph County, 78 citizens of Wood County, 14 citizens of Jackson County, 26 citizens of Mason County, 25 citizens of Harrison County, and 130 students of Salem College, all in the State of West Virginia, for the passage of Senate joint resolution No. 88, proposing an amendment to the Constitution of the United States for nation-wide prohibition of the beverage traffic in intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. SHERMAN presented a petition of Local Union No. 64, United Garment Workers, of Rockford, Ill., praying for the enactment of legislation to regulate the shipment and sale of convict-made goods, which was referred to the Committee on Manufactures.

Mr. WEEKS presented a petition of sundry citizens of Newtonville, Arlington Heights, Brookline, Dorchester, Newton, and Newton Center, all in the State of Massachusetts, praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Massachusetts Fish and Game Protective Association, the Massachusetts Society for the Prevention of Cruelty to Animals, and the Massachusetts Audubon Society, praying for an appropriation of \$100,000 for the enforcement of the so-called migratory bird law, which was referred to the Committee on Appropriations.

He also presented a resolution adopted by the directors of the port of Boston, Mass., favoring the refunding of all tolls collected from American coastwise ships passing through the Panama Canal, which was ordered to lie on the table.

Mr. POINDEXTER presented a resolution adopted by the Tacoma Business Girls' Club, of Washington, favoring the enactment of legislation making it a felony to willfully and intentionally desecrate the flag, which was referred to the Committee on the Judiciary.

He also presented a memorial of members of the Open Forum, of Seattle, Wash., remonstrating against the conditions existing in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

Mr. PAGE presented a petition of the congregation of Bethany Congregational Church, of Montpelier, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

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

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

Mr. PERKINS presented a memorial of sundry citizens of Stockton, Cal., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the Epworth League of the Methodist Episcopal Church of Hollister, Cal., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Norwalk and Artesia, in the State of California, remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. COLT presented petitions of sundry citizens of Scituate and Newport, in the State of Rhode Island, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRADLEY presented a memorial of Local Union No. 4, United Brotherhood of Carpenters and Joiners, of Louisville, Ky., remonstrating against war with Mexico, which was referred to the Committee on Foreign Relations.

He also presented petitions of Plain City Lodge, No. 238, of Paducah; of Pride Lodge, No. 502, of Louisville; of Local Division No. 15, of Lexington; of Local Division No. 603, of Covington; and of Local Division No. 463, of Corbin, all of the Brotherhood of Locomotive Firemen and Enginemen, in the State of Kentucky, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a memorial of the Workman's Sick and Death Benefit Fund Association of New York City, N. Y., remonstrating against the conduct of the Colorado militia in the mining districts of that State, which was referred to the Committee on Education and Labor.

Mr. ASHURST. Mr. President, I present a large number of memorials and telegrams from citizens of Arizona, protesting against the repeal of the so-called "free-tolls act." I ask that they may be referred to the Committee on Inter-oceanic Canals, and I request the committee to consider them at their next meeting.

The PRESIDENT pro tempore. The Senator from Arizona presents certain telegrams and memorials, which will be referred to the Committee on Inter-oceanic Canals.

Mr. ASHURST subsequently said: Mr. President, this morning I submitted certain petitions and telegrams relating to the Panama Canal controversy. I now ask that they may be incorporated in the Record. I will not ask that they be read, but I ask that they may be incorporated in the Record.

Mr. BRANDEGEE. Mr. President, I think I shall have to object. The committee has already reported the bill, and the proper course is that the telegrams be ordered to lie on the table.

The PRESIDENT pro tempore. The Senator from Connecticut objects.

Mr. O'GORMAN. Mr. President, I desire to say, in reference to the request made by the Senator from Arizona [Mr. ASHURST], that the Committee on Inter-oceanic Canals has considered the bill to which they refer; it has made its report thereon, and it is not likely at this time to give further consideration to the subject.

#### RANDOLPH SUMMERLIN.

Mr. SMITH of Georgia. Mr. President, I ask permission to read a few lines from a telegram sent by a brother of Randolph Summerlin, a Georgia marine, who died a week ago yesterday

at Vera Cruz from a wound received in the first occupation of that city.

The PRESIDENT pro tempore. Unless there is objection, permission will be granted. The Chair hears none.

Mr. SMITH of Georgia. A telegram was sent to a newspaper correspondent at Willacochee, Ga., instructing him to interview Summerlin's father. The telegram reads as follows:

Please interview Summerlin's father on his selflessness of sacrifice if the United States is now to accept mediation. Does he not think it outrageous to have to send boys to be killed and then the Government decide fighting is wrong?

This was the reply:

Referring to telegram, beg to say my brother Randolph Summerlin was killed at Vera Cruz in defense of our country's honor. We favor President Wilson and Democratic administration, and Randolph has four brothers and a father who are ready and willing to make the same sacrifice if called upon. We think the Wilson policy is absolutely right.

I. W. SUMMERLIN.

A telegram was also sent by citizens from Willacochee to this effect:

B. F. Summerlin, father, and W. W. Summerlin, brother of Randolph Summerlin, killed at Vera Cruz, take the request as a gross insult not only to relatives and friends but entire country. If we could not be loyal to our country we would move out.

The patriotic spirit shown by the father and brother of the dead hero reflects the attitude of the entire people of Georgia.

#### REPORTS OF COMMITTEES.

Mr. VARDAMAN, from the Committee on Military Affairs, to which was referred the bill (S. 4853) for the relief of John J. Fisher, submitted an adverse report (No. 480) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 4417) to reinstate Francis Graves Bonham as a cadet at the United States Military Academy, reported it without amendment and submitted a report (No. 479) thereon.

Mr. O'GORMAN, from the Committee on Naval Affairs, to which was referred the bill (S. 5445) for the relief of Gordon W. Nelson, reported it without amendment and submitted a report (No. 481) thereon.

#### MEMORIAL TO JOHN ERICSSON.

Mr. LEA of Tennessee. From the Committee on the Library I report back favorably with an amendment the bill (S. 1086) for erecting a suitable memorial to John Ericsson, and I submit a report (No. 477) thereon.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

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

The amendment of the Committee on the Library was, in line 3, after the words "sum of," to strike out "\$100,000" and insert "\$25,000," so as to make the bill read:

*Be it enacted, etc.,* That the sum of \$25,000, or so much thereof as may be necessary, is hereby authorized for the erection, in the city of Washington, D. C., of a suitable memorial to John Ericsson, the inventor and constructor of the *Monitor*, said sum to be expended for the purposes herein named by a commission consisting of the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, and the Secretary of the Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

#### IMPROVEMENT OF CHANNELS.

Mr. CHAMBERLAIN, from the Committee on Commerce I report back favorably, without amendment, the joint resolution (S. J. Res. 95) providing for method of improving channels giving access to military reservations or fortifications, and I submit a report (No. 478) thereon. I ask unanimous consent for the present consideration of the joint resolution.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

*Resolved, etc.,* That whenever, in the opinion of the Secretary of War, the work of dredging or improving any channel of any navigable water for the purpose of giving access to any wharf on a military reservation or fortification, including any dredging in front of or along such wharf, under any appropriation available for the purpose, can be more economically done by the use of any Government dredge or other plant purchased for river and harbor improvement, or by combining the same with any authorized project for river and harbor improvement, the Secretary of War may, in his discretion, authorize such use or combination

In a sense it is—in the same sense that our policy permitting American registered vessels the free use of our Government-improved rivers and harbors is a subsidy. We have spent hundreds of millions of dollars in improving the Mississippi and Missouri and Ohio Rivers, and yet not a dollar in tolls or other charges is paid by any vessel which uses them. We have built some of the finest locks in the world at the Soo, in the St. Marys River, through which there passed more tonnage last year than will lock in and out of Panama in several years, and although it was all done exactly as the work at Panama was done, namely, at the public expense, no charge is imposed upon the vessels which pass through those locks. Will Senators say our policy as to the Soo Canal and locks is one of subsidy to our Lake marine? Will the people of the Middle West agree with those who, desiring to be consistent, advocate tolls upon ships using the Government-improved waterways of the Great Lakes? That policy would no doubt meet the hearty approval of the Canadian Pacific and other railroads, and the proposition is on all fours with the one to charge our domestic boats for passing through the Panama Canal, which is also a domestic waterway. I have not felt like denominating our American policy of keeping our waterways open for the free use of our inland and coastwise vessels a subsidy. The fathers did not so name it when they established it. But I do not care to split hairs in endeavoring to define definitions. I regard the river and harbor work of the United States as having been done not primarily for the benefit of the boats which use the improved waters, but in the interest of trade and commerce, which are essential to the highest welfare of the people.

I repeat, that since our Nation's birth it has followed the principle of keeping our inland waterways open to the free use of every boat which could float the Stars and Stripes. Under that doctrine a domestic marine commerce, which outrivals that of any other nation in the world, has been established, and the result has been the lowest transportation rates in the world, not only on water shipments but to points on railroads where even latent or insufficient water competition exists. The Panama Canal will not be an exception to the benefits of water competition. I remember, of course, that the Senator from Massachusetts and other Senators have claimed and still others will claim that the Panama Canal will not affect railroad rates. I will allow the railroads, who ought to know best, to make answer. Their opposition to free tolls for American ships is a most powerful and convincing argument of their belief that the canal will compel reduced rates and improved railroad facilities. What possible grounds have they for opposing the American policy except its effect upon them? Already many places far inland from our seaboard receive a benefit from water transportation competition between Atlantic and Pacific points by way of Cape Horn. What will be the effect when we cut off 8,000 miles of the water distance between New York and San Francisco?

If the evident purpose of these arguments was not clearly the intent to create local prejudice in a matter which is of necessity nation-wide in its magnitude and importance, the efforts of some orators and newspapers to show that Michigan, Wisconsin, Minnesota, Illinois, Iowa, Ohio, Indiana, and other Middle Western States have been discriminated against by the "free-tolls" act of 1912 would be amusing. Suppose it is true that these States will not get as cheap transportation rates to coast cities because of the Panama Canal as Atlantic, Pacific, and Gulf States will get, when before have our great public improvements been controlled by the demand for exact proximate benefits to every section of the country? Will Michigan and the other lake-bordering States complain of discrimination? I do not believe they will. They know that many millions of the money belonging to the people of all the States have been expended in building the Soo Canal and locks, in constructing the St. Clair Canal, in improving the St. Marys River, the Portage Channel, the Straits of Mackinaw, the St. Clair and Detroit Rivers. They know that the lake harbors have been generously, though not too generously, improved. They know that hereafter millions more will be asked of and granted by the Federal Government for river and lake improvements, and some day, not in the very distant future, an ocean waterway from Duluth and Chicago to the Gulf of St. Lawrence will be constructed, and they will demand that it shall be free to their commerce.

To me this argument of local benefits seems most inconsistent and unpatriotic. The Panama Canal, if it shall remain under the undisputed dominion of the United States and its use shall justify the hopes of its builder, will be a benefit not alone to New York and California, but to every State in the Union. The products of Michigan shipped to Oregon will by virtue of cheap transportation through the canal receive a benefit. The rail

rate from Detroit to Portland must meet the rail and water rate from Detroit via New York or New Orleans and the canal to Portland. To-day the rail rate from Detroit to Pacific points is affected to some extent by the rates by water from the Atlantic seaboard by way of the Straits of Magellan to Pacific points. It is impossible that the shorter Panama route will not have the effect of either cheapening transportation or bettering the facilities, or both, between the Middle West and the Pacific coast. I do not expect a great reduction in individual rates because of the Panama Canal influence, but the aggregate benefit will be great, much greater than the aggregate of remitted tolls on domestic shipping.

That a boat which pays no tolls can carry freight more cheaply than one which does, there can be no doubt. The former can, with the same net profit, transport its cargo through the canal at a less rate than the latter by exactly the toll charge. If the tolls are \$1.25 per ton and they are not imposed upon a certain vessel, then that vessel's rate of freight can be \$1.25 per ton less than it could be if the toll was not remitted. Evidently England believes that this is so. With no tolls for our coastwise ships she feels that her boats will in some way be obliged to suffer a loss. She must feel that free passage to American ships will in some manner be detrimental to her.

There is no doubt in my mind that a lower transportation rate on passengers and freight passing through the canal will be imposed if no tolls are charged than will be made if they are.

Will the shipper, who will be the producer or merchant, pass this freight benefit on to the consumer, or will he absorb it all? That, of course, is a more difficult question to answer. But without lower transportation charges the consumer can not even hope to get a benefit, while with them he can. Organized public sentiment will demand that reduced shipping rates shall benefit producers and consumers. Reductions in carrying rates in the past have almost invariably been shared by the whole people and there can be no good reason for believing that the remission of canal tolls will be an exception to the general rule.

Mr. President, this attempt to array one section of our country against another is unbecoming to patriotic Americans. By two great wars our fathers established this Republic and freed it from the tyrannical hand of foreign despotism. In a great Civil War a half million of the bravest men of history shed their life's blood to cement the parts of that Republic into an indissoluble union of States, in which the interests of one are the interests of all. The domestic commerce of the United States knows no State lines. American patriotism has no sectional geography.

But when driven to extremity by the arguments in favor of the right and propriety of the act of 1912 the proponents of repeal abandon the President's recent message to Congress, abandon all reasons based upon logic, and assert that the "free-tolls act" is in the interest of the Shipping Trust, or, to use the more refined language of the senior Senator from Massachusetts, its enactment was induced by a "desire to put money into the pockets of a few American citizens in a questionable manner." By "few American citizens" he evidently means the gentlemen engaged in our domestic merchant-marine business.

Those who resort to this argument are mistaken. The real issue can not thus be evaded. A great American principle is involved, and if favored for economic reasons the imposition of tolls upon domestic vessels I would still oppose the proposition to repeal the act of 1912 at this time and under existing conditions.

If later it shall be found wise to impose tolls upon American coastwise vessels, then let this Government settle that question for itself, unembarrassed by foreign dictation. Let it be done at a time and under conditions as will create no doubt as to what is the intention of the United States, either as to its policy or its power. But, sir, there are sound economic reasons for "free tolls." Our desire is not to put money into the pockets of American shipowners; it is not to benefit a shipping monopoly; it is rather, so far as this branch of the subject is concerned, to keep money in the pockets of American producers and consumers. The only shipping monopoly is that which is engaged in our foreign trade, floated in foreign bottoms, flying foreign flags, and over which our Government has no control. The only merchant marine which our country can boast is that engaged in our domestic commerce, and some Senators would destroy that by admitting to our coastwise traffic, without let or hindrance, the merchantmen of England and of other countries, and that policy will soon be urged by foreign sympathizers after the pending action is taken; indeed, it is now urged by some. What is our coastwise merchant marine to which free passage of the canal is now given? It is the fleet of boats built, owned, and operated in the United States, and under laws enacted by Congress. They must be built in Amer-

ican yards according to regulations assuring healthful sanitary conditions. They must be manned by American seamen who are paid American wages. Such of them as are suitable can be secured by the United States in case of war. They furnish competition with railroads, and thereby do more to secure reasonable transportation rates than all the efforts of railroad commissions, State or National. When the canal-tolls bill was before the Senate Committee on Inter-oceanic Canals it was shown by competent witnesses that the wages paid to employees on boats flying the American flag were 4 to 10 times the wages paid on foreign boats. It was further shown that combinations clearly in restraint of trade existed among foreign ship companies, and that none existed among American shipowners. But the committee that framed the law which it is now proposed to repeal provided in the bill, and it was enacted into law, as follows:

From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic, or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision, each day in which such violation continues shall be deemed a separate offense.

The Interstate Commerce Commission by the law is given full authority to determine whether any railroad is in violation of the above provision. It is thus seen that any trust or combination between railroads and boat lines using the canal is prohibited.

Let it not be forgotten that the free-tolls act also makes it impossible for any boat owned or operated, directly or indirectly, by a trust or combination legally to enter or pass through the canal. This is the provision of law on that subject:

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections 73 to 77, both inclusive, of an act approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other act of Congress amending or supplementing the said act of July 2, 1890, commonly known as the Sherman Antitrust Act, and amendments thereto, or said sections of the act of August 27, 1894. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States.

I had confidently hoped and believed that with the law unchanged a great impetus would be given to American shipbuilding, and that the result would be most beneficial to our people in times of peace and of war.

The country will not be deceived by the false issues raised in this controversy. He who utters the cry of special benefit to American shipowners, who during all our past have been encouraged to build and operate American ships, and he who asserts that the advocates of our national doctrine are working in the interests of a ship trust will invite the inevitable criticism upon himself of being interested in the propaganda to destroy competition to railroads and to yield a right of sovereignty which ought not to be surrendered. The advocates of this propaganda have unlimited money, which has been and which is being expended with a lavish hand. The known beneficiaries of this money have been very active in their efforts to secure action favorable to Great Britain. They have been much in evidence here in the Capitol. I would much prefer to believe that they are actuated by high motives and principles; but when they gratuitously assign bad motives to their opponents where no evidence of such motives exist, I am compelled to wonder why.

If I lived in a glass house, I would hesitate before I threw stones lest I demolish my own premises. Has anyone representing the American ship interests appeared here in behalf of those interests? Has any literature been sent out, any lecturers promoted by the shipowners? Does anyone know that these shipowners want "free tolls"? I have not seen anyone interested in American ships; I have not heard from anyone who is interested.

Does anyone doubt that if there was as much evidence of outside influence, backed by such abundant financial means, exerted against repeal as has been used for it that an Executive denunciation against it would have been issued? It would have been denominated a most vicious and insidious lobby, entitled to the maledictions of all good people. But this particular influence is working in harmony with the purposes of the President, and therefore is not the object of condemnation. Again do we have a demonstration of the modern distinction

between the good and the bad lobby. If it is for you, it is beneficent; if it is against you, it is corrupt and baneful.

But, Mr. President, this case will not be decided by the American people on any collateral issue. They see the great principle involved; they understand it in all of its mighty proportions. Criminations and recriminations will not assist them in reaching a just conclusion. They will not consent to a predetermined decision right or wrong. They want a right decision, and they will tolerate no other.

Greater than the question of subsidies; greater than all material benefits which can grow out of the canal; greater than the good opinion of all the world, because it includes them all and upon it all depends, is the absolute, unlimited right and power of the United States to do what it pleases in its own domestic affairs. I can not consent to yield any part of that right and power at the command or solicitation of any country or of all the countries of the world. If our Government makes an economic mistake in the conduct of its business, it can be corrected; but if it surrenders its rights of sovereignty, it renders itself naked and helpless in the struggle of nations.

I resent the charge that our behavior as a nation has incurred the hostility and bad opinion of the world. I know that there is no government on the globe that commands greater respect and confidence than this Government commands, and I will not sit in silence while some of its own citizens traduce it. If there has ever been the slightest justification for criticism of its efforts to establish and maintain a great progressive democracy, the occasion has been when it has hesitated to assume and exercise a right essential to its freest, broadest existence. When a country commences to yield or to compromise on a principle involving its sovereignty that moment it becomes the target of the world. To hold the confidence and respect of nations we must retain not only our every sovereign power, but we must retain our own self-respect.

The administration of our Government under which the treaty with Great Britain was made and under which the canal was begun, and also the administration under which the largest portion of the canal was dug, have decided this question in favor of the right of the United States to exempt domestic ships passing through the canal from the payment of tolls, and now, when that canal is about to be opened, I will not repudiate our past nor stultify myself by libeling my country. It has done no legal or moral wrong. I will not, in order to obtain the approval of the selfish shipping interests of any nation or of all nations, vote our Government, of which we are a part, guilty of perfidy and dishonor.

Mr. OWEN. Mr. President, before the Senator yields the floor I wish to call his attention to the letter of Mr. Choate, which I think he perhaps did not observe.

In the letter of August 20, 1901, Mr. Choate, in addressing John Hay, the Secretary of State, said:

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

I wish to call the Senator's attention to this statement of the United States ambassador to Great Britain negotiating this treaty for us, in his letter to the Secretary of State, explaining what the principle of neutralization of article 8 meant; and then I desire to ask the Senator if he thinks that retaining the principle of neutralization referred to in article 8 in the preamble of both the first and the second drafts of the Hay-Pauncefote treaty and refusing to strike it out by an overwhelming vote does not preclude us from denying the interpretation given by our own ambassador in this negotiation?

Mr. TOWNSEND. I think not. I have so stated. In answer to the Senator from Oklahoma, I will say that I have read the Choate correspondence, and it does not change the statements I have already made. Nothing that has been disclosed yet shows that the question of our coastwise boats, to which I have referred, was ever even discussed between the representatives of the two countries.

The Senator from Oklahoma again speaks of "the overwhelming vote" in the Senate. I am surprised that the Senator should even mention that after what has been disclosed in reference to it. I have not yet known of a single Senator who was in the Senate in 1901, when that amendment was proposed, who has not declared that the reason it was not adopted was because it was thought unnecessary.

Mr. O'GORMAN and Mr. OWEN addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from New York?

Mr. TOWNSEND. In just a moment.

The PRESIDENT pro tempore. The Senator from Michigan declines to yield at this time.

Mr. TOWNSEND. The Senator from Massachusetts [Mr. Lodge] himself has stated that he voted against the Bard amendment because he believed it was unnecessary. He reported the treaty for Senator Davis, Senator Davis being ill. He says that Senator Davis also understood that the United States had the right under the treaty to discriminate in favor of her coastwise vessels. He has told the Senate that he voted against the Bard amendment because it was unnecessary, and that he would not have voted for the treaty if he had not understood that under it we had the right to exempt our own domestic commerce if we saw fit.

Mr. OWEN. Mr. President, will the Senator permit me to interrupt him for a moment?

Mr. TOWNSEND. Certainly.

Mr. OWEN. The Senator is speaking about the Bard amendment, proposing an exemption in favor of our coastwise vessels. Senator Bard would not have made the proposal to amend unless he thought it was necessary; and I think every man who does not disclaim his motive in voting for the Bard amendment is bound by the proposal that it was necessary. I was not, however, speaking of the Bard amendment. I was speaking of the Bacon amendment. I was speaking of the amendment which passed by a vote of 60 to 18, to strike out the maintenance of the principle of neutralization referred to in article 8 of the Clayton-Bulwer treaty, which was put in both the first and the second drafts of the Hay-Pauncefote treaty, and which was explained to our own Secretary of State by our own ambassador as meaning that the ships of the United States and the ships of other nations should be treated alike as to tolls.

Mr. TOWNSEND. Mr. President, as used in a treaty neutralization refers to war and can refer to nothing else than to conditions of war. It can not be construed or tortured when used in treaties as referring to anything else than that.

Mr. OWEN. Mr. President, it was so construed by our own ambassador who negotiated this treaty, and it is in the record of the hearings at page 267.

Mr. CLARK of Wyoming. Mr. President, of course I am not competent to speak for anybody except myself. As a Member of the Senate at the time the Hay-Pauncefote treaty was ratified by the Senate, I know that it was my belief and I know that it was the belief of many Members of the Senate that the Bard amendment perhaps was not necessary, because the effect of it was included in the treaty; and it was urged that if it was added in specific language it would not only delay the ratification but would make necessary the resubmission of the treaty to the envoys.

Mr. President, I think it is not too much to say that if any other impression had prevailed, or if any other belief had prevailed, the Hay-Pauncefote treaty would not have been ratified by the Senate as then constituted.

Mr. THOMAS. Mr. President, I have listened with a great deal of interest to the speech of the junior Senator from Michigan [Mr. Townsend], and I am in accord with some of the views which he has expressed. I can not, however, permit the opportunity to pass without noticing for a moment the protest which the Senator has registered against what he assumes to be the influence of Great Britain in the pending bill, which influence, he thinks, seems to have had its effect upon the attitude of the President and those in sympathy with him.

My experience in public life is a somewhat brief one, but I was directly connected with some questions of public importance long before I had the honor of a seat in the Senate; and I long ago discovered that the influence of Great Britain in any American policy is commendable or censurable as it may apply to given subjects. A great many, both in and out of public life to-day, who are now inveighing so much against the supposed influence of Great Britain in this matter seem to forget that that influence was entirely agreeable to them when our financial policy was at stake and when in consonance with its interests demonetized. I recall very distinctly that from 1873 to 1906 this foreign influence had much to do in shaping our financial policy and in leaving finally the stamp of their permanent impress upon it. This was made possible with the cooperation of a public opinion which now shudders at the thought of British influence in shaping our economic legislation with reference to the operation of the canal.

Mr. SIMMONS. Mr. President, I do not at this time desire to go into any discussion of the general questions involved in this controversy. The Senator from Michigan [Mr. Townsend]

has made a broad statement to the effect that the Bard amendment was voted down because Senators thought it was not necessary, and that the vote upon that question was not upon the merits of the proposition.

There has been placed in the record, in the hearings, statements made by Senator Bacon, who was then a member of the Foreign Relations Committee and who afterwards became chairman of that great committee, showing that his vote was given without any such understanding.

I did not arise, however, for the purpose of enumerating Senators who have declared that their vote upon that amendment was based upon the merits of the proposition. I have risen to call the attention of the Senator from Michigan to a statement of former Senator Fairbanks, who afterwards became the presiding officer of this body, who we all know was most diligent in attending the sessions of this body, and was the senior Senator from Indiana when the amendment was under consideration, and who probably heard all the discussion and all the reasons given by Senators for their vote upon that amendment.

This statement is given in an article which appeared in the May number, 1914, of the North American Review, written by the editor of that great magazine, Col. George Harvey:

Former Senator Fairbanks—

Says Col. Harvey—

on the other hand, declares emphatically that—

Now, here is what he declares—

the Bard amendment was voted down, after full discussion, not because it was regarded as surplusage, but because in the opinion of a large majority of the Senate it was violative of the spirit of equality which had been expressed in the treaty.

Mr. GORE. I should like to ask the Senator in charge of the unfinished business if it would be consistent with his plans to lay it aside temporarily that the Senate may proceed with the consideration of the Agricultural appropriation bill?

Mr. O'GORMAN. I ask unanimous consent to lay the bill aside temporarily so that the chairman of the Committee on Agriculture and Forestry can proceed with his appropriation bill.

The PRESIDENT pro tempore. The Senator from New York asks that the unfinished business may be temporarily laid aside. Unless there is objection, such will be the order. The Chair hears none.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. I ask that the Senate proceed with the consideration of House bill 13679, the Agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The PRESIDENT pro tempore. The pending question is on the amendment—

Mr. McCUMBER. Mr. President, that I may not be accused of dilatory tactics, I have just counted the number of Senators present. There are less than 30 and I understand that is not a majority of the Senate. I therefore suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator cut the Chair off from the floor before he had a chance to state the pending question.

Mr. McCUMBER. I beg the Chair's pardon.

The PRESIDENT pro tempore. The Senator from North Dakota suggests the lack of a quorum. The Secretary will call the roll.

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

Ashurst	Kenyon	Owen	Smith, S. C.
Borah	Kern	Page	Smoot
Bristow	La Follette	Perkins	Sutherland
Bryan	Lea, Tenn.	Pittman	Swanson
Burton	Lippitt	Pomerene	Thomas
Chamberlain	Lodge	Robinson	Tillman
Crawford	McCumber	Saulsbury	Vardaman
Cummins	McLean	Shafroth	Walsh
Goff	Martin, Va.	Sheppard	Warren
Gore	Martine, N. J.	Sherman	West
Hollis	Norris	Shively	Williams
Hughes	O'Gorman	Simmons	Works
Johnson	Oliver	Smith, Ariz.	
Jones	Overman	Smith, Ga.	

The PRESIDENT pro tempore. Fifty-four Senators having answered to their names, a quorum of the Senate is present.

Mr. GORE. Mr. President, I am informed this morning that Dr. Galloway has severed his connection with the Department of Agriculture to take effect the 1st of July. I feel that I ought to say, however, before taking the intended step, I owe

it to that department and I owe it to Dr. Galloway and myself to say that the Senator from North Dakota [Mr. McCUMBER] was in error when he stated that the substitute offered for the grain-grading bill on Friday last bore the finger prints of the boards of trade and grain exchanges. Hearings have been in progress for a week before the Committee on Agriculture of the House and a number of the representatives of boards of trade have appeared before that committee and registered their opposition to that substitute.

I now ask unanimous consent to withdraw the pending amendment.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the amendment is withdrawn.

Mr. SMOOT. Do I understand that the amendment has been disagreed to?

The PRESIDENT pro tempore. It has been withdrawn by unanimous consent.

Mr. SMOOT. Of course, that is equivalent to disagreeing to the amendment.

Mr. McCUMBER. Mr. President, it has been stated upon the floor of the Senate that boards of trade have been in conference with the Agricultural Department, and that they have secured a bill which was entirely satisfactory with reference to the inspection and grading of grain, satisfactory both to the Agricultural Department and to the several exchanges in the country. I have no doubt that that is true. I have no doubt that in the drafting of the bill just mentioned by the Senator from Oklahoma there were called in those who had specific knowledge of the operations of the several exchanges. I think it eminently proper that they should be heard. I think, of course, that in securing some provisions in the Lever bill which was presented here they were especially well protected in carrying on certain features of their business that we have been complaining about. But I am making no complaint about that in general.

Now, I want to have the attention of the Senator from Oklahoma. Although the Senator has withdrawn that provision in the bill relating to an increase of \$1,000 in the salary during the term of the present incumbent in the office of the Assistant Secretary of Agriculture, I agree with him that it would be most proper to recognize the efficiency and the good work of Dr. Galloway by inserting in this bill a provision that has been drawn by him and is his own opinion as to what ought to be done in reference to the grading of grain.

I did not agree with every provision of the Lever bill. I said, however, on the floor that it had two good provisions. I agreed with the Senators who opposed my bill that there were at least two good provisions in the Lever amendment. One proposition was for Government standards of grades, and the other was for the uniformity of grades. Beyond that I thought, and still think, that the bill was rather inefficient; but those were two very good features, and those two good features I would like to have in this bill.

I want to read to the Senator a letter which I received from Dr. Galloway in reference to this subject when I asked him if there had been any change of his views, and in which he stated that he had not changed his views whatever, but thought that we could do as well with supervision as though he had the actual inspection under his power. I want to read his letter of March 12, 1914, which he wrote to me. It is as follows:

DEAR SENATOR McCUMBER: I have your favor of March 10 relating further to the inspection and grading of grain by the Federal Government, or under the supervision of the Federal Government, in which you make inquiry as to any legitimate reason why the grain exchanges should oppose Federal inspection.

That was one of the things I asked him—if he knew any legitimate reason that the Department of Agriculture had ascertained why they should oppose this inspection. Further, quoting:

In reply I have to advise that while various objections have been raised by the grain exchanges in opposition to Federal inspection, the results of the investigations of this department do not indicate that either Federal inspection or Federal supervision would in any way be detrimental to the legitimate transactions in grain on any of the exchanges.

Now, just note his words. He says that it would not "in any way be detrimental to the legitimate transactions." Of course, he means to convey by that language the idea that it might be detrimental to the illegitimate transactions upon these exchanges, and the department knows of those illegitimate transactions, and he seeks to obtain in this way some method of control over those transactions that would make them all legitimate.

Following, he says:

It is clearly evident that there is urgent need—

I want Senators to bear this in mind, both the Senators who occupy their seats and those who are out of their seats—

It is clearly evident that there is urgent need for some legislation which will bring about uniformity and reliability in the grading of grain in all markets.

These are words of wisdom by the Assistant Secretary of Agriculture. When he says there is urgent need for some legislation that will bring about uniformity and reliability in the grading of grain in all markets, he means that there is not reliability in the several markets of the United States at the present time. But to make it clear he goes on:

So that the producer—

The farmer—

will have some incentive to grow and market grain of better quality and that the consumer will get the grade that he buys.

There are two things in these words of wisdom that have been uttered by the Assistant Secretary of Agriculture. The one proposition is that there is no encouragement on the part of the farmer to raise a better grade or to care for his grain better, because he can put no dependence whatever upon the certification that is given him on his grain. Also, he says, so that "the consumer will get the grade that he buys." If that means anything on earth, it means that under the present system the consumer does not get the grade that he buys.

Can the Senator draw any other conclusion from that? Can anyone else who will listen to me draw any other conclusion from that? Then he goes on further and says:

The investigations of this department during the past two or three years have led to the conclusion that a system of rigid Federal supervision will be equally as effective as Federal inspection and likewise simpler in its operation. The department, however, stands ready to undertake the enforcement of whatever measure may be enacted by Congress to insure uniformity in the grading of grain entering into interstate and foreign commerce.

I have several other and longer letters from the Assistant Secretary of the Department of Agriculture, which I should like to read, but I notice there are about 18 Senators present at this time in the Senate Chamber, and with only that number present of course I do not feel very much encouraged to impress the matter upon the entire Senate as a body.

However, I want to call the attention of the Senator from Oklahoma to some matters that I think are worthy of consideration at this time. I want to show, if I can, what is meant by this statement of the Assistant Secretary, to the effect that neither the producer nor the ultimate consumer knows what he is getting, under the present system of grading; that the producer is not encouraged to raise any better grain, because he can not depend upon the certification of that grain as being better; and that the miller can not secure the grade that he is entitled to receive.

The PRESIDENT pro tempore. Will the Senator please suspend until the Chair causes the next amendment to be reported to the Senate? There is nothing pending at this time.

The SECRETARY. The next amendment passed over is on page 7, line 5, after the words "Weather Bureau that," to insert "in the judgment of the Secretary of Agriculture," so as to make the clause read:

For the maintenance of a printing office in the city of Washington, for the printing of weather maps, bulletins, circulars, forms, and other publications, including the pay of additional employees, when necessary, \$26,000: *Provided*, That no printing shall be done by the Weather Bureau that, in the judgment of the Secretary of Agriculture, can be done at the Government Printing Office without impairing the service of said bureau.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President, did I understand the Chair to state that the amendment that was just presented was agreed to?

The PRESIDENT pro tempore. Oh, no; it is pending. The question is on agreeing to the amendment.

Mr. KENYON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I yield.

Mr. KENYON. I did not understand the statement of the Chair as to what amendment is now before the Senate. Will the Chair kindly restate it?

The PRESIDENT pro tempore. On page 7, line 6, where it is proposed to add the words "in the judgment of the Secretary of Agriculture."

Mr. KENYON. I thank the Chair.

The PRESIDENT pro tempore. The Senator from North Dakota will proceed.

Mr. McCUMBER. I know, Mr. President, that very many of the boards of trade do not consider the farmer an important factor in the discussion of commercial problems relating to his



operate with him. You are not giving enough money to do it all yourselves." I think it is very proper that you should not. We are simply asking to be allowed to contribute this money for our own benefit, to be used on our own property, in our own communities. That our request is most reasonable and just, I am sure the sense of right and justice of the Senate will admit.

Mr. McCUMBER. When I made that argument a short time ago the Senator from Virginia [Mr. MARTIN] denied that there was any kind of a copartnership arrangement between the Government and the people who want this work done. It seems to me, from the argument of the Senator from Mississippi, that he establishes that copartnership. That is what I object to. I shall vote against the substitute, and then I shall vote against the amendment offered by the committee. I would simply prevent the Treasury of the United States accepting any donations from any source to help it carry on its functions of government. If any wealthy man in the United States desires to enter upon the investigation of anything that he thinks will be beneficial to the public, there is no law to prevent his doing so, but I want to separate and divorce entirely the Government from acts in connection with the efforts of private individuals to carry on governmental function. I think the senior Senator from Mississippi [Mr. WILLIAMS] is entirely correct in his argument, and that we ought not to encourage that kind of a Government.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi [Mr. VARDAMAN] to the amendment of the committee.

Mr. GORE. In order to perfect the committee amendment, I accept the amendment of the Senator from Mississippi.

Mr. SMOOT. It is quite evident we can not vote on this question to-night, and—

Mr. GORE. I do not think there will be anything more than a formal vote required on this question. Let us perfect the pending amendment, anyway.

Mr. SMOOT. I want to have the amendment pending in the morning. We can not get through with it to-night.

Mr. GORE. The Senator from Utah certainly does not object to the last amendment offered by the Senator from Mississippi?

Mr. SMOOT. I know Senators desire to discuss it, and I therefore say to the Senator that it can not be disposed of to-night.

Mr. OWEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to his colleague?

Mr. GORE. I yield.

#### CITIZENSHIP OF THE FIVE CIVILIZED TRIBES (S. DOC. NO. 478).

Mr. OWEN. I ask unanimous consent to have reprinted Senate document 472 with the corrections proposed. I submitted this request on Saturday, and it was objected to by the Senator from North Dakota [Mr. McCUMBER], but I understand he withdraws his objection.

Mr. CLAPP. What is the document?

Mr. SMOOT. If there is any correction to be made, I ask the Senator to let it go to the Committee on Printing.

Mr. OWEN. The addition consists of only a few lines.

Mr. SMOOT. I will say to the Senator that in my opinion the document will have to have a new number if it is changed in any way.

Mr. OWEN. Then I ask that it be printed with a new number.

Mr. SMOOT. Then I do not care to have it referred.

Mr. CLAPP. What is the document?

Mr. CRAWFORD. Let it be stated.

The PRESIDING OFFICER. The caption of the document will be stated.

The SECRETARY. Senate Document No. 472 of the present Congress and session, entitled "Citizenship of Five Civilized Tribes," a communication from the Assistant Secretary of the Interior to Hon. ROBERT L. OWEN, submitting a list of names of persons apparently equitably entitled to enrollment on the rolls of various tribes composing the Five Civilized Tribes of Oklahoma, and the list approved by attorneys of the Choctaw and Chickasaw Nations.

Mr. OWEN. The addition adds a few names to the list of those whom the department thought ought to be enrolled.

Mr. SMOOT. The Senator sees the reason why I asked that it might go to the Committee on Printing.

Mr. OWEN. I see no objection to giving it a new number.

Mr. SMOOT. By having two documents with the same number one would be asked for and the other might be given.

Mr. OWEN. I agree to that. Let it take a new number.

The PRESIDING OFFICER. The Chair hears no objection, and the document will be reprinted with the corrections, and it will be given a new number.

#### AGRICULTURAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. VARDAMAN] to the amendment of the committee.

Mr. SMOOT. If the Senator from Oklahoma does not propose to adjourn, I will suggest the absence of a quorum.

Mr. GORE. All right.

Mr. KERN. I was about to move to adjourn.

Mr. SMOOT. Then I will withdraw the suggestion.

Mr. GORE. I will not withdraw my suggestion that I accept the last amendment tendered by the Senator from Mississippi. I have a right to perfect the committee amendment. I have accepted that form of amendment. I have a right under the rule to perfect the pending amendment by accepting the suggestion of the Senator from Mississippi. I will not consent that it shall go over until we make an effort to perfect it.

Mr. SMOOT. Nobody is trying to take any right away from the Senator. The Senator has a perfect right to do that to-morrow. He has a perfect right to do it to-night. I have not tried to deprive him of any of his rights, but I want to say to the Senator that unless we adjourn I shall, as I said, suggest the absence of a quorum, and we will have a quorum here before action on the amendment.

Mr. GORE. The Senator has a right to suggest the absence of a quorum.

Mr. McCUMBER. I move that the Senate adjourn.

The motion was agreed to, there being on a division—ayes 16, noes 8; and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 5, 1914, at 12 o'clock meridian.

#### NOMINATIONS.

##### *Executive nominations received by the Senate May 4, 1914.*

#### ASSISTANT ATTORNEY GENERAL.

Bert Hanson, of New York City, N. Y., to be Assistant Attorney General (conduct of customs cases), vice William L. Wemple, resigned.

#### UNITED STATES MARSHAL.

John S. P. H. Wilson, of Auburn, Me., to be United States marshal for the district of Maine, vice Henry W. Mayo, resigned.

#### PROMOTIONS IN THE NAVY.

Capt. Walter McLean to be a rear admiral in the Navy from the 10th day of March, 1914.

Asst. Naval Constructor Alexander H. Van Keuren to be a naval constructor in the Navy from the 30th day of April, 1914.

Asst. Naval Constructor Edwin G. Kintner to be a naval constructor in the Navy from the 30th day of April, 1914.

Asst. Naval Constructor Fred G. Coburn to be a naval constructor in the Navy from the 30th day of April, 1914.

Pharmacist Richard F. S. Puck to be a chief pharmacist in the Navy from the 24th day of February, 1914.

#### CONFIRMATIONS.

##### *Executive nominations confirmed by the Senate May 4, 1914.*

#### UNITED STATES DISTRICT JUDGE.

Wilbur F. Booth to be United States district judge for the district of Minnesota.

#### COLLECTOR OF CUSTOMS.

Frank E. Fitzsimmons to be collector of customs for the district of Rhode Island.

#### PROMOTIONS IN THE ARMY.

##### CAVALRY ARM.

Lieut. Col. George H. Morgan to be colonel.

Maj. George H. Cameron to be lieutenant colonel.

Capt. Edward D. Anderson to be major.

Lieut. Col. William C. Brown to be colonel.

First Lieut. Consuelo A. Seoane to be captain.

##### FIELD ARTILLERY ARM.

First Lieut. Lesley J. McNair to be captain.

##### COAST ARTILLERY CORPS.

First Lieut. Henning F. Colley to be captain.

##### INFANTRY ARM.

Lieut. Col. Wilds P. Richardson to be colonel.

Maj. Beaumont B. Buck to be lieutenant colonel.

Capt. Ferdinand W. Kobbé to be major.  
Lieut. Col. William F. Blauvelt to be colonel.  
Chaplain Oscar J. W. Scott to be chaplain with the rank of captain.

## MEDICAL CORPS.

Lieut. Col. Jefferson R. Kean to be colonel.  
Maj. Charles Lynch to be lieutenant colonel.  
Capt. John L. Shepard to be major.

## QUARTERMASTER CORPS.

Lieut. Col. George F. Downey to be colonel.  
Lieut. Col. John M. Carson, jr., to be colonel.

## APPOINTMENTS IN THE ARMY.

## MEDICAL RESERVE CORPS.

*To be first lieutenants.*

George Edward Barksdale.  
Theodore David Burger.  
Ralph D'Alma Denig.  
Charles Marvin Fox.  
Clarence Gunter.  
Lasher Hart.  
Harry Hungate Robinson.  
Charles Wallace Sale.  
Thomas Hugh Scott.  
Fedor Leo Senger.  
Jonathan Mayhew Wainwright.

## POSTMASTERS.

## ARIZONA.

James L. Byrnes, Flagstaff.  
James W. Woolf, Tempe.

## GEORGIA.

Marshall G. Merritt, Trion.

## IDAHO.

Anna McMahan, Spirit Lake.

## INDIANA.

Charles B. Beck, Richmond.  
George B. Davis, Logansport.  
Simon Doenges, Connersville.  
Lewis Sartor, Martinsville.  
Albert T. Sering, Liberty.  
Lucius C. Wann, Warsaw.

## IOWA.

B. M. Jacobsen, Clinton.  
Katherine E. Morecombe, Storm Lake.

## KANSAS.

A. E. Bruner, Highland.  
A. M. Markley, Mound City.  
Henry C. Mayse, Ashland.

## MAINE.

Clarence Mantor, Skowhegan.  
Daniel A. Michaud, East Millinocket.  
Frank A. Millett, Mechanic Falls.

## MINNESOTA.

Gunstein D. Aakhus, Erskine.  
G. E. Comstock, Houston.  
Ole A. Fuglie, Ulen.  
Michael E. Gartner, Preston.  
Otis W. Newton, Morton.  
May B. Rosing, Cannon Falls.  
Charles S. Strout, Monticello.  
Charles A. Tullar, Warren.

## MISSOURI.

John T. Haley, Harris.  
Oscar L. Meek, Koshkonong.

## NEBRASKA.

W. D. Bradstreet, Spencer.  
Thomas A. Kelly, Republican City.  
M. T. Kilmer, Western.  
I. A. Manchester, North Loup.

## NEW HAMPSHIRE.

John R. Willis, Manchester.

## NEW JERSEY.

Anton J. Mikolajczak, Maurer.

## NEW YORK.

James H. Burns, Troy.  
John D. Crosby, Inwood.  
Edward A. Clark, Greene.  
Myron L. Fisher, Spencer.

Daniel Grant, Afton.  
Elbert G. Harris, Cuba.  
Abram Lang, Eden.  
Andrew J. McMahon, Groton.  
James L. Seely, jr., Canisteo.  
Robert F. Talbot, New Berlin.

## NORTH CAROLINA.

T. L. Grant, Old Fort.  
George C. Lynch, Hillsboro.

## NORTH DAKOTA.

George E. Duis, Grand Forks.

## OHIO.

Clarence D. Crumb, Cuyahoga Falls.  
Charles A. Eberle, Dillonvale.  
M. A. Houghton, Oberlin.

## OREGON.

T. B. Vernon, Lakeview.

## SOUTH DAKOTA.

John Knuckey, Clear Lake.

## TEXAS.

Eyve Kennedy, Kirbyville.

## UTAH.

Berdie P. Olson, Ephraim.

## VIRGINIA.

Charles W. Mugler, Newport News.  
Wily W. Ward, South Boston.

## HOUSE OF REPRESENTATIVES.

MONDAY, May 4, 1914.

The House met at 12 o'clock noon.

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

Eternal God, our heavenly Father, whose boundless love encircles all, whose infinite wisdom is displayed in all the works of Thy hands, whose almighty power is everywhere manifest, whose gracious providence has shaped and guided the destiny of men and of nations in all the past, we most fervently pray for all that makes for purity in the soul, for all that makes for righteousness in the Nation, that thus susceptible to the heavenly influences we as individuals and as a Nation may fulfill our destiny to the honor and glory of Thy holy name. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, May 2, 1914, and of Sunday, May 3, 1914, was read and approved.

## GEN. DANIEL E. SICKLES.

Mr. GOULDEN. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for three minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. GOULDEN. Mr. Speaker, last night, Sunday, May 3, in New York City a brave, heroic soldier, Maj. Gen. Daniel E. Sickles, answered the roll call of the Supreme Commander of the Universe. He was the last of the great corps commanders on either side of that memorable struggle from sixty-one to sixty-five.

Gen. Sickles served his country well and faithfully; first as a member of the New York State Legislature in both houses, then as a Member of Congress for four years, beginning with 1856 to the outbreak of the Civil War. Although a Democrat he offered his services to President Lincoln early in 1861, and was commissioned to raise a regiment. This he promptly did, following it with four others, constituting a brigade known as the "Excelsior," of which he was made the commanding officer, with the rank of brigadier general. His previous experience in the State militia as an officer qualified him to drill, discipline, and command troops. In November, 1862, after the Battle of Antietam, where he gallantly led a division of the Third Army Corps, he was made a major general and placed in command of that historic corps, distinguished himself in various battles of the Army of the Potomac, and in an especial manner on July 2, 1863, at Gettysburg, where he lost a leg in the service of his country.

He served as minister to Holland in 1866 to 1869, declining the same position to Mexico, but accepted the appointment to represent this country at the court of Spain.

Gen. Sickles was again elected to Congress in 1894 as a Democrat, serving one term with credit to himself and honor to the Nation.

as time, that in order to accomplish unfair designs and prevent suspicion the guilty party should call the other "thief" first. Great Britain proceeded upon this theory when she charged us with violating the treaty, and some of her friends in Congress have proceeded on the same theory when they charge us with acting in the interest of a monopoly. But the people of the United States can not be deceived by this fallacious accusation. They know that in the law granting free tolls to our coastwise ships there is a clause prohibiting all trust and railroad owned ships from passing through the canal.

The proof before the Inter-oceanic Committee shows that the transcontinental and other railroads protested against the exemption, and proof before the Lobby Investigating Committee shows that the railroads spent a considerable sum of money in the employment of a lobbyist to prevent the incorporation in the law of the provision to prevent ships owned or operated by any railroad, or in which any railroad may have a direct or indirect interest, from competing with traffic through the canal.

But this is not all. The Tehuantepec Railroad, crossing Mexico south of Mexico City, connects Puerto Mexico, on the Gulf or Atlantic side, with Salina Cruz, on the Pacific, and is 190 miles long. It was built under contract with the Mexican Government by S. Pearson & Son, under the personal direction of Sir Weetman Pearson, alias Lord Cowdray, of England. The Mexican Government paid for the building and Sir Weetman negotiated the Mexican bonds. The road, with both the harbor improvements, cost \$65,000,000.

After the road was completed in 1902, Sir Weetman, alias Lord Cowdray, took it over upon a contract with the Diaz government for 51 years, Mexico retaining only the right of inspection. Otherwise the property belongs completely to Lord Cowdray for that period. So it appears that this is essentially a British road.

The exemption of our coastwise vessels from the payment of tolls through the canal will destroy the usefulness of this road.

The American-Hawaiian Steamship Co. is almost its sole customer. It clears its ships in New York for Puerto Mexico. There it unloads, and freights its cargoes over the Salina course by way of Lord Cowdray's railroad. It charges \$12 a ton freight from New York to Honolulu, and vice versa. Of this amount it pays Cowdray's road \$4 on each ton.

In 1911 it carried 788,820 tons, all of which save 90,000 was American coastwise traffic. All these facts appear in the testimony of Mr. Dearborn, president of the road, before the House committee.

The contract between the railroad and the steamship company terminates with the opening of the canal, the result of which will be a yearly loss to the road of \$2,952,280.

President Dearborn explained further that the steamship company would save 12 days now lost in unloading, reloading, and crossing from ocean to ocean.

Lord Cowdray is the English oil king. He owns the Tampico oil fields, in addition to an equal interest with Sir Lionel Carden in those lying near his road. Great Britain is now turning her battleships into oil burners, and depends on Cowdray for the oil to operate them. Doubtless the foregoing facts, among others, caused Great Britain to so quickly recognize Huerta's government. The great interest of Great Britain in protecting her subjects, and incidentally herself, by defeating coastwise-ship exemption is therefore apparent in Mexico. This, connected with the protection of the commerce of the transcontinental railroads of Canada, shows the gigantic British interests that are at stake.

These great interests are warring on our commerce simply because they know that their monopoly will be destroyed by toll exemption of coastwise vessels and the inhibition on trust and railroad owned ships from using the canal. So that instead of the friends of free toll fighting for monopoly, the shoe appears to be on the other foot. The interest of 29 coastwise vessels pales into utter insignificance when contrasted with that of the transcontinental and shipowning railroads and the English-owned Mexican railroad. These great monopolies will be fostered and fattened by denying exemption to the coastwise vessels of the United States.

Much has been said concerning the Suez Canal. It is unfortunate, considering her conduct, that Great Britain should even refer to that subject.

It is claimed for Great Britain that she only asks the United States to accord the same treatment in the Panama Canal that she accords in Suez. This is untrue. While it is true the rules of the convention of Constantinople apply to all vessels in time of war or peace without distinction of flags, "the rights of Turkey as the territorial power," together with the sovereign

rights of the Sultan and the rights and immunities of the Khedive, are reserved. Nor must it be forgotten that Great Britain, who now so earnestly pleads for neutralization, is not bound to that principle in Suez. When the powers interested met in London in 1855, Sir Julian Pauncefote submitted this memorandum defining the British position:

The British delegates in presenting this draft of a treaty as the definite regulation intended to guarantee the free use of the Suez Canal, think it their duty to formulate a general reservation as to the application of these provisions in so far as they may not be compatible with the transitory and exceptional condition of things actually existing in Egypt, and may limit the freedom of action by their government during the period of the occupation of Egypt by the forces of Her Britannic Majesty.

Nothing being accomplished at that meeting in 1857 a new draft of a convention was signed at Paris by Great Britain and France, subject to the concurrence of other powers interested. This draft was submitted to the other powers by Lord Salisbury, accompanied with a note containing the reservation made by Sir Julian Pauncefote as above set out and was signed by the representatives of Great Britain, Germany, Austro-Hungary, Spain, France, Italy, the Netherlands, Russia, and Turkey, subject to the reservation. All the powers named except Great Britain are bound to respect the neutrality of the canal and to guarantee its free use by the ships of commerce and of war of all nations at all times.

As long as Great Britain occupies Egypt, whenever she concludes that it is to her interest to disregard this convention and utilize the canal for purposes of war she is at liberty to do so. She may exclude belligerent ships and close the canal to all commerce, as did Sir Garnet Wolseley in 1882.

The same man—Pauncefote—who thus procured a free hand for Great Britain in the Suez Canal, signed the treaty which it is claimed binds our country to do at Panama what Great Britain refused to do at Suez. Great Britain induced the powers to respect the neutrality of the Suez Canal, although she refused to do it; and now she contends that the United States is bound to guarantee the neutrality of the Panama Canal and give her equal rights of passage through it for all her ships.

But for a moment I call your attention to the dastardly conduct of Great Britain concerning the Suez Canal.

Prior to the opening of that canal the Mediterranean was a closed sea and all the commerce on it from the Far East was carried under the flags of Great Britain and Holland.

When De Lesseps was engaged in constructing the canal for a corporation, Great Britain, seeing that when completed it would admit other nations as competitors to her commerce, through Lord Palmerston placed every obstacle in the way of De Lesseps. He induced Said Pasha to withdraw 20,000 laborers from the canal and engage them in raising cotton. Of course this action delayed the construction of the canal.

However, in 1867, despite all difficulties, the canal was completed. Great Britain at once determined to obtain control of it, and Disraeli inaugurated the necessary steps to accomplish that end. He took advantage of the strained financial condition of Ismail Pasha, who had forced the Khedive to buy a sufficient number of shares in the canal company to give Egypt a certain control in the management, and bought these shares for Great Britain.

Great Britain, in order to accomplish her object, after the completion of the canal, proceeded to make herself its mistress. She fortified Gibraltar, Malta, and Cyprus, on the Mediterranean side of the canal, and at the outlet of the Red Sea she acquired the island of Perim, which she fortified. Having obtained these positions of vantage, she proceeded to occupy Egypt.

Notwithstanding these steps of aggression, Great Britain then professed that she would observe the principle of neutrality regarding the canal, but later, as we have seen, she made her occupation of Egypt the excuse for the reservation made by Pauncefote.

When Arabi Pasha revolted in 1882 he declared he would not violate the neutrality of the canal except at the last extremity, and only in case of some act of English hostility at some point of the canal.

Great Britain, always on the alert, saw her opportunity, and, on the pretense of her ownership of stock in the canal, but really for the purpose of obtaining full control, in August, 1882, forcibly took possession of the canal, tied up shipping at the gates or passing places, and put a gunboat at each end.

Rear Admiral Goodrich, of the United States Navy, reported these facts to his Government with a statement that he had "protested against this act of violence and spoliation."

Great Britain refuses to be bound by the rules which she seeks to make applicable to other nations, "but acts always and

everywhere consistent with the fundamental principles of her foreign policy, seizes whatever she can, holds all she has, and proclaims loudly her desire to preserve equal rights and to distribute the benefits of her Christian civilization."

In order to incite the interior of the country against free tolls it is contended that the exemption of coastwise vessels will not benefit the people except along the coasts.

If the producers of cotton in the interior of Texas and in other Southern States will have a new and cheaper outlet for their cotton, if the farmers of the Central West will have another and cheaper route over rivers connecting with the canal or otherwise by which to ship their grain, cattle, and manufactured articles and will be enabled to obtain articles at much cheaper rates from distant States of the Union than they can by rail, how can it be said that they will not be benefited?

A distinguished Representative said:

When you say that if you reduce the freight rates on the coast the rates in the interior will not be reduced, you might as well say that if you reduce the level of the water along the edges of a great lake that the interior of the lake will not be reduced.

So that while trade will continue between the coasts the people of the Middle West will get lower rates and new markets.

He gives an apt illustration of the coast trade. Canned salmon is one of the large industries along the Pacific coast, amounting to \$30,000,000 last year. It can be shipped through the canal to New Orleans, thence up the Mississippi to St. Louis cheaper than by rail. Such a shipment can be made much cheaper through the canal and will result in material good to the consumer.

Recently an experimental shipment of barley was made from San Francisco to St. Louis by way of Panama. First by ship to Panama, thence by rail across the Isthmus to Colon, thence by ship to New Orleans, thence by barge up the Mississippi to St. Louis. The cost was \$4,200 less by this method than by rail, although the bulk was broken to cross the Isthmus by rail.

Free coastwise ships will result in cheaper lumber, cheaper fruit, cheaper barley, and other articles from the western coast, all of which will be of great benefit to the consumer.

Of course all that has been said concerning shipments from the western coast applies with equal force to shipments from the eastern coast. Nor is there any weight in the argument that railroads will increase their rates. On the contrary, the exact opposite will result.

The railroads, of course, have a great advantage, on account of rapidity of shipment, but to maintain this will be compelled to reduce their rates.

Competition is the life of trade. Suppose the rate should be reduced from New York to Spokane and into Idaho and Montana and that part of the country, so that it is less than from Chicago, what would be the result. Chicago would simply reduce her rates to prevent New York from taking her market.

The persistent fight by the railroads before the committee recently in favor of repeal very plainly shows whether their rates will be reduced.

After expending \$400,000,000 to build the canal, besides the millions we will be compelled in the future to expend to police, defend, and keep it in repair, shall we allow Great Britain, who gave substantially no consideration for the valuable rights she obtained under the treaty, perfect equality with the United States, thus destroying our commerce, weakening our national defense, and surrendering the right to control our domestic concerns? And especially shall we do all these things when she, by attacking the treaty with Panama, is endangering our title to the canal itself?

I have always been an advocate for peace. No one more dreads and despises war; but I am opposed to buying peace with money or by the sacrifice of the Nation's rights. I am opposed to peace at any price. Peace can not reign at the expense of justice and honor unless it be the peace of cowardice, the peace of despotism, or the peace of death.

A nation's integrity is its most priceless possession, and its sacrifice ever has been and ever will be the certain prelude to its destruction.

Our forefathers, in 1776, when this Nation was a weakling, fought and died to vindicate a great principle. They sought no compromise, but with heart and brain inspired with right and patriotism, they wrung independence from Great Britain. Again, in 1812, they fought and died to preserve their commerce and avenge the insults and outrages inflicted upon them by the same power.

The same country is now attempting to violate its treaty and is demanding that we surrender our right to regulate domestic affairs.

The people of the United States did not surrender in 1776; they did not surrender in 1812; and, with the graves of their

forefathers around them, their spirits hovering over them, the inspiration of their deeds within them, and the flag proudly floating above them, they will not surrender now.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). What is the pleasure of the Senate?

Mr. O'GORMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Gallinger	O'Gorman	Shively
Bankhead	James	Oliver	Smith, S. C.
Bradley	Kenyon	Page	Thomas
Bristow	Kern	Porkins	Thompson
Burton	Lane	Pomerene	Vardaman
Chamberlain	Lea, Tenn.	Robinson	West
Chilton	Lee, Md.	Saulsbury	Williams
Clark, Wyo.	Lippitt	Sheppard	Works
Clarke, Ark.	McCumber	Sherman	
Cummins	Martine, N. J.	Shields	

Mr. LANE. I wish to announce the unavoidable absence of the Senator from Minnesota [Mr. CLAPP] on the business of the Senate in connection with committee work.

Mr. POMERENE. I desire to announce that the junior Senator from Missouri [Mr. REDD] is necessarily detained from the Senate on important business.

Mr. SHIVELY. I desire to announce that the senior Senator from Missouri [Mr. STONE] is detained from the Senate on important business. He is paired with the Senator from Wyoming [Mr. CLARK].

The PRESIDING OFFICER. Thirty-eight Senators are present—less than a quorum.

Mr. SHIVELY. I ask that the names of absent Senators be called.

The PRESIDING OFFICER. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. BRYAN, Mr. MARTIN of Virginia, Mr. NORRIS, Mr. OVERMAN, Mr. OWEN, Mr. SMITH of Georgia, Mr. SMOOT, Mr. SWANSON, and Mr. WARREN answered to their names when called.

Mr. LA FOLLETTE, Mr. HOLLIS, Mr. BURLEIGH, Mr. DILLINGHAM, and Mr. CRAWFORD entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

Mr. BRISTOW. Mr. President, I had intended to address the Senate this afternoon on the canal bill, but I understand it is desired to have an executive session. Therefore I shall not undertake to address the Senate to-night, but shall do so to-morrow afternoon, following the address of the junior Senator from New York [Mr. O'GORMAN], unless something should interfere.

Mr. SHIVELY. Mr. President, I desire to say to the Senator from Kansas that it is not the purpose to move at this time for an executive session, but to do so later, if the Senator will proceed with his remarks.

Mr. O'GORMAN. Mr. President, I ask that the canal bill be temporarily laid aside.

The PRESIDING OFFICER. Without objection, that will be done.

Mr. SMITH of Georgia. Before that is done I should like to give notice that on Monday, May 11, immediately after the close of the morning business, I desire to address the Senate upon the Panama Canal bill.

Mr. O'GORMAN. I desire to say a word further. The reference by the Senator from Kansas to an executive session was based upon information which I conveyed to him, and my information was based upon that given to me by Members on this side.

#### PROPOSED INCREASE OF RAILROAD RATES.

Mr. OWEN. Mr. President, on yesterday it was suggested by the Senator from Wisconsin [Mr. LA FOLLETTE] that he had not seen anywhere in the public press any denial from the President of the United States of the newspaper editorials to the effect that the President was in favor of having an increase in the freight rates of the railways.

I wish to have recorded in the RECORD the fact that on the 6th of April the President, in his usual interview at the White House with the various representatives of the leading metropolitan papers of the country, was asked this question by some of them:

They say you are trying to get an increase of the railroad rates, Mr. President?

He replied:

You know, I explained to you gentlemen before that I could not express any opinion about that, because the commission is a semijudicial body, and it would not be proper for me to do so.

## HYACINTHE VILLENEUVE.

H. R. 6260. An act for the relief of Hyacinthe Villeneuve, was read twice by its title.

Mr. SMOOT. Mr. President, a few days ago the Senate passed a bill identical with the one that the Chair has just presented to the Senate. For that reason I desire to ask that immediate consideration of the House bill be granted, and then I shall enter a motion for a reconsideration of the vote—

Mr. OWEN. I feel compelled to call for the regular order on this matter.

Mr. SMOOT. This is the regular order.

Mr. OWEN. I think the unfinished business is the regular order. It should be.

The PRESIDING OFFICER. That, the Chair understands, has been laid aside. The Chair rules that this is the regular order. It is a message from the House of Representatives.

Mr. SMOOT. This is a message from the House of Representatives, laid before the Senate by the Presiding Officer.

Mr. OWEN. What has become of the regular order?

The PRESIDING OFFICER. The Chair understands that it was temporarily laid aside.

Mr. OWEN. A request was made that it be temporarily laid aside, but the request has not been granted by the Senate. It requires unanimous consent.

The PRESIDING OFFICER. The Chair understands that this was at the request of the chairman of the committee.

Mr. OWEN. I understand that, but it has to be laid aside by unanimous consent.

The PRESIDING OFFICER. The Chair is informed that at the request of the chairman of the committee a message of this character may be laid before the Senate at any time.

Mr. OWEN. Mr. President, I shall not insist on this procedure at this time, but I shall insist upon the regular order hereafter.

The PRESIDING OFFICER. The Senate will take cognizance of that.

Mr. SMOOT. I was stating that a bill identical with the one before the Senate passed the Senate the other day, and I now ask that this bill be immediately considered. Then I shall enter a motion to reconsider the vote of the Senate by which the bill passed the Senate the other day.

The PRESIDING OFFICER. A motion is made by the Senator from Utah that House bill 6260 shall be immediately considered.

Mr. GALLINGER. What is the title of the bill?

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The SECRETARY. An act for the relief of Hyacinthe Villeneuve.

Mr. SMOOT. It grants title to a piece of land in North Dakota. The Senator from North Dakota asked unanimous consent the other day for the consideration of the bill; it was granted and the bill passed.

Mr. GALLINGER. I simply imitate the suggestion that so often emanates from the Senator from Utah in saying that this is a bad form of legislation, and that the bill ought to go to a committee; but I shall not make any point against it.

Mr. SMOOT. I wish to say to the Senator that if a bill identical with this had not already passed this body, I never would have asked for the present consideration of the bill.

Mr. GALLINGER. Similar bills have come here under similar circumstances, and the Senator has very wisely suggested that they ought to go to committees; but I shall not make the point.

Mr. SMOOT. Let it go to the committee, then.

Mr. GALLINGER. No; I do not make the point at all. I am willing that the bill shall be considered.

The PRESIDING OFFICER. Is there any objection to the immediate consideration of the bill?

Mr. OWEN. I think it ought to go to the committee.

The PRESIDING OFFICER. Objection is made. The bill will be referred to the Committee on Public Lands.

## ELIZABETH MUHLEMAN.

Mr. OVERMAN. I ask the Chair to lay before the Senate the bill received to-day from the House of Representatives for the relief of Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased.

The SECRETARY. H. R. 12191, an act for the relief of Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased.

Mr. OVERMAN. There is on the calendar a bill (S. 4060) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased, which was reported by me April 1 from the Committee on Claims. I ask that the

bill just received from the House of Representatives be substituted on the calendar for the Senate bill.

The PRESIDING OFFICER. Without objection, that action will be taken.

Mr. OVERMAN. I ask that the Senate bill be postponed indefinitely.

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

## HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 851. An act for the relief of the legal representatives of Napoleon B. Giddings;

H. R. 2728. An act for the relief of George P. Heard;

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

H. R. 4744. An act to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army; and

H. R. 9147. An act to restore First Lieut. James P. Barney, retired, to the active list of the Army.

The following bills were severally read twice by their title and referred to the Committee on Public Lands:

H. R. 1517. An act for the relief of George W. Cary;

H. R. 3334. An act authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass.;

H. R. 4318. An act to authorize the Secretary of the Interior to cause patent to issue to Erik J. Aanrud upon his homestead entry for the southeast quarter of the northeast quarter of section 15, township 159 north, range 73 west, in the Devils Lake land district, North Dakota; and

H. R. 6052. An act for the relief of William P. Havenor.

The following bills were severally read twice by their title and referred to the Committee on Claims:

H. R. 900. An act for the relief of James Lasson;

H. R. 932. An act for the relief of John W. Canary;

H. R. 2705. An act for the relief of David C. McGee;

H. R. 3041. An act to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell;

H. R. 3428. An act for the relief of James Stanton;

H. R. 7633. An act for the relief of the personal representative of Charles W. Hammond, deceased;

H. R. 8808. An act for the relief of Baley W. Hamilton;

H. R. 8811. An act to execute the findings of the Court of Claims in the case of Sarah B. Hatch, widow of Davis W. Hatch;

H. R. 9851. An act for the relief of legal representative of George E. Payne, deceased;

H. R. 10172. An act for the relief of L. V. Thomas;

H. R. 10201. An act for the relief of the heirs of Theodore Dehon;

H. R. 11040. An act to carry out the findings of the Court of Claims in the case of James Harvey Dennis;

H. R. 11381. An act for the relief of the estate of T. J. Semmes, deceased;

H. R. 13240. An act for the relief of the legal representatives of James S. Clark, deceased; and

H. R. 14197. An act for the relief of the legal representatives of Mrs. H. G. Lamar.

H. R. 14229. An act for the relief of Henry La Roque, was read twice by its title and referred to the Committee on the Judiciary.

H. R. 1781. An act providing for the refund of certain duties incorrectly collected on wild-celery seed, was read twice by its title and referred to the Committee on Finance.

## AGRICULTURAL APPROPRIATIONS.

Mr. GORE. I ask unanimous consent that the Senate resume the consideration of the agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

Mr. GORE. I ask that the Secretary read the amendment on page 18, that was passed over when it was first reached.

The PRESIDING OFFICER. Without objection, that will be done.

The SECRETARY. On page 18, line 13, it is proposed to strike out "\$80,580" and insert:

\$180,580. *Provided*, That of the sum thus appropriated, \$100,000 shall be used for furnishing the primary markets in the cotton-growing States with a set of samples as standardized by the Government, and a sample of the bleached and unbleached yarns made from the different grades, showing the waste, tensile strength, and bleaching quality thereof.

Mr. GALLINGER. Mr. President, I will ask the Senator having the bill in charge if that proviso is not in the nature of a subsidy? We have heard a great deal about subsidies to the shipping interests of the country. Before this bill is passed I wish to call attention to various items in the bill that are direct subsidies to certain interests, and this is one of them.

Mr. GORE. Mr. President—

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

Mr. GALLINGER. I yield, because I am seeking information.

Mr. GORE. I do not care to interrupt the Senator from New Hampshire. I thought he had finished.

The PRESIDING OFFICER. The Senator from New Hampshire still has the floor.

Mr. GALLINGER. I am glad to be interrupted, Mr. President. I have raised the question in all seriousness.

Mr. GORE. It was, of course, the desire of the committee to rally as much support in behalf of the Agricultural appropriation bill as possible, and we thought that by inserting a subsidy we would have the unanimous and enthusiastic support, at least, of the senior Senator from New Hampshire.

Mr. GALLINGER. Would the Senator have any objection to my introducing as an amendment to this bill a provision taken from a bill that I introduced to rehabilitate the merchant marine, giving a subsidy to the shipping interests?

Mr. GORE. I have no objection whatever to the Senator introducing any bill or any amendment for which he feels disposed to stand sponsor.

Mr. GALLINGER. Would the Senator support that amendment?

Mr. GORE. I would not.

Mr. GALLINGER. The Senator admits that this is a subsidy, and the other is a subsidy.

Mr. GORE. There are subsidies and subsidies.

Mr. SMOOT. Mr. President—

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

Mr. GALLINGER. I yield to the Senator.

Mr. SMOOT. If that is the object of this amendment, I certainly shall make a point of order against it. I now make the point of order that it is general legislation on an appropriation bill; it increases an appropriation, and is not estimated for.

Mr. SMITH of South Carolina. Mr. President, I wish to call the attention of the Senate to the fact that in this bill we are spending several million dollars for the purpose of demonstrating to the farmer the best method by which we can increase his output. It seems to me it comes with ill grace for any Member on this floor to vote for an appropriation to teach the farmer how to make a larger crop and then make no effort to give him any knowledge as to the value of what he does make.

I am the author of this amendment. I proposed it for the reason that we have before us a demonstration in the form of these yarns, made under an appropriation secured by me to the last Agricultural appropriation bill, showing that the trade on account of the grades which it has arbitrarily fixed is making a difference of anywhere from \$15 to \$20 per bale; whereas by this test of the relative value of the different grades the Department of Agriculture has demonstrated that no such actual difference exists.

You and I are dependent for the textiles of this country upon the southern cotton grower. The only way you can make him prosperous is to make his work profitable. I do not see how any Member on this floor can vote millions of dollars for the purpose of increasing the output, and then make no appropriation whatever to teach those who produce the raw material what it is worth.

I have here a letter from the Department of Agriculture on this very point, which I ask to have read.

Mr. SMOOT. Before the Senator asks to have the letter read, I wish to ask him in all seriousness how it is possible to give information as to the different grades of cotton, showing the waste, the tensile strength, and the bleaching qualities, when it is—

Mr. SMITH of South Carolina. Here it is.

Mr. SMOOT. Wait a minute; I was asking a question. I know that one manufacturer can take half a bale of cotton, and another manufacturer can take the other half of the same bale, and the first one can work the cotton through one mill, and the other manufacturer can work the other half through the other mill, and the tensile strength of the yarn produced will not be the same.

Mr. SMITH of South Carolina. The Senator from Utah is not going to stand here, before an intelligent body of men, and introduce any such argument as that, for the reason that he

knows that No. 1 yarn is a certain number of yards to the pound, and the increased twist determines the number of that yarn.

Mr. SMOOT. The Senator does not go far enough. Why does he not go further and explain, if he knows, about the manufacture of—

Mr. SMITH of South Carolina. Oh, I would leave all knowledge of all affairs to the Senator from Utah.

Mr. SMOOT. I have not asked the Senator to do that; but I do know that I can take a 30 or 40 or 50 run yarn, made by one mill, and take the same number of yarn, or what are supposed to be—

Mr. SMITH of South Carolina. Ah!

Mr. SMOOT. Made by another mill, and the tensile strength will not be the same.

Mr. SMITH of South Carolina. Precisely. Now, I will ask the Senator from Utah a question.

Mr. SMOOT. Therefore, I say, who is going to judge as to what the strength should be? Is the department going to do so? If so, in what mill shall it be made—one in New Hampshire, one in North Carolina, one in South Carolina, or where?

Mr. SMITH of South Carolina. Mr. President, the Senator from Utah, as a matter of course, encyclopedic as he is, will understand that the department has also demonstrated that the speed of the gin had nothing whatever to do with the value of the cotton ginned. Before this appropriation of mine was secured authorizing the department to test it, that was another fiction by which the farmers of this country were systematically robbed.

The manufacturers would get a certain kind of cotton, and on account of its appearance they would declare that it was gin-cut cotton, that it was not in good form, and therefore that the farmers should lose from 1 to 2 cents a pound, or from \$10 to \$15 a bale. The department has proven that the speed of the gin has nothing to do with the quality of the output. The department standardized the grades of cotton, from good ordinary to middling fair—nine grades—five full grades and four half grades. The department took samples from the exchanges of the country and out of the whole made an average which represented the uniform grades of upland cotton produced in the South. It then sent some of each grade of this cotton to the mills at Danville, Va., and some of it to the textile department at Clemson College, S. C., and elsewhere, I believe. It was spun at these places with the same speed, with the same humidity, and with the same mechanical conditions surrounding it. As a result it was found that good ordinary bleached and good ordinary unbleached, as represented on this card, were practically the same as the other grades so far as tensile strength and bleaching qualities were concerned.

As a practical cotton grower, I want to call the Senate's attention to the fact that here is the middle grade; all below that grade brings a lower price and all above it brings a higher price. The trade made a difference of \$15 per bale between middling and good ordinary. Under the impartial test of the department, made at Clemson College and at Danville, it was proven, as shown on this card, that there is practically no difference in the yarns made from the grades from middling fair to good ordinary. But the trade makes a difference of \$15 a bale between middling and good ordinary, and \$30 a bale between middling fair and good ordinary.

The department has impartially spun this yarn under conditions that should characterize every well-organized mill, using upland cotton, under the same mechanical conditions, with the same humidity and the same speed of the spindle, and has reached this result. I ask the Senator from Utah if some mill wants to make a little more time, thereby injuring the fiber by reckless speed, is he going to stand here and advocate that the farmer shall be penalized for such a manufacturer's benefit—that these samples shall not be given the farmer to protect him from this very condition?

Mr. SMOOT. Mr. President, the question asked by the Senator from South Carolina has nothing to do with what the tensile strength and bleaching quality of a certain size yarn may be in different sections of this country. The Senator knows that in some parts of the country the water has a great deal to do with it; again, the machinery has a great deal to do with it, as well as the humidity. This is the case with any size of yarn spun from any graded cotton.

Mr. SMITH of South Carolina. Then does the Senator from Utah mean to say that he is going to penalize the grower of cotton because some manufacturer increases the speed of his spindles to a point where it absolutely breaks the fiber, and because such a manufacturer happens to be located in a place where certain meteorological conditions or climatic conditions make it unprofitable to spin the stuff, when the department

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

#### WORKMEN'S COMPENSATION.

Mr. CHILTON. I am directed by the Committee on Printing, to which was referred the Senate resolution 326, to authorize the printing of Senate Document No. 419, workmen's compensation report, submitted by Mr. BRADY on April 4, to report it favorably.

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

#### THE CONSULAR SERVICE.

Mr. CHILTON. On March 5 the Senator from South Dakota [Mr. STERLING] presented an article entitled "The American Consular Service and Commercial Attachés," written by Mr. J. J. Slechta, of New York, and requested that it be printed as a Senate document, and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, which I ask may be read.

The resolution (S. Res. 356) was read, as follows:

Resolved, That the manuscript submitted by Mr. STERLING on March 5, 1914, entitled "The American Consular Service and Commercial Attachés," by Mr. J. J. Slechta, of New York, be printed as a Senate document.

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

#### ADDRESS BY JUDGE WALTER CLARK.

Mr. CHILTON. On March 25 the Senator from North Carolina [Mr. OVERMAN] presented a copy of an address by Chief Justice Walter Clark, of the Supreme Court of North Carolina, and asked that it be printed as a Senate document, and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, which I ask may be read.

The resolution (S. Res. 357) was read, as follows:

Resolved, That the manuscript submitted by Mr. OVERMAN on March 25, 1914, entitled "Government by Judges," an address delivered by Chief Justice Walter Clark, of the North Carolina Supreme Court, at Cooper Union, New York City, January 27, 1914, be printed as a Senate document.

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

#### THE MISSISSIPPI RIVER.

Mr. CHILTON. On March 5 the Senator from Nevada [Mr. NEWLANDS] presented an article by Barnett E. Moses, on the problem of the Mississippi River, and requested that it be printed as a Senate document, and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, which I ask may be read.

The resolution (S. Res. 358) was read, as follows:

Resolved, That the manuscript submitted by Mr. NEWLANDS on March 5, 1914, entitled "The Problem of the Mississippi River," by Mr. Barnett E. Moses, of the Memphis bar, be printed as a Senate document.

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

#### TREATY-MAKING POWER UNDER THE CONSTITUTION.

Mr. CHILTON. On April 22 the Senator from California [Mr. WORKS] presented an article on the treaty-making power under the Constitution of the United States, prepared by Henry St. George Tucker, and requested that it be printed as a Senate document, and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, which I ask may be read.

The resolution (S. Res. 359) was read, as follows:

Resolved, That the article submitted by Mr. WORKS on April 22, 1914, entitled "The Treaty-Making Power Under the Constitution of the United States," by Henry St. George Tucker, of Lexington, Va., be printed as a Senate document.

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

#### MARKETING OF APPLES.

Mr. CHILTON. On December 19 the Senator from Washington [Mr. POINDEXTER] presented an article on Western Apples: How and When to Use Them, by Mr. John P. Hartman, of Seattle, Wash., and requested that it be printed as a Senate document. I am directed by the Committee on Printing to report the following resolution, which I ask may be read. I call the attention of the Senator from Washington [Mr. POINDEXTER] to the resolution, who, I think, is in a hurry for it.

The resolution (S. Res. 354) was read, as follows:

Resolved, That the manuscript submitted by Mr. POINDEXTER on December 19, 1913, entitled "Western Apples: How and When to Use Them," by Mr. John P. Hartman, of Seattle, Wash., be printed as a Senate document.

Mr. POINDEXTER. I ask unanimous consent for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, I shall not object to the resolution, as it is a small matter; but I will object to other similar requests, because I think that if we are ever to get rid of the business on the calendar we must have the bills as they are reported go to the calendar. Then Senators will become sufficiently interested in them to enforce the consideration of bills on the calendar.

Mr. POINDEXTER. I realize the force of what the Senator says, and I would not make the request only from the fact that this matter has been unreasonably delayed.

The resolution was considered by unanimous consent and agreed to.

#### BILLS INTRODUCED.

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

By Mr. GALLINGER:

A bill (S. 5518) granting an increase of pension to John F. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 5519) to reestablish the Circuit Court of the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. McLEAN:

A bill (S. 5520) granting an increase of pension to Elizabeth R. Frink (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 5521) granting an increase of pension to Maggie Daugherty (with accompanying papers); to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 5522) for the relief of James W. Kingon; to the Committee on Claims.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. SWANSON submitted an amendment proposing to appropriate \$200,000 for a new dry dock at Norfolk Navy Yard, Norfolk, Va., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

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

#### OMNIBUS CLAIMS BILL.

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

#### SENATE OFFICE BUILDING COMMISSION.

Mr. GALLINGER. Mr. President, I desire to make a brief statement.

In the sundry civil appropriation act of April 28, 1904 (Stat. L., vol. 33, pt. 1, p. 481), a commission was created to acquire a site and construct the building known as the Senate Office Building. The commission, as created, was composed of Senators Cullom, of Illinois; GALLINGER, of New Hampshire; and Cockrell, of Missouri. When Senator Cockrell left the Senate, Senator Teller, of Colorado, was appointed to the vacancy. Since then Senators Cullom and Teller have died, so that I am now the only surviving member of the commission.

The law provides that—

Any vacancy occurring by resignation or otherwise in the membership of the said commission shall be filled by the presiding officer of the Senate.

I am informed, Mr. President, by the Superintendent of the Capitol Building and Grounds that it is important that the vacancies on the commission shall be filled, as the work has not been completed, and it is necessary that the commission shall be consulted from time to time. In view of that fact I venture to suggest that the vacancies be filled by the Vice President, as provided by law.

The VICE PRESIDENT. The Vice President fills the vacancies on the commission by the appointment of the Senator from North Carolina [Mr. OVERMAN] and the Senator from Indiana [Mr. KERN].

#### PANAMA CANAL TOLLS.

Mr. CHILTON. Mr. President, I desire to give notice that on Thursday next, the 14th instant, at the conclusion of the remarks of the Senator from New Hampshire [Mr. GALLINGER],

I shall submit some observations on the Panama Canal tolls question.

ESTATE OF THOMAS B. MCCLINTIC, DECEASED.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 661) for the relief of the widow of Thomas B. McClintic, deceased.

Mr. BRYAN. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. BRYAN, Mr. MARTIN of Virginia, and Mr. CRAWFORD conferees on the part of the Senate.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4163) 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.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4352) 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.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4260) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4352) 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.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4637) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 16294. 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; and

H. R. 16345. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

DEPOSITS OF STATE BANKS AND TRUST COMPANIES.

The VICE PRESIDENT. Morning business is closed.

Mr. OWEN. I ask unanimous consent for the consideration of the bill (S. 4966) proposing an amendment as to section 19 of the Federal reserve act relating to reserves, and for other purposes. If the bill involves any debate whatever I shall not press it at this time. It simply modifies the Federal reserve act by inserting these words:

If a State bank or trust company is required or permitted by the law of its State to keep its reserves either in its own vaults or with another State bank or trust company or with a national bank, such reserve deposits so kept in such State bank, trust company, or national bank shall be construed within the meaning of this section as if they were reserve deposits in a national bank in a reserve or central reserve city for a period of three years after the Secretary of the Treasury shall have officially announced the establishment of a Federal reserve bank in the district in which such State bank or trust company is situated.

Under the law as it stands it would remove some of the deposits which now are held by State banks and trust companies, being the deposits and reserves of other State banks and trust companies, and it was thought best not to disconcert or interfere with the present order more than was necessary in the establishment of the Federal reserve system.

Mr. SMOOT. Mr. President, I have not had time to examine the bill, and I do not particularly make objection to its consideration now on my own account, but I do feel that there ought to be some questions asked in regard to the measure, and I understand that a number of Senators are interested in it.

Mr. OWEN. I ask that the bill go over, in view of the Senator's statement.

Mr. BURTON. Mr. President, before the bill goes over, I call the attention of the Senator from Oklahoma to one point in it which seems not to have attracted notice. The existing law provides:

Any Federal reserve bank may receive from the member banks as reserves, not exceeding one-half of each installment, eligible paper as described in section 14 properly indorsed and acceptable to the said reserve bank.

There was considerable discussion upon that provision of the law when the bill was pending last year. It was thought by some of us altogether objectionable to allow commercial paper to be used for the reserves of banks. This proposed amendment changes the existing law, so that eligible paper as described in section 13, properly indorsed and accepted by the said reserve bank, may be used. The quantity of paper available for discount under section 13 is much greater than that under section 14. I have only hastily compared this bill with the existing law, but I think it proposes a very material change; and as the bill is to go over, I ask the attention of the Senator from Oklahoma to that fact.

Mr. OWEN. I thank the Senator for calling attention to it.

Mr. WILLIAMS. Mr. President, this matter being up reminds me of another related matter, about which I want to make just one observation. I ask the attention of the chairman of the Banking and Currency Committee, and I hope that the committee will remedy the evil to which I am about to refer. I am satisfied that it was an oversight.

The currency bill as it passed provides that to the extent to which member banks can lend upon real estate they must lend upon real estate situated in the reserve district. The lines of the districts run very uncertainly. For example, take the line that runs through the State of Mississippi; it goes from the northern border of Hinds County. The banks below there do business at one place and are members of one district, and those above are members of another. I suggest to the Senator from Oklahoma that he bring to the attention of his committee an amendment permitting the banks to lend upon real estate either in the reserve district within which a particular bank is situated or in the State in which it is situated. For example, a bank at Jackson can not lend on real estate in Madison County or in Yazoo County—adjoining counties. I give an illustration in my own State, because I am better acquainted with the situation there than anywhere else. It seems to me that condition ought to be remedied at the very earliest opportunity.



Senator THOMPSON, *Washington, D. C.*, ATCHISON, KANS., *May 1, 1914.*

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

EUGENE HOWE, *Editor Atchison Globe.*

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

Mr. OLIVER. I call for the regular order.

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

#### PANAMA CANAL TOLLS.

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

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

The Secretary read as follows:

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

REFORM CLUB TARIFF COMMITTEE FAVORS REPEAL OF PANAMA CANAL FREETOLLS BILL.

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

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

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

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

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

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

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

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

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

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

BYRON W. HOLT, *Chairman.*

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

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

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

The Secretary read as follows:

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

#### THE TELEPOST.

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

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

Mr. GALLINGER. Mr. President, I object.

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

#### NAVAL APPROPRIATIONS.

Mr. THORNTON. By direction of the Committee on Naval Affairs I report back favorably with amendments the bill (H. R. 14031) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, and I submit a report (No. 505) thereon. I desire to give notice that I shall call up the bill for consideration at the earliest practicable moment, and I shall endeavor at that time to press it to its final passage as rapidly as is consistent with its proper consideration.

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

#### REPORTS OF COMMITTEES.

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

Mr. HITCHCOCK (for Mr. LEA of Tennessee), from the Committee on Military Affairs, to which was referred the bill (H. R. 8683) for the relief of Lucien P. Rogers, reported it with an amendment and submitted a report (No. 507) thereon.

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

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

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

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

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

#### BILLS INTRODUCED.

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

By Mr. BRANDEGEE:

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

By Mr. THOMAS:

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

By Mr. POMERENE:

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

By Mr. PITTMAN:

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

By Mr. THOMPSON:

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

By Mr. CUMMINS:

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

By Mr. SHEPPARD:

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

By Mr. NORRIS:

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

By Mr. HOLLIS:

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

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

By Mr. SMITH of Michigan.

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

By Mr. ROBINSON:

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

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

By Mr. OWEN:

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

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

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

By Mr. ROBINSON:

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

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

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

#### RURAL CREDITS.

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

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

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

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

#### OMNIBUS CLAIMS BILL.

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

#### PANAMA CANAL TOLLS.

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

#### AMENDMENTS TO APPROPRIATION BILLS.

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

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

#### PANAMA CANAL TOLLS.

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

#### WATER SUPPLY FOR THE ARMY.

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

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

may be connected, if feasible, with increased facilities for the distribution of ammunition and food and water to advanced forces.

#### ADDRESS BY PRESIDENT WILSON AT BROOKLYN NAVY YARD.

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

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

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

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

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

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

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

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

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

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

#### QUESTION OF CANAL TOLLS.

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

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

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

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

EDITOR BROOKLYN DAILY EAGLE.

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

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

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

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

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

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

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

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

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

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

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

JOSEPH CLBERTSON CLAYTON.

#### PRODUCTION OF OIL IN OKLAHOMA.

Mr. OWEN. Mr. President, I wish to call the attention of the Senate to the resolutions which I am about to read, which I think are of very great importance to the country as well as to the State of Oklahoma. The resolutions were passed at a meeting of the Independent Development League of Oklahoma,

held at Oklahoma City, Okla., on the 23d day of April, 1914. They are as follows:

#### Resolutions.

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

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

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

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

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

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

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

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

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

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

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

OKLAHOMA CITY, OKLA., April 25, 1914.

SECRETARY OF THE INTERIOR,  
Washington, D. C.

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

Respectfully,

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

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

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

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

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

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

Mr. OLIVER. I second the call.

PANAMA CANAL TOLLS.

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

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

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

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

PRESIDENTIAL APPROVALS.

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

On May 9, 1914:

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

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

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

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

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

On May 12, 1914:

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

HOUSE BILL REFERRED.

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

PANAMA CANAL TOLLS.

The VICE PRESIDENT. The morning business is closed.

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

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

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

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

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

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

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

FORMER ATTITUDE OF SENATORS.

My distinguished friend, the junior Senator from New York, opened his address upon this subject a few days ago by having

read the list of Senators who in 1912 voted against striking the provision of the canal bill which permitted coastwise vessels to pass through the canal free, and he seemed deeply concerned lest Senators now may vote for the repeal due to undue influence, and he seemed to think that by so voting they would yield a proper service of their own country to a service of Great Britain.

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

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

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

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

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

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

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

PRESIDENT TAFT AND SECRETARY KNOX ADMIT IT IS A SUBSIDY.

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

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

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

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

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

fabrics, leather, and rubber, which was referred to the Committee on Manufactures.

Mr. SMITH of Maryland presented a petition of sundry citizens of Baltimore, Md., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry woman-suffrage organizations of Delaware, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of New Castle County and of Sussex County, in the State of Delaware, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Cheswold and Lelapsie, in the State of Delaware, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of Henry Elsfelder, Robert Holz, Fritz Gobel, and 528 other citizens of Vanderburgh, Spencer, Gibson, Warrick, Posey, Dubois, and Perry Counties; of D. Johnson, Duke Jones, Warford Hart, and 785 other citizens of Evansville; and of John Bender, John Denn, jr., Albert Graves, and 40 other citizens of Dubois County, all in the State of Indiana, protesting against the passage of Senate joint resolutions 88 and 50 and House joint resolution 168, providing for nation-wide prohibition by constitutional amendment, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Evangelical Church of Nappanee, Ind., favoring the passage of the so-called Smith-Hughes bill, providing for a "Federal motion-picture commission," which was referred to the Committee on Education and Labor.

He also presented a memorial of the Indiana Federation of Clubs, protesting against polygamy in the Mormon Church and favoring an amendment to the Constitution of the United States prohibiting polygamy, etc., which was referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

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

A bill (S. 4725) providing for the establishment of a lobster-rearing station at some suitable point on the Atlantic coast (Rept. No. 511); and

A bill (H. R. 5884) granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal. (Rept. No. 512).

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 34) authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution, reported adversely thereon, and the joint resolution was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 5052) to reinstate Donald Marion McRae as a cadet at the United States Military Academy, reported adversely thereon, and the bill was postponed indefinitely.

#### ESTATE OF GEORGE WRIGHT, DECEASED.

Mr. BRYAN, from the Committee on Claims, reported the following resolution (S. Res. 361), which was read, considered by unanimous consent, and agreed to:

Resolved, That in compliance with the request of the assistant clerk of the Court of Claims, pursuant to an order of the court, under date of May 8, 1914, the Secretary of the Senate be, and he is hereby, instructed to return to the Court of Claims the order of dismissal in the following case, namely, George Wright, deceased, against the United States, No. 14978, subnumbered 14, and the said court is hereby authorized to proceed in said case as if no return therein had been made to the Senate.

#### BILLS INTRODUCED.

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

By Mr. SAULSBURY:  
A bill (S. 5543) to acquire the manuscript of Charles Chaillé-Long, containing an account of the unveiling of the McClellan Statue; to the Committee on the Library.

By Mr. JOHNSON:  
A bill (S. 5544) granting a pension to Timothy Stone; and  
A bill (S. 5545) granting an increase of pension to Lizzie U. Ricker; to the Committee on Pensions.

By Mr. SMITH of Maryland:  
A bill (S. 5546) granting an increase of pension to John L. Shields (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5547) granting an increase of pension to Anna B. Davis (with accompanying papers); to the Committee on Pensions.

A bill (S. 5548) for the relief of George H. Rarey (with accompanying papers); to the Committee on Claims.

By Mr. SMITH of Arizona:

A bill (S. 5549) granting an increase of pension to Elizabeth Pilsipher; to the Committee on Pensions.

By Mr. OWEN (by request):

A bill (S. 5550) to secure to the United States a monopoly of means for the transportation of oil by pipe lines; to provide for the acquisition by the Department of the Interior of the trunk pipe lines, pumping stations, and terminal facilities, and to operate the same; to the Committee on Interstate Commerce.

By Mr. DU PONT:

A bill (S. 5551) granting a pension to Ellen Davis; to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. RANDELL submitted five amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

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

Mr. ASHURST submitted an amendment authorizing the Secretary of the Navy to procure by contract armor of the best quality for any or all vessels heretofore or herein provided for, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

#### DEVELOPMENT AND CONTROL OF WATER POWER.

Mr. BURTON submitted the following resolution (S. Res. 362), which was read and referred to the Committee on Printing:

Resolved, That 1,000 additional copies of Senate Document No. 274, Sixty-second Congress, second session, entitled "Hearings on the Development and Control of Water Power Before the National Waterways Commission," be printed for the use of the Senate document room.

#### PROPOSED DRY DOCK, NORFOLK, VA.

Mr. SWANSON. Mr. President, I ask unanimous consent to have printed in the Record without reading a statement of Mr. E. E. HOLLAND, Representative of the second Virginia district, in which is located Norfolk. It is not a very long statement, but it shows the advantages of the lower Chesapeake Bay as a naval base. It contains a great deal of valuable information, and as the naval appropriation bill is soon to come before the Senate I think the statement will be of much interest to Members of the Senate. I therefore ask that it may be incorporated in the Record.

Mr. HITCHCOCK. What is the request?

Mr. SWANSON. It is that a very short statement, which will not take two pages, may be printed in the Record, made by Mr. HOLLAND, a Member of Congress from the second Virginia district, in regard to the advantages of Norfolk and the lower Chesapeake Bay as a naval base. It contains a great deal of valuable information, and as the naval appropriation bill will come up in the Senate in a few days, I think it will be a matter of interest to Senators to read it. I simply want to have it printed in the Record, where Senators will see it. There is no necessity to have it read at the desk. It will not take more than a page and a half, I think.

Mr. HITCHCOCK. It is rather unusual for the Senate to order the publication of a speech by a Member of the other body.

Mr. SWANSON. It is not a speech made in the House. It is a statement, and I think it would be of interest to Senators to have it appear in the Record. I hope the Senator from Nebraska will not object.

Mr. HITCHCOCK. I am wondering when we are going to reform by excluding from the Record matters which are not properly a part of it.

Mr. SWANSON. We have not been doing that. We put petitions in the Record. A great deal of this matter has been included in a petition of the people of Norfolk, but I think this is a better and clearer statement of the situation.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia?

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

STATEMENT OF HON. E. E. HOLLAND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA.

MR. HOLLAND, Mr. Chairman and gentlemen of the committee, I thank you very much for this opportunity of laying before you Norfolk's claims to the proposed dry dock. Virginia has no representative on your committee and on this account may be placed at some disadvantage. Your permission, however, to appear before you and discuss Norfolk's case with you, as best I can, is an evidence of your desire to be fair and impartial in your consideration of it, and to hear all that can be said on either side before any conclusion is reached. If you will permit me first to present our case and will then ask me such questions as you may desire me to answer, I shall very much appreciate it.

This is not, and should not be made, a sectional or political question. The fact is I had hoped that the time had come when we could consider questions of this kind in a spirit of broad patriotism and solely with reference to the good of the Navy and the good of the Nation. I had believed that the time had come when the narrow sectional spirit of other days had been abandoned, and when, with clearer vision, we could see beyond the limits of our own particular States and find need for improvements not to be located therein. Politics and sectionalism should never be allowed to interfere with our naval progress.

I am willing that this committee shall impartially consider the particular merit of each yard, and then vote for such improvements at each yard as will best promote the interest of the Navy and of the Nation, and without reference to the location of the improvement or to the interest of any particular individual or to any particular State therein. I have a strong conviction that patriotism demands that we shall follow such a course.

I wish that it shall be distinctly understood that I am not opposed to appropriations required for improvements actually needed at stations other than Norfolk. I am absolutely unwilling that my desire for needed improvements at the Norfolk yard shall in any way influence me to oppose needed or even similar improvements at other yards. I am opposed, however, to the mistaken policy of developing any yard without reference to its adaptability for the purposes for which its location best suits it. Such a policy has been too long followed, has resulted in large and unnecessary expenditures, and has not contributed to the military value or usefulness of the yards. In the interest of economy, as well as in the interest of the efficiency of the Navy, such a policy ought to be abandoned.

Everybody knows that every yard is not suitably located for ship-building and that every yard is not suitably located for ship docking, and that it is a useless waste of money to provide such equipment and facilities at points where they will not be needed or used for such purposes.

Hastily considered extensions, and without reference to any particular plan or purpose, ought not to be made, and the yards ought to be developed so as to make them of most value for general navy-yard work, and at the same time of most service to the Navy. If you will follow some well-matured plan, a practical and logical development can be had, the expenses of operation lessened, and the actual service of the yards increased. So far as I am concerned, I will say to you, in all frankness, that I do not ask for any improvements at the Norfolk yard that will not contribute to the public good and to the greater efficiency of the Navy.

Having made this general statement of my position with reference to navy-yard improvements and extensions, I desire now to submit to you for your consideration the reasons which have convinced me that certain improvements ought to be made at the Norfolk yard.

I can say nothing in favor of the Norfolk Navy Yard that has not repeatedly been said by Army and Navy experts, men whose trained judgment ought to be entitled to your confidence and to your serious consideration.

For the past 100 years every Secretary of the Navy and every commandant of the yard, with hardly a single exception, has made recommendations for its improvement and extension, and naval boards appointed from time to time to examine and report on its condition have repeatedly declared "that no yard belonging to the United States from its geographical position is more important."

As early as the year 1839, before the passions of the great Civil War had subsided, and when the area of the Norfolk yard was smaller by 272 acres than it is to-day, a naval board composed of Rear Admiral Stringham, Admiral Stribling, and Commodore S. P. Lee, appointed by the then Secretary of the Navy to investigate the condition of navy yards and make recommendations concerning them, reported with regard to the Norfolk Navy Yard as follows:

"This is considered the best site on the Atlantic seaboard for a large navy yard. It is situated near the capes of the Chesapeake Bay on the Elizabeth River. Its natural features—proximity to the sea, central position on the coast, mild climate, secure defense by land and sea, a large accessible harbor, safe from wind, sea, and ice; grand extent of fit and inexpensive land, supplying the most abundant and convenient water front, and almost natural basins, like Paradise Creek—are extremely favorable for the construction of a great and national navy yard for all purposes which modern naval warfare requires."

As late as 1912 Secretary of the Navy Meyer testified before the Committee on Naval Affairs as follows:

"I studied the conditions on the Atlantic coast from Charleston to Portsmouth and put the matter up to the General Board of the Navy, and after they had given their opinion I further assigned it to the joint Army and Navy board for consideration, and they reported that the ideal plan for the Navy would be to have two great naval bases on the Atlantic coast in harbors which would receive and could maintain the entire fleet and its auxiliaries. It appeared self-evident that the only two places which could receive the fleet and all its auxiliaries were Hampton Roads, where we have the Norfolk Navy Yard, and Narragansett Bay. If we were freshly confronted with the duty of locating and building the naval stations required on the Atlantic without regard to existing stations, the interests of the Navy and the Nation would be best served by the establishment of one first-class station on the coast north of the Delaware, equipped for docking, repairing, and provisioning at least half of the entire fleet, and one station of the same capacity at Norfolk."

And Admiral Mahan, generally recognized as one of our greatest naval experts, in *Naval Strategy*, pages 169-170, makes the following statement:

"Chesapeake Bay and New York, on our Atlantic coast, are two points clearly indicated by nature as primary bases of supply, and consequently for arsenals of chief importance. For these reasons they are

also proper ports of retreat in case of a bad defeat, because of the resources that should be accumulated in them."

These statements, if any reliance whatever can be placed in the judgment of Army and Navy experts, furnish the most conclusive evidence that the Norfolk Navy Yard ought to be made one of the great naval bases of the country. Such a naval base should have ample docking and repair facilities and should be so equipped that ships could go there on short notice and be docked, repaired, coaled, supplied, and sent out again with a minimum loss of time. And if the interest of the Navy and of the Nation can be best served by the establishment of such a base, and this is the overwhelming opinion of all Army and Navy experts, then its equipment with proper docking and repair facilities for such a purpose ought not longer to be neglected. It already meets all the other essential requirements for such a naval base.

First, it is located on deep water. The Norfolk-Portsmouth Harbor, on which it is located, is one of the very best on the Atlantic coast, and is accessible at all seasons of the year. It has been so pronounced by ship captains of every nation of the world, by the greatest masters of rail and water transportation in this country, and by every naval board that has been appointed to examine it. It is free from obstruction, free from severe storms, and free from damage by ice. The depth of water from the yard to the sea, only 27 miles distant, is 35 feet, and additional depth, when desired, can be easily obtained and at comparatively small cost. The width of the channel is now 400 feet—will soon be increased to 600 feet—and is sufficiently wide to enable the largest ships of the Navy to reach it without difficulty. There is so little silting in the channel that this width and depth can be easily maintained. And the average range of tide in the river is only about 23 feet, and never interferes with the safe and easy navigation of the harbor.

Some one, it is true, has suggested that the yard is located "on a little river"; but it is also true that the Norfolk-Portsmouth Harbor, in which it is located, together with Hampton Roads, which is a part of it, is big enough to handle annually more than 23,000,000 tons of water commerce, valued at more than a billion and a half dollars, and is also big enough to float the combined navies of the world.

Some doubt having been expressed as to the depth of the channel, I submit herewith a letter from the Chief of Engineers, United States Army, which reads as follows:

OFFICE OF THE CHIEF OF ENGINEERS,  
October 4, 1913.

HON. E. E. HOLLAND,  
House of Representatives.

SIR: Replying to your letter of the 2d instant, I have the honor to inform you that the project for the improvement of Norfolk Harbor provides for a depth of 35 feet at mean low water, and on June 30, 1913, there existed a channel from deep water in Hampton Roads to above the Norfolk Navy Yard of not less than 35 feet at mean low water, but the controlling depth over Thimble Shoal, between Hampton Roads and the ocean was on June 30 only 34 feet at mean low water. It is expected, however, that the full project depth of 35 feet will soon be available over this shoal.

Very respectfully,  
W. M. T. ROSSELL,  
Chief of Engineers, United States Army.

This project has now been completed and a survey has been asked for, with a view to securing a depth of 40 feet. With such a depth any battleship of the Navy can reach the station without difficulty. Two of the Navy's largest dreadnaughts did reach it and were successfully docked at this station only a few months ago.

The modern dreadnaught when leaving a navy yard, with all ammunition, coal, and stores aboard, will have a mean draft of 29 feet 9 or 10 inches, and probably an extreme draft of more than 30 feet. I have the following letter as my authority for this statement:

BUREAU OF CONSTRUCTION AND REPAIR,  
January 15, 1914.

MY DEAR MR. HOLLAND: Referring to your inquiry of the 12th instant, I have the honor to inform you that the battleships *New York*, *Texas*, *Nevada*, and *Oklahoma* have a mean draft, under normal displacement—that is, with two-thirds coal, two-thirds ammunition, and two-thirds stores aboard—of 28 feet 6 inches. When leaving a yard, with all coal, ammunition, and stores aboard, they will have a mean draft of 29 feet 9 or 10 inches. Depending upon the distribution of stores, it is probable that each of these vessels will have an extreme draft at one end or other of the ship of more than 30 feet. With the increase in size of ships, it is unquestionable that drafts will be further increased.

Very sincerely,  
R. M. WATT,  
Chief Constructor, United States Navy.

The Philadelphia yard is located on the Delaware River. The Delaware River has a probable depth of 30 feet 1 inch at mean low water. It will take years of time and millions of money to complete the authorized project of 35 feet for that river. I have the following letter as my authority for this statement:

OFFICE OF CHIEF OF ENGINEERS,  
January 15, 1914.

HON. E. E. HOLLAND,  
House of Representatives.

SIR: I acknowledge receipt of your request of the 13th instant. I have the honor to advise you that the maximum draft that can be carried over the shallowest part of the Delaware River from the sea to the navy yard at Philadelphia is 30.1 at mean low water. The mean range of tide varies from 5.3 feet at Philadelphia to 6 feet at the head of the Delaware Bay. The width of this channel is 600 feet in the straight reaches and somewhat wider at the heads.

Second, the annual report of the Chief of Engineers for the year ending June 30, 1913, shows that the 35-foot channel for this section of Delaware River was on that date about 123 per cent completed. The estimated cost of this channel is \$10,920,000, of which \$4,110,600 has been appropriated to date, leaving \$6,809,200 yet to be appropriated.

Third, during the past fiscal year approximately \$1,000,000 was expended in furthering the work on this project. At this rate 10 years would be required to complete the improvement. The present plans contemplate an expenditure of approximately \$2,000,000 a year, which would thus cut the time for prosecuting the work down to five years. As a matter of fact, however, the length of time which will be required to carry this work to completion will depend upon the rate at which appropriations for the work are made by Congress.

Very respectfully,  
EDW. BURR,  
Colonel, Corps of Engineers, Acting Chief of Engineers.

had initiated valid coal claims prior to withdrawal to complete their entries and acquire title to the lands covered thereby. By Executive order of July 2, 1910, the withdrawal of November 12, 1906, was ratified, confirmed, and continued in full force and effect, and the public lands and lands in national forests in the District of Alaska in which workable coal is known to occur were withdrawn from location, settlement, sale, or entry and reserved for classification and in aid of legislation providing for the disposal of coal lands. This withdrawal is still in force, and there has been as yet no law passed by Congress providing for the disposal of the coal deposits in these withdrawn lands. There is accordingly no authority of law for the granting of permits to parties to mine coal on the public lands in Alaska for use in the operation of a dredger or for any purpose.

There is now pending before Congress certain legislation which provides for a system of leasing the public coal lands in Alaska, and until Congress provides some method by which the public coal lands in that district may be opened up and developed this office can grant you no relief.

Very respectfully, CLAY TALLMAN,  
Commissioner.

Mr. WALSH. In the same connection I send to the desk a brief editorial from the Washington Times of May 16, and ask that it be read.

There being no objection, the matter referred to was read, as follows:

PASS THESE MEASURES

There may be some excellent reasons for hurrying the adjournment of Congress, but none of them is good enough to justify ending the session before the conservation measures now reported from the House Public Lands Committee shall have passed. With all deference to pet features of the administration program, the opinion is ventured that more people are concerned in behalf of these conservation bills than in behalf of trades commission and antitrust acts.

For a decade or thereabouts these problems of dealing with the public lands, both in the States and in Alaska, have been before Congress and the country. They have been considered from every angle. There is no need for longer delay. Secretary Lane has given his approval to a series of measures for control of water powers, Alaskan lands, and other details of public-land administration. There is every reason for confidence that the measures are safe and desirable. They have been reported from the House committee. The Western States and the great northwestern territory need to have their opportunity of progress and development restored to them, and these measures will do very much toward restoring it.

President Wilson has indicated that he would be glad to see these bills become laws at the current session, but it is not understood that he includes them in the program on which he insists. Probably they will not be passed unless they are brought within the irreducible minimum of Executive demands. There is enough and violent opposition to prevent their passage unless the whole power of the administration is placed behind them. Every consideration of the real public interest of the great West demands that this be done.

CALLING OF THE ROLL.

Mr. HOLLIS. 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	Hitchcock	Norris	Smith, S. C.
Bankhead	Hollis	O'Gorman	Smoot
Borah	Hughes	Overman	Sterling
Brady	Johnson	Page	Stone
Brandegee	Jones	Phelan	Sutherland
Bristow	Kenyon	Poincxter	Thomson
Ryan	Kern	Pomerene	Tillman
Burleigh	La Follette	Ramsdell	Townsend
Barton	Lane	Reed	Vandaman
Catron	Lee, Tenn.	Robinson	Walsh
Chamberlain	Lee, Md.	Saulsbury	West
Crawford	Linnitt	Shenard	Williams
Culberson	Lodge	Sherman	Works
Connally	McCumber	Smith, Ariz.	
Ohlneham	Martin, Va.	Smith, Ga.	
Gallinger	Martine, N. J.	Smith, Md.	

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent on important business. He is paired on all votes with the junior Senator from Missouri [Mr. REED]. I desire this announcement to stand for the day.

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

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of McPherson, Hays, and Sterling, in the State of Kansas; of Chicago, Ill.; of Saxonburg and Pittsburgh, Pa.; of Atlantic Highlands, N. J.; of St. Joseph and Amoret, Mo.; of Portland, Ore.; of Fedora, S. Dak.; of Santa Ana, Cal.; of Longmont, Colo.; and of West Charlton, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of the Philadelphia Yearly Meeting of the Religious Society of Friends, of Pennsylvania, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented petitions of sundry citizens of Lincoln and Chadron, in the State of Nebraska, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey. Mr. President, I have received a letter from some of my constituents in New Jersey, accompanied by a preamble and resolution adopted by the American Association, of Elizabeth, N. J., with the request that they be incorporated in the Record. I ask that the resolution may be appropriately referred and printed in the Record. There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the Record, as follows:

AMERICUS ASSOCIATION,  
83 SOUTH PARK STREET,  
Elizabeth, N. J.

Whereas the President of the United States, after watchful waiting for the past several months over the condition of affairs in Mexico in looking after the interest of our citizens in that country and, if possible, to avoid any severe clash with our neighbors on our southern border, and living in hope the trouble existing in Mexico would be adjusted by her people in such a manner as would be satisfactory to both the people of Mexico and the United States; Whereas the self-made dictator Huerta has seen fit to not only oppose every good measure advanced by President Wilson since said Huerta assumed the Presidency of Mexico, but has from time to time made the lives of our citizens dangerous and their financial interest interfered with, which forced our President to land our soldiers on Mexican soil and, if necessary, to declare war against the said Huerta: Therefore be it

Resolved, That we, the members of the Americus Association, of Elizabeth, N. J., here assembled in the celebration of the fortieth anniversary of our association, pledge ourselves to support the President of the United States in the stand he takes on the Mexican question and that we hold ourselves ready to supply and fill any position the governor of New Jersey sees fit to call us in upholding the respect of our country and the honor of our flag.

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

Mr. GALLINGER presented the petition of Charles A. Wing and sundry other citizens of New Hampshire, praying for an explicit indorsement of the President's pledge made at Mobile, Ala., that the United States would not seek expansion by the conquest of contiguous territory, which was referred to the Committee on Foreign Relations.

Mr. SMITH of Arizona presented memorials of sundry citizens of Winkelman, Dos Cabezas, and Florence, in the State of Arizona, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented resolutions of the common council of Stamford, Conn., favoring the enactment of legislation to provide pensions for civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. CATRON presented memorials of sundry citizens of Santa Fe, N. Mex., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

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

Mr. CRAWFORD presented a petition of the Commercial Club of Helena, Mont., praying for the enactment of legislation to provide a prompt issuance of patents by the Department of the Interior to homestead settlers, which was referred to the Committee on Public Lands.

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

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

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

Mr. WORKS presented a memorial of sundry citizens of Sacramento, Cal., and a memorial of the French Hospital Society, of San Francisco, Cal., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the convention of the Enworth Leagues of Los Angeles, Cal., and of sundry citizens of Healdsburg, Cal., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Stockton, Cal., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. COLT presented a petition of sundry citizens of Block Island, R. I., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. JONES presented the petition of Arthur Simmons, president of the American Foreign Labor Exclusion League, of Tacoma, Wash., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. OWEN presented a petition of sundry citizens of Nowata, Okla., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. JOHNSON presented a petition of Local Branch 166, National Association of Letter Carriers and Postal Employees, of Biddeford, Me., and a petition of sundry citizens of the State of Maine, praying for the enactment of legislation to provide compensatory time for Sunday services performed by employees of the Post Office Department, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Eden, Me., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of Local Lodge No. 136, Brotherhood of Railroad Trainmen, of Fort Wayne, Ind., praying for the enactment of legislation granting pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented memorials of J. M. Bogner, Charles Snow, Paul Owen, and 223 other citizens of Vigo County, and of Otto Kenney, Frank Gallagher, C. W. Allen, and 183 other citizens of Fort Wayne, in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

#### BILLS INTRODUCED.

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

By Mr. BRISTOW:

A bill (S. 5596) granting an increase of pension to Andrew H. McWhorter (with accompanying papers);

A bill (S. 5597) granting a pension to Lucinda R. Hanson (with accompanying papers); and

A bill (S. 5598) granting an increase of pension to Christian C. Fleck (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 5599) granting a pension to Clara Branch (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 5600) authorizing the appointment of Maj. George A. Arnes, retired, to the rank and grade of colonel on the retired list of the Army without increase of pay; to the Committee on Military Affairs.

By Mr. PITTMAN:

A bill (S. 5601) to establish a commission form of government in the administration of national affairs in Alaska, and for other purposes; to the Committee on Territories.

By Mr. RANSELL:

A bill (S. 5602) for the relief of heirs or estate of Joseph Hernandez, deceased (with accompanying papers), to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 5603) granting a pension to Alice Tumbridge; and A bill (S. 5604) granting a pension to Lewis Larsen; to the Committee on Pensions.

A bill (S. 5605) authorizing the Secretary of War to make certain donation of condemned cannon and cannon balls; to the Committee on Military Affairs.

By Mr. BURLEIGH:

A bill (S. 5606) granting a pension to William B. Wall; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5607) for the relief of Henry von Hess (with accompanying papers); to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 5608) providing for the building of roads in the diminished Colville Indian Reservation, State of Washington; to the Committee on Indian Affairs.

By Mr. COLT:

A bill (S. 5609) granting an increase of pension to Sarah J. Tillinghast (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 5610) granting a pension to Clara A. Packard (with accompanying papers);

A bill (S. 5611) granting an increase of pension to Benjamin F. Neddo (with accompanying papers); and

A bill (S. 5612) granting an increase of pension to Henry M. Bennett (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5613) granting an increase of pension to James D. Brooks; to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRADY submitted an amendment authorizing the accounting officers of the Treasury to credit the account of William Schult, of Lewiston, Idaho, late deputy United States marshal, with the sum of \$101 expended by him in traveling on official business, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

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

Mr. BARKHEAD submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

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

#### SURVEY OF FLORIDA WATERS.

Mr. BRYAN. For my colleague [Mr. LETCHER] I submit a resolution and ask unanimous consent for its present consideration.

The resolution (S. Res. 365) was read, as follows:

*Resolved*, That the Secretary of War be, and hereby is, directed to furnish the Senate with all of the data and information available touching the improvement of the navigable waterway from the navigable waters of the Caloosahatchee River to the navigable waters of Lake Okechobee, Fla., heretofore procured under the act of Congress approved June 25, 1910, providing for a survey of the Kissimmee and Caloosahatchee Rivers and Lake Okechobee and its tributaries, with a view to adopting a plan of improvement of said waters which will harmonize as nearly as may be practicable with the general scheme of the State of Florida for the drainage of the Everglades.

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

Mr. BURTON. I should like to understand the resolution. Does it provide for the appropriation of a certain amount of money?

Mr. BRYAN. It is simply a resolution calling upon the Secretary of War for certain information.

Mr. BURTON. Is it a Senate resolution or a joint resolution?

Mr. BRYAN. It is a Senate resolution, calling upon the Secretary of War for information.

Mr. BURTON. I will state that some years ago the question was several times raised whether under the law the War Department was authorized to submit a report merely on a Senate resolution, and the decision was in the negative. That was along about the year 1903 or 1904. To whom is this resolution addressed?

Mr. BRYAN. It is addressed to the Secretary of War.

Mr. BURTON. I suppose when it reaches the Secretary of War he will consider the question. There are very valid objections to allowing a report to be made merely on a resolution of either House. It involves a certain degree of partiality. I shall not, however, object. Let the question be tried out hereafter.

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

The resolution was considered by unanimous consent and agreed to.

#### TRUSTS AND THE CONSTITUTION.

Mr. SMOOT. I have a copy of a monograph by Hugo Clark and Bartlett Brooks on the trusts and the Constitution. I present it by request, and I ask that it may be referred to the Committee on Printing with the view to having it printed as a public document.

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

#### TRANSPORTATION OF PARCEL-POST MATTER.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The SECRETARY. Senate resolution 363, by Mr. SMITH of Georgia, requesting the Joint Committee on Postage on Second-Class Mail Matter and Compensation of Transportation of Mails to report.



I have not given the matter any attention, and the statements made as to those difficulties may be entirely unreliable.

Mr. OWEN. Mr. President, is it not a fact that the General Motors Co. also holds the stock and bonds of 15 or 20 of these so-called independent concerns or companies?

Mr. REED. I put a complete list of them in the RECORD, as far as I had them. There may be others.

#### PRODUCTION OF OIL IN OKLAHOMA.

Mr. OWEN. Mr. President, some days ago I introduced a bill, Senate bill 5550, with regard to public ownership of pipe lines, desiring that the matter might be considered. The State of Oklahoma now has an output of about 75,000,000 barrels of oil. Recently there have been the most drastic cuts in the price of the oil in Oklahoma, in the Healdton field it being cut down to 50 cents a barrel.

I desire to place in the RECORD a declaration in regard to this matter by the independent oil refiners, favoring this bill, through their counsel. I do not wish to take the time of the Senate to read it, but I should like to have it appear in the RECORD, if there be no objection.

The VICE PRESIDENT. Is there any objection?

Mr. SMOOT. I will ask the Senator whether it is very long?

Mr. OWEN. Yes; it is quite long.

Mr. SMOOT. Would the Senator be just as well satisfied with making it a public document?

Mr. OWEN. No; I would not.

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

The matter referred to is as follows:

DECLARATION ON BEHALF OF INDEPENDENT OIL MEN ADVOCATING THE GOVERNMENT OWNERSHIP AND OPERATION OF PIPE LINES FOR THE TRANSPORTATION OF PETROLEUM IN INTERSTATE COMMERCE.  
(By C. D. Chamberlin, general counsel the National Petroleum Association, Cleveland, Ohio.)

[Senate bill 5550.]

#### DECLARATION.

This declaration on behalf of the independent portion of the petroleum industry in support of the Government ownership and operation of pipe lines for the transportation of oil in interstate commerce involves two essentials—the desirability and the validity of such action on the part of Congress.

Petroleum is among the most wonderful of nature's products, and perhaps exceeds any other in the number of differing forms and uses when finally manufactured. More than 2,000 principal and by-products are said to be found in the list of commercial articles produced in whole or in part from petroleum. In one form or another it enters every home and industry—a necessity to the poor, a luxury to the rich.

While the substance has been known for centuries, the petroleum industry is but a half century old, and during that comparatively short period by its monopolization has made one man the richest in history. During four-fifths of the time since the birth of the industry the most implacable commercial contest has waged between monopoly and its competitors ever recorded in industrial annals. The struggle has been more than commercial; it has been physical, political, social, and legal, and finally has engaged even the power of the sovereignty of the Nation and the end is not yet.

The natural divisions of the petroleum industry under normal conditions are four: (1) Production, (2) transportation, (3) manufacture, and (4) merchandising.

#### PRODUCTION.

##### 3. Discovery in commercial quantities.

While it is true that petroleum as a substance has been known for hundreds of years, its discovery in commercial quantities was made about the year 1840 in connection with the production of salt in the salt wells or salt springs in northwestern Pennsylvania by Samuel Kier, who bottled and sold it for medicinal purposes under the name of "Kier's Petroleum or Rock Oil," and was used chiefly as a liniment.

In 1854 George H. Bissel, a graduate of Dartmouth College and by profession a journalist and teacher, saw a sample of this bottled "rock oil" in the laboratory of his old college and was impressed with the commercial possibilities of the product, and at once organized the Pennsylvania Rock Oil Co., the first oil company in the United States. Mr. Bissel sent a sample of the oil to Prof. Silliman, who made an analysis which predicated its commercial value. The company employed Edwin L. Drake to locate and drill a well near Titusville, Pa., which he completed in 1859. The well was only 70 feet deep, and was drilled through the rock by means of a spring pole. It took three months' time to complete it, and cost \$3,000. The well came in at 25 barrels a day, and the oil sold at \$18 a barrel.

The second well was drilled by William Barnsdall, a Titusville tanner. This was completed on February 1, 1860, and was also a 25-barrel well. In five months he had sold over \$16,000 worth of the oil.

Production progressed rapidly from that time on, so that by the end of 1860 the total production of petroleum in the State of Pennsylvania amounted to 500,000 barrels. The average price for which the oil sold was \$20 a barrel. (See pp. 12-38, Production of Petroleum in 1912, by Dr. David T. Day, Director of the Petroleum Division of the United States Geological Survey.)

##### 2. The fields of production in the United States.

The field of production known as the Pennsylvania or Appalachian field, in which petroleum was first produced in commercial quantities by Col. Drake in 1859, extended rapidly over the entire western portion of Pennsylvania into New York and in a southwesterly direction, following the mountain trend, through West Virginia, southern Ohio, Kentucky, and Tennessee, and with the close of the year 1912, had produced nearly 2,000,000,000 barrels of crude oil.

In the year 1876 the production of California was 12,000 barrels of petroleum; in the year 1887 Colorado produced 76,000 barrels; in the year 1889 Indiana produced 33,600 barrels; in the same year Illinois

produced 1,460 barrels and Kansas 500 barrels; in 1896 Texas produced 1,450 barrels; in 1894 Wyoming produced 2,000 barrels; in 1900 Oklahoma produced 6,000 barrels; and in 1902 Louisiana produced 548,000 barrels. The above dates mark the discovery of substantial fields of oil in these several States.

The total amount of oil produced in California ending with the year 1912 was 542,000,000 barrels; in Colorado, over 10,000,000 barrels; in Indiana, over 100,000,000 barrels; in Illinois, nearly 200,000,000 barrels; in Kansas, 49,000,000 barrels; in Texas, 168,000,000 barrels; in Oklahoma, 300,000,000 barrels; in Wyoming, nearly 2,000,000 barrels; and in Louisiana, over 63,000,000 barrels; the total production of the United States ending the year 1912 being 2,820,426,549 barrels, having a total value of \$2,338,032,130.

In area the Pennsylvania or Appalachian field is greatest in extent and its production has been greatest, but for some years past has been gradually decreasing, its highest point having been reached in the year 1891, when it produced over 54,000,000 barrels of petroleum. The area of the Indiana field is limited and has probably been defined, since its production has been gradually decreasing during the last five years. The Illinois field is also a field of limited production and has likewise been decreasing during the last five years. The midcontinent field, including Kansas, Oklahoma, northern Texas, and Louisiana, rivals the Appalachian field in the extent of its territory and is not wholly defined, its production having rapidly increased during the last five years. The Texas field proper is essentially that portion of Texas bordering upon the Gulf, and has likewise been decreasing, so that in all probability its extent is defined. The California field, at present producing the largest amount of any field of production in the United States, extends over the entire southern half of the State and has shown the most rapid increase in production during the last five years of any field within the United States.

##### 3. The amount of production.

The rapidity with which this wonderful industry has developed is perhaps most graphically shown by stating the total production by decades. In 1860 there were produced in the United States 500,000 barrels of petroleum; in 1870, 5,260,000; in 1880, 26,286,000; in 1890, 45,823,000; in 1900, 63,660,000; in 1910, 209,557,000. In 1913 the estimated amount by Dr. David T. Day on the data that he has already compiled shows the total production to be 242,000,000 barrels, which has added over \$250,000,000 to the Nation's wealth.

##### 4. The world's production.

The United States, the first country to produce oil in commercial quantities, has during the entire period maintained its place as first in the rank of producing countries. In the year 1912, as shown in Dr. Day's report above referred to, at page 137, the other countries, in order of their rank, were Russia, Mexico, Roumania, Dutch East Indies, Galicia, India, Japan, Peru, Germany, Canada, and Italy, the total production for the year being 351,178,236 barrels, of which amount the United States produced 222,113,218 barrels, or 63.25 per cent. No other single country produced more than 5 per cent except Russia, which produced less than 20 per cent. From these figures it is plain how important this industry is to the United States and to the world.

##### 5. Value.

The total value in dollars of the production of petroleum in the United States for the year ending 1912 is reported by Dr. Day in his report for that year as \$2,338,000,000. Adding the value of the production for the year 1913 would bring the total up to the enormous figure of \$2,600,000,000; and it must be remembered that this is merely the value of the oil at the mouth of the well. The amount of property invested in production, refining, transportation, and marketing of this product in the United States has never been estimated, but must run into the hundreds of millions of dollars, and the increased value of the various products obtained by the process of manufacture renders the total value produced by the industry almost incalculable. Its value in money, however, tells but a small part of the worth of the petroleum industry to the human family. No other product is so rich in its various uses, and no other product has become so essential to the material, social, and political progress of the country.

#### TRANSPORTATION.

##### 1. The vehicles of transportation.

When oil was first produced the only method of transportation known from the well to the refinery was by means of the ordinary wooden barrel, which was loaded upon a wagon and drawn to the nearest refinery or the nearest railroad station, and in the latter case loaded upon a car and transported to a refining point or to seaboard for export.

Much of the oil produced in the early development of the Pennsylvania field was barreled and loaded upon barges and floated down the streams to refineries located at Pittsburgh, Pa. The loss by reason of defective coopeage suggested the building of a tank upon the barge and carrying the oil in bulk. This in turn suggested the building of a tank upon a car, the first tank cars being merely cars mounted with wooden tanks, which were rapidly succeeded by the cylindrical iron tank cars. The tank barge, floated upon the ocean, the Great Lakes, and the navigable rivers for the transportation of oil in bulk.

With the advent of the tank containers in transportation the pipe line suggested itself as a convenient and less expensive method of transporting the oil from the well to the refinery or to the railroad station. Gen. S. D. Karns, of Parkersburg, W. Va., in 1860, was the first to use the pipe line for the transportation of oil. This pipe line was laid from Burning Springs to Parkersburg, W. Va., the oil flowing by gravity a distance of 36 miles. A few years later J. S. Hutchison, the inventor of the rotary pump, conceived the idea of forcing the oil through pipes by means of his pump. The first pipe line through which oil was forced in this manner was laid from the Sherman farm, near Titusville, Pa., to the terminus of the railroad at the Miller well, a distance of about 3 miles, the pipes being made of cast iron.

In 1862 a bill was introduced in the Pennsylvania Legislature to authorize the construction of a pipe line from Oil Creek to Kittanning, but this bill was defeated by those interested in teaming oil.

Samuel Van Syckle, of Titusville, Pa., was the first to put down a working pipe line. It was only 3 miles long, extending from Hithole to Miller's farm, and carried but eight barrels of oil per day. By the end of the year 1871 more than 20 pipe lines had been constructed in northwestern Pennsylvania. In the year 1872 the free pipe line bill was passed by both houses of the Pennsylvania Legislature, being the first pipe line legislation. In the same year the American Transfer Co. began to build and acquire by purchase pipe lines in the vicinity of Oil Creek and in the lower oil fields. This was the first Standard Oil Co. pipe line.

In the year 1874 the Pennsylvania Legislature passed a bill regulating pipe-line companies, requiring them to make monthly statements of runs, stocks, and receipts. In the same year a large number of independent pipe lines were consolidated under the name of the United Pipe Lines, and this association or merger was the first step taken in the direction of settling the question of transportation of oil by pipe lines for all time. It erected hundreds of 35,000-barrel oil tanks to store the oversupply of oil, made pipe-line connections to all of the tanks at the wells, and built pumping stations where they were needed to handle the oil.

In 1880 the business of the American Transfer Co. was transferred to the United Pipe Lines, and in 1884 the United Pipe Lines were transferred to the National Transit Co., all of which were Standard Oil properties, and the National Transit Co. became the Standard Oil Co.'s agency for acquiring, operating, and promoting transportation of petroleum by pipe line throughout all of the fields of the United States, except in the State of California.

### 2. Control of transportation.

At page 33 of the "Report on the transportation of petroleum," May 2, 1906, by the Commissioner of Corporations, it is said:

"The petroleum industry affords a striking example of the importance of the transportation problem. The cost of transportation is an exceedingly large factor in the cost of oil to the consumer. Consequently, any difference in transportation costs, as between different producers and refiners of oil, has a powerful influence upon their respective positions in competition.

"The importance of transportation, with respect to petroleum, grows chiefly out of the fact that petroleum and most of its products are low-priced commodities. They are heavy in proportion to their value. Moreover, the value of the raw material, crude petroleum, is a large proportion of the total cost of the finished product, while the cost of refining is comparatively small, and a reasonable profit to the refiner is also a comparatively small factor per unit of product. Even an apparently slight difference in transportation rates may, therefore, enable one refiner to sell at a profit while his competitor is losing money."

And, at page 29 of the same report, it is stated:

"Chief among the advantages which, aside from present railroad discriminations the Standard possesses, are the immense pipe-line systems of the company, which enable it at low cost to collect crude oil at highly favorable locations for refining. The great majority of the competitors of the Standard are located in, or very near to, oil-producing territories, and are thus dependent upon railroads for the transportation of oil almost the entire distance from the wells to the final consumer. The Standard Oil Co., on the other hand, often transports its crude oil hundreds of miles in pipe lines in order to refine it at points much nearer to great consuming markets."

The Interstate Commerce Commission, in its report on "Railroad discriminations and monopolies in coal and oil" in obedience to public resolution No. 8, approved March 7, 1906, entitled "Joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies in coal and oil; and report on the same from time to time," which report was made to the Senate and House of Representatives under date of January 28, 1907, at page 5, said:

"The main purpose of this report is to point out in a general way the methods by which the Standard Oil Co. has built up and perpetuated this monopoly, and the relation of the agencies of transportation to that monopoly. At the basis of the monopoly of the Standard Oil Co. in the production and distribution of petroleum products rests the pipe line."

"The advantages which the possession of these pipe lines give to the Standard are apparent upon the surface. The refiners of the independent producer who, as a rule, has no pipe line of any considerable extent, and who generally depends upon that of the Standard for his supply of crude material, are located for the most part near the source of the crude supply. \* \* \*

"The possession of these pipe lines enables the Standard to absolutely control the price of crude petroleum and to determine, therefore, the price which its competitor in a given locality shall pay. \* \* \* In any industry whoever controls the avenues of transportation of either the raw material or the finished product can speedily drive all competitors out of existence. The production and distribution of petroleum is no exception to this rule. While there may be a feeble competition in limited areas, even that must rest largely upon the sufferance of the Standard Oil Co. so long as it has practically the exclusive use of its present system of pipe lines. \* \* \*

"We have in this record a vivid account of several attempts of this character—the construction and operation of pipe lines by independent concerns—and whoever has listened to this testimony will readily appreciate why success was difficult of attainment in these cases and why capital might well hesitate before embarking in such an enterprise. In the past every obstacle has been thrown in the way of such undertakings, and especially have they been opposed by the railroads of the country, whose right of way has generally stood as a Chinese wall against all attempts to extend pipe lines. This can be understood from a railway standpoint, for the pipe line takes the traffic which the railway otherwise obtains. What is difficult of comprehension is that the railway has in the cases brought to our attention extended to the Standard every facility for the construction of pipe lines, while doing all in its power to prevent their construction by the competitors of the Standard."

### 3. Cost of transportation.

In the report of the Commissioner of Corporations on the "Transportation of petroleum," May 2, 1906, at page 60, it is stated:

"The advantage of the location of the seaboard refineries and of the Whiting refinery grows out of the fact that the cost of pipe-line transportation to them from the oil fields is much less than the cost of rail transportation which the competitors have for the most part to pay in order to reach the same points. The Bureau of Corporations has not secured exact information as to the cost to the Standard Oil Co. of transporting oil through its great trunk pipe lines. The reports of the Prairie Oil & Gas Co., which is controlled by the Standard, show, however, that the operating expense of transporting crude oil through the trunk pipe line from Humboldt, Kans., to Sugar Creek, Mo., a distance of about 117 miles, is less than 1 cent per barrel of 42 gallons, and it is highly probable that the operating expense does not increase proportionately with an increase of distance. Even supposing expense to increase proportionately with distance, the operating cost of transporting oil from the Appalachian oil fields to New York Harbor, an average distance of about 300 miles, would still be less than 3 cents per barrel, if the figures of the Prairie Oil & Gas Co. may be taken as typical. \* \* \*

"An allowance of 5 per cent for depreciation and 5 per cent for interest upon the actual investment of the Prairie Oil & Gas Co. in its pipe line from Humboldt to Sugar Creek is equal to about 33 cents per barrel of crude oil (42 gallons) transported during the first five months of 1905. But the pipe line does not seem to have been used during this period to more than half its full capacity, and its capacity has since been increased more than one-half at a much less than proportional increase of investment. Even if the line is operated at considerably less than its full capacity, therefore 2 cents per barrel is a sufficient allowance for interest and depreciation, provided, of course, that the oil fields continue to produce largely for a long period. \* \* \*

"A liberal allowance for the entire cost of transporting crude oil by trunk pipe line from the Appalachian field to the Atlantic seaboard would not exceed 10 cents per barrel of 42 gallons, or about one-fourth of a cent per gallon. It is quite likely that the cost is less than 8 cents per barrel, or about one-fifth of a cent per gallon. \* \* \*

"This estimated cost of transportation by pipe line is only about one-fourth the cost of rail transportation from the refineries of the independent concerns in these oil fields to the seaboard and to Chicago, respectively. The freight rate from western Pennsylvania refineries to New York Harbor is almost exactly 1 cent per gallon, and to Chicago about 1½ cents."

### 4. Monopoly of control and use of pipe lines.

The report of the Commissioner of Corporations, heretofore referred to, at page 37 says:

"The Standard Oil Co. has all but a monopoly of the pipe lines in the United States. Its control of them is one of the chief sources of its power. While in the older oil fields pipe lines are by the State laws common carriers, there has been little attempt by the States to regulate their charges. The Federal Government has not as yet exercised any control over pipe lines engaged in interstate commerce. The result is that the charges made by the Standard for transporting oil through its pipe lines for outside concerns are altogether excessive, and in practice are largely prohibitive. Since the charges far exceed the cost of the service, the Standard has a great advantage over such of its competitors as are forced to use its pipe lines to secure their crude oil."

### MANUFACTURE.

#### 1. Ownership and location of refineries.

The refineries owned and operated by the Standard Oil companies may be roughly divided according to location as follows: Seaboard, Eastern Interior, Lima-Indiana, Mississippi Valley, Texas, California, and Rocky Mountain territory refineries. The Standard Oil Co. of New Jersey owns the Bayonne works, at Bayonne, N. J.; the Eagle works, at Constable Hook, N. J.; the Bayway works, at Bayway, N. Y.; the Baltimore works, at Baltimore, Md.; the Baton Rouge works, at Baton Rouge, La.; and the Parkersburg works, at Parkersburg, W. Va. The Standard Oil Co. of New York owns the Pratt works, at Brooklyn, N. Y.; Long Island works, at Long Island City; Sone & Fleming works, at New York, N. Y.; and the Buffalo works, at Buffalo, N. Y. The Atlantic Refining Co. owns the Philadelphia works, at Point Breeze, near Philadelphia, Pa.; the Eclipse works, at Franklin, Pa.; and the Pittsburgh works, at Pittsburgh, Pa. The Vacuum Oil Co. owns the Olean works, at Olean, N. Y. The Solar Refining Co. owns the works at Lima, Ohio. The Standard Oil Co. of Ohio owns the works at Cleveland, Ohio. The Standard Oil Co. of Indiana owns the works at Whiting, Ind., the works at Sugar Creek, Mo., and the works at Wood River, Ill. The Standard Oil Co. of Kansas owns the works at Neodesha, Kans. The Standard Oil Co. of California owns the works at Point Richmond, and also the works at El Segundo, Cal. The Magnolia Refining Co. owns the works at Beaumont, and also the works at Corsicana, Tex. The United Oil Co. owns the works at Florence, Colo. These are the plants owned and operated by the various Standard Oil Co. interests, all of which were controlled by the holding company, the Standard Oil Co. of New Jersey, prior to May, 1911, when the holding company was required by court decree to return its stock to the stockholders of the various subsidiary companies.

Of the refineries independent of the Standard interests, there are at present 38 located in the State of Pennsylvania—2 at Markus Hook, near Philadelphia; the remainder at Bradford, Warren, Titusville, Oil City, and Pittsburgh, Pa., or in the immediate vicinity of those points. In Kansas there are 16 independent refineries located in the Kansas producing district; in Ohio 6—1 at Marietta, 2 at Cleveland, 1 at Findlay, and 3 at Toledo; in Oklahoma there are 27 located in the field of production; 4 in Illinois; 7 in Texas; 3 in New York; 1 in New Jersey; 4 in Louisiana; 2 in Wyoming; 1 in Missouri; 1 in Arkansas; and 44 in California.

#### 2. Products and processes.

The products of petroleum are so numerous and varied that any specific description of them would be beyond the necessities of this declaration; and the same is true concerning the processes of manufacture. The Commissioner of Corporations, in his Report on the Petroleum Industry, part 1, published May 20, 1907, at page 254, states:

"Petroleum is a mixture of numerous hydrocarbons. The process of refining consists of the separation, through distillation, of the crude oil into certain fractions and the purification and standardization of these so that they meet commercial needs. The chief characteristics of the several divisions which indicate their serviceability for commercial uses are gravity, inflammability, color, and viscosity. \* \* \* As the vapor comes from the still there is no immediate break in its character, but instead a gradual change, so that any fraction has the average quality of the vapors coming over between the limits set for it. If these limits be not too widely separated, the fraction is comparatively homogeneous. By changing the limits, both the quantity and quality of the fraction is affected. \* \* \* Much skill may be exercised, not only in making the original separations, but also in manipulating the products so as to obtain the highest quality and the largest yield of the more valuable products. The number of possible products is so large and each is subject to so wide a range in quality that the refining business is more intricate than is perhaps ordinarily supposed."

At page 258 of the same report the commissioner gives the separations resulting from refining Pennsylvania crude by two processes, the first known as the "tar process," now practically abandoned, and the second known as the "cylinder stock process." By the first process the products obtained are:

1. Cymogene and rhigolene—usually not condensed.
2. Crude naphtha, redistilled, giving—
  - a. Gasoline (chiefly 86° to 90° Baume).
  - b. Gasoline or naphtha (chiefly 68° to 76° Baume).
  - c. Benzine.
  - d. Gas naphtha.

3. Illuminating oil distillates, treated, giving—
  - a. Water white.
  - b. Prime white.
  - c. Standard white or export.
4. Tar or residuum, redistilled, giving—
  - a. Gas oil.
  - b. Fuel oil.
  - c. Paraffin distillate, pressed, giving—
    - (1) Paraffin wax.
    - (2) Paraffin lubricating oils
  - d. Greases, pitch, roofers' wax, coke.

By the cylinder process:

  - 1, 2, and 3 are obtained and handled as in the tar process.
4. Wax distillate, redistilled, giving—
  - a. Gas oil, heavy illuminating oil.
  - b. Wax distillate, pressed, giving—
    - (1) Pressed oils, reduced, giving—
      - (a) 300 Illuminating oil.
      - (b) Neutral oils, filtered, etc., giving spindle oils, wool oils, engine oils, etc.
    - (2) Paraffin wax.
5. Cylinder stock (residue), i. e., unfiltered cylinder oil.
  - a. Filtered cylinder oils.

The percentages of each product obtained by the above processes have varied materially in the different qualities of crude, the different methods of operating the refineries, and to accommodate the changes in market requirements. At page 261 of the same report this latter phase is graphically shown by a comparison of the percentages of the various products for the years 1880, 1889, 1899, and 1904, or practically a period of 25 years. In 1880 the percentage of illuminating oil derived from crude was 75.2 per cent; in 1904, 48.2 per cent; fuel oil and residuum, 1.6 per cent and 18.5 per cent, respectively; lubricating oils, 2.1 per cent and 11.6 per cent; naphtha and gasoline, 10.3 per cent and 10.3 per cent; paraffin wax, 0.1 per cent and 1.4 per cent. At the present time the average percentages of each of the above products might be stated as follows: Illuminating oil, 45 per cent; fuel oil and residuum, 5 per cent; lubricating oils, 23 per cent; naphtha and gasoline, 20 per cent; and paraffin wax, 2 per cent. But even these averages are subject to very wide differences according to the different processes used in refining. For instance, in the mid-continent field and in the fields producing asphaltum oil many refiners merely distill off the gasoline and illuminating oil, selling the entire residual as fuel oil, thereby incurring an economic waste. The better equipped and more scientifically operated refineries in any field produce the largest possible quantities of those products having ready sale at highest margin of profit. At the present time gasoline and motor spirits are being produced in quantities averaging 30 per cent of the entire crude product.

3. Capacities for refining.

Referring to Dr. Day's "Report on the production of petroleum" for the year 1912, at page 15, it will be noted that there was delivered for refining during that year 177,916,475 barrels of crude oil, for fuel purposes during the same period 58,560,039 barrels, making a total delivery of 236,476,514 barrels, or a decline during the year in total stocks of over 14,000,000 barrels. The total stocks of crude on hand on December 31, 1912, was 122,869,702 barrels, nearly half of which was held in the mid-continent field.

While it is difficult to state the exact amount of crude consumed by each individual refinery on account of there being no statistics published showing such amounts, for obvious reasons, yet from the best obtainable information the annual refining capacities of the various refineries are stated in the following table as approximately but not entirely correct. From the total amount of the refining capacities of all refineries therein shown, being 198,310,000 barrels, it will be seen that this amount is approximately 112 per cent of the total amount of crude delivered for refining during the year 1912. Inasmuch as refineries can only be operated to the greatest advantage by being continually operated at their maximum capacities, and that their operation requires very little idle time and are usually run during all days of the year and all hours of the day, the excess would indicate the nearest to accuracy in the figures submitted in the table:

STILL CAPACITIES FOR REFINING CRUDE PETROLEUM.

Standard Oil refineries.

[Annual capacities in barrels (42 gals.).]

Refineries owned by—	Capacity
Standard Oil Co. of New Jersey	36,500,000
Standard Oil Co. of New York	7,300,000
Standard Oil Co. of California	29,725,000
Standard Oil Co. of Indiana	21,170,000
Standard Oil Co. of Ohio	2,000,000
Standard Oil Co. of Kansas	4,000,000
Atlantic Refining Co.	18,250,000
Solar Refining Co.	3,650,000
Vacuum Oil Co.	1,300,000
<b>Total</b>	<b>107,895,000</b>

Independent refineries.

Refineries located in—	Number.	Annual capacities in barrels (42 gallons).
Pennsylvania	38	11,855,900
Kansas	16	8,213,500
Ohio	7	1,992,000
Oklahoma	27	15,081,000
Illinois	4	4,160,000
Texas	7	22,408,000
New York	3	790,000
New Jersey	1	3,500,000
Louisiana	4	515,000
Wyoming	2	2,203,000
Missouri	1	75,000
Arkansas	1	60,000
California	44	10,504,350
<b>Total</b>	<b>155</b>	<b>90,415,750</b>

Total capacities of all refineries, 198,310,750 barrels.

MERCHANDISING.

1. Jobbers, dealers, and distributing stations.

In the sale and distribution of the manufactured products of petroleum generally, the manufacturer sells to the jobber or distributor, he to the dealer, and the dealer to the consumer. This normal condition formerly prevailed in the marketing and distribution of petroleum and its products. At the present time it is estimated that the number of independent jobbers in petroleum and its products in the United States is about 1,500, whose business is largely that of buying from the refiners in carload lots and making distribution in smaller quantities to dealers in the territory surrounding the location of such jobber. There are dealers in these products in every city and town in the United States, usually the grocer or hardware dealer, or both.

For the purpose of securing as large a profit in the petroleum business as possible, the Standard Oil Co. at an early date adopted the practice of putting in distributing stations, ignoring the jobber and dealer in many instances. These distributing stations are now located in nearly every important town in the United States, and consist of tanks for receiving the oil in bulk shipments by tank cars and distributing it throughout the town in which such tank station is located, and also in the outlying district by tank wagon so far as gasoline and illuminating oil are concerned. It is fair to say that, in a rough way, there are more than 5,000 such stations belonging to the Standard Oil interests throughout the United States, and many of the larger independent refineries have felt it necessary to adopt the same method of distribution as a settled commercial condition. This method undoubtedly eliminates a great deal of waste and unnecessary cost to the final consumer, but can only be maintained by the provision of enormous capital.

Commenting upon the relation of marketing methods the Commissioner of Corporations in his "Report on the petroleum industry," part 1, May 20, 1907, at page 26, says:

"The relatively greater use of the bulk system of delivery by the Standard than by independent concerns has an important bearing on the degree of monopoly power enjoyed by the Standard Oil Co. In the first place, the shipper of oil in barrels or other small packages, pays freight on the weight of the container as well as on the contents, whereas a tank-car shipper pays only as much as when full of oil, this barrel when empty weighs one-fifth as much as when full of oil, this means in the case of barrel shippers an increase of about 25 per cent in freight charges alone. Again, freight must be paid on the empty barrel when returned or if sold without returning there is often some loss. Furthermore, the cost of teaming oil in barrels or other packages after it has been delivered at railroad stations is often greater than the corresponding cost of local delivery in bulk. This is particularly true where the volume of business is large. Finally and most important, the bulk system is greatly preferred by retail dealers as cleaner and safer. All of this means that shippers of oil in barrels or other small packages are at a disadvantage in competition. The Standard Oil Co. can maintain excessive prices in towns where competitors use only barrel delivery without much danger of losing control of the greater part of the trade.

"In the second place, the Standard's system of direct sale to retail dealers, in conjunction with the advantage of bulk delivery, favors the practice of price discrimination so destructive of competition. If the Standard Oil Co. sold its oil through jobbers, it would have to charge substantially the same net price for all parts of its product, as the logical result of a large wholesale business is always to equalize prices after allowing for cost of delivery. With the jobber eliminated, it is possible to maintain differences in prices between different towns and sections of the country all out of proportion to differences in cost. This method of predatory competition keeps independent concerns small and weak and often destroys their business entirely. Only a competitor with enormous resources can afford so to extend his marketing business as to fight the Standard on equal terms."

2. Domestic and export markets.

The Commissioner of Corporations in his "Report on the petroleum industry," part 2, published August 5, 1907, at page 316, says:

"The export of illuminating oil in 1904, according to the estimate of the Standard Oil Co., was 58.9 per cent of the production of such oil, and according to the census figures and export statistics 56.1 per cent. The naphtha exported, on the other hand, according to the total production export statistics, was only about 8.6 per cent of the total production of naphtha. The lubricating-oil exports were about 27.6 per cent of that product. Of paraffin wax—a product small in quantity, but high in value—the exports are proportionately large, about 58 per cent of the production in 1904."

Dr. Day, in his report on the "Production of petroleum" in 1912, at page 106, gives the total amount of exports of mineral oils from the United States for that year, in comparison with the total production of oil in the United States for that year, the total production in gallons being 3,328,755,156, the total exports in gallons 1,883,479,897, or roughly 20 per cent of the total amount produced was exported, or roughly 20 per cent of the total amount exported 1,026,138,000 gallons were illuminating oil and the lighter products, 216,393,000 gallons were lubricating oils, and 266,236,000 gallons residuum, the total value of which was \$124,210,382. From the above figures it will appear that the consumption of petroleum in the United States is enormous as compared with that of any other country.

3. Prices and profits.

It is a well-known fact that the petroleum prices, both crude and refined, are fixed by the Standard Oil Co. or companies in affiliation known as Standard interests. The prices of crude oil in the various fields bear no relation to each other, but are based upon refining values. While fields bear no relation to each other, the prices in such fields bear slight relation to the average prices fixed in the various domestic or foreign markets. Prices in the different localities for the finished products in the United States bear little relation to the cost of crude, the cost of refining, or the cost of transportation, but depend more upon the amount of competition against the Standard in any particular market.

In competitive areas prices are held low. In noncompetitive areas prices are held relatively, exorbitantly high. In the foreign markets, if it suits the Standard to attempt to drive out competition, prices in that particular foreign market will be low as compared with the average export prices, while in such foreign markets without competition prices are held higher than the prices in the domestic markets.

The Commissioner of Corporations, in his report above referred to, at page 425, says:

"While the prices of illuminating oil in the principal foreign markets have for years been relatively lower than the prices in the United States, this disparity became especially conspicuous during the years 1903, 1904, and 1905. During those years the domestic prices stood at a much higher level than for many years before, while prices in the principal foreign markets, particularly in 1904 and 1905, were sharply reduced, with the result that the average price in leading foreign markets, like the United Kingdom, Germany, and the Orient, stood at times from 2 to 3 cents below the average price in the United States, transportation costs, difference in quality of oil, etc., being taken into account."

And on page 427 of the same report:

"The policy of the Standard Oil Co. in charging much higher prices in the domestic than in the foreign trade is an injustice and injury to the American consumer which is not compensated for by any material advantage to American producers of crude oil or to American labor." (See Report of the Industrial Commission, vol. 1, p. 570.)

The Interstate Commerce Commission, in its report to Congress in obedience to public resolution No. 8, approved March 7, 1906, made January 28, 1907, at page 13, says:

"The only knowledge this commission has of the competitive methods of the Standard Oil Co. is derived from the evidence taken in this investigation. We have already said that this testimony was under oath; that the witnesses were subject to cross-examination by the attorneys of the Standard Oil Co.; that that company was given permission to explain or rebut the facts shown. This evidence, if true, demonstrates that in the past the competitive methods of that company have been unfair and often disreputable; that its motto has been the destruction of competition at any cost, and that this policy has been pursued without much reference to decency or conscience. It is significant that the larger independent refiners sell the greater part of their product in foreign countries. One of these testified that 75 per cent of his product went abroad, and that he could compete with the Standard Oil Co. in Germany, where its methods in this country would not be tolerated, but that he could not compete with it here."

And at page 4 of the same report the commission said:

"Refined oil is sent from the Standard Co.'s refinery at Whiting, Ind., which is practically the same as Chicago, to both New Orleans and Denver, the distance being almost exactly the same, and the actual cost to the railway of transporting petroleum to these two points is not much different. The rates upon which it moves, however, is about 2 cents per gallon higher in case of Denver than in case of New Orleans, and the cost to the Standard Co. at these two cities differs to that extent. The price paid by the consumer in New Orleans was said to be 8½ cents a gallon; in Denver, 20 cents a gallon. Our impression from this whole record before us is that the chief effort of the Standard Oil Co. in the past has been to destroy competition, and that its principal profit has come from eliminating, in one way or another, its competitor."

TRANSPORTATION BY PIPE LINES.

As this declaration deals with the question of transportation by pipe lines, and advocates the ownership by the Government of such pipe lines engaged in the transportation of petroleum in interstate commerce, this question will be discussed under the following heads: I. The monopolistic nature of pipe lines; II. The desirability of Government ownership and operation of interstate pipe lines; III. The practicability of Government ownership and operation of interstate pipe lines; and IV. The validity of Government ownership and operation of interstate pipe lines.

I. THE MONOPOLISTIC NATURE OF PIPE LINES.

1. *The cost of transportation of petroleum by pipe line is so low as to preclude other means of transportation in any large volume.*

In the report of the Commissioner of Corporations on the "Transportation of petroleum," published May 2, 1906, at page 60, it is stated:

"The reports of the Prairie Oil & Gas Co., which is controlled by the Standard, show, however, that the operating expense of transportation of crude oil through the trunk line from Humboldt, Kans., to Sugar Creek, Mo., a distance of 117 miles, is less than 1 cent per barrel of 42 gallons. \* \* \* An allowance of 5 per cent for depreciation and 5 per cent for interest upon the actual investment of the Prairie Oil & Gas Co. in its pipe line from Humboldt to Sugar Creek is equal to about 2½ cents per barrel of crude oil (42 gallons) transported during the first five months of 1905. But the pipe line does not seem to have been used during this period to more than about half its full capacity; and its capacity has since been increased more than one-half at a much less than proportional increase of investment. Even if the line is operated at considerably less than its full capacity, therefore, 2 cents per barrel is sufficient allowance for interest and depreciation."

The Commissioner of Corporations in his "Report on the petroleum industry," part 1, published May 20, 1907, at page 231, gives the estimated cost of transporting oil through the trunk pipe lines of the Standard and Tide Water Cos. The cost per barrel for operating expense is stated to be 3.32 cents; depreciation (5 per cent on investment of \$15,543,000), 2.51 cents; interest on investment, at 10 per cent, 5.01 cents; total, 10.84 cents. With interest on investment at 5 per cent the cost, including interest and depreciation, would be 8.34 cents per barrel.

The cost is also given, at page 233 of the same report, for transporting oil by pipe line from Lima, Ohio, to Bear Creek, Pa., as follows: Operating cost, 1.98 cents per barrel; depreciation (5 per cent on investment of \$5,500,000), 2.28 cents; 5 per cent on investment, 2.28 cents; making a total cost of 6.54 cents per barrel.

On page 234, same report, the cost is also estimated for transporting oil from Lima, Ohio, to seaboard, as follows: Operating expense, 5.30 cents per barrel; depreciation, 4.79 cents; interest, at 5 per cent, 4.79 cents; total cost, 14.88 cents. Also, on page 237, the cost from Lima, Ohio, to Whiting, Ind., including interest and depreciation, is given at 5.02 cents per barrel; and, at page 238, from the midcontinent field to Griffith, Ind., the cost is given as being about 9 cents per barrel, making the through charge, equivalent to the sum of the local charges, 28 cents per barrel from the midcontinent field to seaboard, including 5 per cent depreciation and 5 per cent interest on investment.

The rail rate on petroleum in carload lots from western Pennsylvania to New York Harbor is 16½ cents per 100 pounds, which is equivalent to 45 cents a barrel. To Philadelphia the rail rate is 14½ cents per 100 pounds, which is equivalent to 39 cents a barrel, which is the pipe-line charge. And without further comparisons it may be said, generally, that the pipe-line tariffs published by such pipe-line companies as

are professedly common carriers are practically the same as the rail rates, although no tariffs are published by the Prairie Oil & Gas Co. for transportation from the midcontinent field to Griffith, Ind., or by the Ohio Oil Co. or Tide Water Pipe Co. from the Illinois field to seaboard.

The conclusion of the Commissioner of Corporations, at page 239, same report, referring to the rate to New York, says:

"It is obvious, therefore, that the rate of 45 cents was altogether extortionate, and it is no wonder that no use whatever was made of it by independent shippers."

At page 240 the following table is given, showing a comparison of selected rates by the Standard's pipe lines, with estimated cost of transportation:

[Cents per barrel of 42 gallons.]

From—	To—	Distance by pipe line.	Published rate.	Operating cost and depreciation.	Operating cost, depreciation, and interest at 10 per cent.	Difference between published rate and—	
						Operating cost and depreciation.	Operating cost, depreciation, and interest.
Preble, Ind. ....	Lima, Ohio. ....	Mi.	P. c.	Per ct.	Per ct.	Per ct.	Per ct.
Do. ....	Cleveland, Ohio. ....	49	15.0	0.8	1.6	14.2	13.4
Downs, W. Va. ....	Franklin, Pa. ....	252	25.0	4.3	8.3	23.7	19.7
Scioto, Ohio. ....	do. ....	129	25.0	2.2	4.3	22.8	20.7
Margantown, W. Va. ....	Philadelphia, Pa. ....	140	25.0	2.4	4.6	22.6	20.4
do. ....	do. ....	274	39.0	4.7	9.0	34.3	30.0
Coming, Ohio. ....	do. ....	402	39.0	6.8	13.3	34.2	25.7
Cygnat, Ohio. ....	do. ....	530	15.0	9.0	17.5	44.5	36.0
Do. ....	Unionville, N. Y. ....	546	52.0	9.3	18.0	42.7	34.9
Lima, Ohio. ....	Philadelphia, Pa. ....	577	53.5	9.8	19.0	43.7	34.5
Do. ....	Unionville, N. Y. ....	593	52.0	10.1	19.6	41.9	32.4
Griffith, Ind. ....	Buffalo, N. Y. ....	604	52.5	10.3	19.9	42.2	32.6
Do. ....	Philadelphia, Pa. ....	766	68.5	13.0	25.3	55.5	43.2
Do. ....	Unionville, N. Y. ....	782	67.0	13.3	25.8	53.7	41.2

<sup>1</sup> Part of distance is estimate.

The Interstate Commerce Commission, in their report under public resolution No. 8, approved March 7, 1906, under date of January 28, 1907, at page 5, said:

"The expense of pumping oil is very much less than the cost of transporting it by rail. It was said that the actual cost of pumping a barrel of oil 100 miles was about 2 cents; and while this must vary with different conditions, the estimate seems to be sufficiently high on the average. The cost to the Standard of transporting a barrel of oil from the Kansas field to the Atlantic seaboard would not be much, if any, above 30 cents."

2. *The right of way must be secured by grant of sovereign power.*

At page 11 of the brief for the United States, in the Supreme Court of the United States in United States et al. v. The Ohio Oil Co. et al., Nos. 481, 482, 483, 506, 507, and 508, appeals from the United States Commerce Court, which cases are commonly known as the "Pipe Line cases," the following statement is made:

"It may be further stated that the pipe lines in question were located in part upon or across the rights of way of various railroad companies, upon or across public highways, and that said pipe lines are and always have been located, maintained, and operated over public highways or on the rights of way of railroad companies; and that petitioners' predecessors in title did at certain points lay the pipe lines in question along or across public highways and streets in said State, and that at various points petitioners' pipe lines are laid and are being operated upon, along, or across the rights of way of railroad companies engaged in interstate commerce." (No. 482; R. 86-88.) In its answer the United States alleges that the predecessor in title of petitioner did for long distances lay said pipe line, along, and across certain of the navigable rivers of the United States, including the Hudson River, any private use whereof is contrary to the public policy of the United States. (No. 482; R. 35.) Petitioner does not deny that its pipe was so laid, though it does deny that what it did in that behalf is contrary to the public policy of the United States."

And at page 14 of the same brief:

"Its line to Griffith, Ind., is the only pipe line extending from the mid-continent field eastward. This is laid in part over the right of way of the Atchison, Topeka & Santa Fe Railway Co. from Sibley, Mo., to Joliet, Ill., a distance of about 500 miles (No. 506; R. 32-33), and portions of the company's lines are laid over the public domain in the Indian Territory and Oklahoma." (No. 506; R. 41 to 61, inclusive.)

The above instances of the use of railroad companies' rights of way, navigable rivers, public territory, and highways might be repeated with respect to the lines of all trunk pipe lines. In addition to which it appears in the record of the "Pipe Line cases," above referred to, that in the States of New York, Pennsylvania, West Virginia, Ohio, Indiana, Oklahoma, and Texas pipe-line companies are organized as common carriers, having the right of eminent domain and the power to condemn private property. It is true that the grant of the right of eminent domain comes from the State instead of national sovereignty, but if these rights are used to provide instrumentalities of interstate commerce, such interstate commerce and such instrumentalities, by reason thereof, fall under the control of the Federal Government to the same degree as though the Government itself had exercised its power of eminent domain for the establishment of a post road or a Government railroad.

3. *The cost of construction of interstate pipe lines is beyond the range of ordinary business investment.*

In part 1 of the "Report on the petroleum industry," by the Commissioner of Corporations, published May 20, 1907, at page 217, the cost per mile of the pipe line laid from Humboldt, Kans., to Kansas City, Kans., and from Chanute, Kans., to Humboldt, and from Caney, Kans., to Neodesha, Kans., is given. For the 8-inch lines from Humboldt to Kansas City, 117½ miles long, the cost per mile was as follows: For pipe, \$4,381.07; for fittings, \$7.63; for right of way, \$78.47; for construction, \$1,030.38; making a total cost per mile of \$5,497.55.

The 6-inch line, from Chanute to Humboldt, 8½ miles: For pipe, \$2,799.94; fittings, \$0.10; right of way, \$8.03; construction, \$573.78; total, \$3,381.85.

The 6-inch line, from Caney to Neodesha, 33 miles: For pipe, \$2,531.99; fittings, \$0.31; right of way, \$40.03; construction, \$606.26; total, \$3,178.59.

From the record of testimony, volume 7, on pages shown in the following table, in the case of the United States of America v. The Standard Oil Co. of New Jersey et al., in the District Court of the United States for the Eastern District of Missouri, the following is a summary of the investments and net profits of the various pipe line companies as of December 31, 1906:

Name of company.	Plant investment.	Net profit per year.	Page.
Buckeye Pipe Line Co.....	\$15,326,661.49	\$7,028,568.40	164
Southern Pipe Line Co.....	4,326,822.17	4,649,306.28	172
Indiana Pipe Line Co.....	4,652,699.75	2,513,553.09	180
Crescent Pipe Line Co.....	973,000.86	490,357.74	181
Eureka Pipe Line Co.....	7,155,544.59	2,435,105.83	189
Northern Pipe Line Co.....	2,795,474.57	1,591,614.22	197
South West Penn Pipe Line Co.....	3,122,591.59	373,383.67	198
New York Transit Co.....	5,824,466.13	2,349,282.59	206
National Transit Co.....			
East Ohio Gas Co.....			
New Dominion Oil & Gas Co.....	11,801,636.00	10,689,349.20	233
Cumberland Pipe Line Co.....			
Connecting Gas Co.....			

In the same record of testimony, volume 8, page 619, the plant investment of the Prairie Oil & Gas Co. is stated as \$19,005,445.27; but as this company has no pipe-line charges, its profits in transportation are not shown; and since the same is true concerning the Ohio Oil Co. and the Tidewater Pipe Co., a statement concerning these companies need not be made.

It is very evident, therefore, that the construction of interstate pipe lines is of such magnitude as to be beyond the resources of ordinary capital.

4. Duplication of plants an economic waste.

At page 649 of Volume II of the "Report on the petroleum industry," by the Commissioner of Corporations, published August 5, 1907, the following is stated:

"The advantage of the possession of a number of plants is intimately connected with the existence of the pipe-line system of transporting crude oil. In the absence of such a system there would, of course, be refineries in different parts of the country, because there are crude-oil fields in different parts of the country, but most of the refineries would be found in or very near to the oil fields, and there would be no advantage in locating refineries, as the Standard has done, at a number of points distant from the oil fields but convenient to centers of consumption and distribution. The transportation of refined petroleum products by rail costs no more than that of crude oil by rail. Consequently, if the Standard did not possess a great pipe-line system the advantage which it could derive from the ownership of a number of refineries would be quite limited. It is true, even under these conditions, if the Standard had refineries at each of the great oil fields it would have an advantage in the cost of transportation to certain markets, but such a situation would not be likely to arise. On the contrary, it would naturally be expected that in each of the important oil fields there would be competing refineries. To a large extent, therefore, the advantage of the Standard connected with the possession of numerous refineries resolves itself into its advantage through the control of the pipe-line system."

In Senate Document No. 399, Sixty-third Congress, second session, entitled "Government Ownership of Electrical Means of Communication," at page 10, it is stated:

"It is needless here to enter into the manifold advantages and benefits that would accrue to the people from a uniform telephone service. The telephone has now become an indispensable aid to business and a means of social intercourse to which all classes properly aspire. As it has done with the mails, it is the duty of the Government to make this facility available to all of its citizens without discrimination."

"There is only one other alternative, the enforcement in accordance with law of a condition of competition in the telephone and telegraph business. Without considering whether this could be done effectually in the case of an enterprise inherently so monopolistic, it is sufficient to note that while the execution of such a plan would be fraught with difficulty, its effect would not be to improve service and reduce rates, but the reverse. Competition applied to this public utility has clearly been shown to result in waste and inefficiency due to duplication. Not artificial restraint but natural development under Government control is the true policy for the public interest."

The similarity of the monopoly of communication by electrical means and the monopoly of transportation by pipe lines is striking. There is no room for a second system of pipe lines. A duplicated plant would not only add to the cost of the entire plant investment, but would likewise increase the cost of operating and expense. The production of crude oil is located. There are defined fields. The points to which crude oil is desired to be transported is also fixed. Transportation by pipe line is entirely unlike transportation by rail, where all kinds of commodities from all places of production are transported to all points of consumption. A single commodity is transported through the pipe line from the point of production to the point of manufacture. The plant can be used for no other purpose and in no other place. Any duplication of the present properties would be an economic waste; any increase in the quantity of transportation can be most economically done by adding to the existing plants.

5. Transportation by pipe lines susceptible to restriction in service by owner.

The characteristics of transportation of petroleum or other substance by pipe line tend always to a restricted use. From the point of production to the point of delivery there is but one line. Lateral branches for service to others do not mark pipe-line transportation. Pipe lines are generally built to a required capacity, and unless the transportation increases additions are not made. The quantity and capacity are generally balanced one with the other as nearly as possible. The owner,

for various reasons, can require a certain character of petroleum to be presented in certain quantities to avoid mixture during the process of passing through the line.

As illustrative of the restrictive regulations, reference may be made to the joint tariff of the National Transit Co. in connection with the New York Transit Co., I. C. C. No. 1, effective August 28, 1906, as follows:

"REGULATIONS.

"This company will receive crude petroleum for interstate transportation only to established delivery stations on its own lines and lines of connecting pipe line companies on the following conditions:

"First. It will receive crude petroleum for interstate transportation when the shipper has provided the necessary facilities for receiving said petroleum as it arrives at destination.

"Second. It will forward such crude petroleum when there has been tendered to it by the shipper, individually, or by him and others, a quantity of the same kind and quality of crude petroleum amounting in the aggregate to not less than 75,000 barrels, all of which shall be consigned for delivery to the same delivery point.

"Third. All such crude petroleum will be accepted for transportation only on condition that it shall be subject to such changes in quality while in transit as may result from the mixture of said petroleum with other petroleum in the pipe lines or tanks of this or the connecting company or companies.

"Fourth. Orders for the shipment of any specified kind of such crude petroleum shall only become effective when orders from the shipper, in connection with orders from others shippers, for the same kind and quality of petroleum shall amount in the aggregate to 75,000 barrels or more, consigned to the same point of delivery; and, subject to this requirement, orders for shipment shall become operative in the order in which they shall have been received.

"Fifth. Crude petroleum will only be accepted for transportation when free from all liens and charges.

"Sixth. This company is not engaged in the transportation of refined oil, and will not therefore accept the same for transportation."

Referring to joint tariff of the Indiana Pipe Line Co., in connection with the Buckeye Pipe Line Co., Northern Pipe Line Co., National Transit Co., and New York Transit Co. (I. C. C. No. 1, effective Aug. 28, 1906), the same regulations are incorporated, with the exception that the quantity is increased from 75,000 to 300,000 barrels of crude petroleum as the minimum shipment.

The above regulations characterize all of the tariffs filed by the various pipe-line companies, acknowledging their obligations as common carriers to the public.

II. THE DESIRABILITY OF GOVERNMENT OWNERSHIP AND OPERATION OF INTERSTATE PIPE LINES.

1. Monopolies should be owned and operated by the Government.

It is a well-settled principle that the grant of a monopoly can be acquired only from sovereign power, and the sovereign power granting such monopoly may operate it for the benefit of all.

Whenever a monopoly is granted to private individuals or enterprises it should be properly guarded and regulated so that the interest of the public shall not be exploited or individual rights invaded.

In the report of the Industrial Commission, volume 1, page 797, in 1899, Mr. John D. Rockefeller stated:

"To perfect the pipe-line system of transportation required in the neighborhood of fifty millions of capital. This could not be obtained or maintained without industrial combination. The entire oil business is dependent upon this pipe-line system. Without it, every well would shut down and every foreign market would be closed to us."

A power so vast in its consequences can not safely repose in unregulated private interests. The temptation to its abuse is unavoidable. The public is helpless against it except through the intervention of the Government. Complete safety to the public is only attainable by Government ownership and operation.

If the distribution of the mail were in the hands of a private monopoly instead of in the hands of the Government, what opportunities for exploitation would exist if the institution controlling it were endowed with vast capital and vast power similar to that which controls the pipe-line system? Or supposing that the great systems of railways were to combine and refuse to carry for the public generally, except were to combine and refuse to carry for the public generally, except under prohibitive restrictions, and were to force every producer and manufacturer to sell his commodities to the railways at the railway company's prices and force the consuming public to buy such commodities from the transportation company at prices fixed by the transportation company to the consumer; and yet this condition is exactly similar to that which exists at present, as a practical matter, through the private ownership of the pipe-line systems.

2. The Government would operate interstate pipe lines to public advantage instead of private gain.

Taking the Postal Department of this Government as best illustrating the public advantages resulting from Government operation of a monopoly, it is plain that the greatest benefits to the public have thereby been accomplished. It is in accord with the fundamental declaration of "public welfare," for which the Government was formed.

Referring to Senate Document No. 399, of the Sixty-third Congress, entitled "Governmental ownership of electrical means of communication," at page 8, it is stated:

"The telegraph and telephone systems have long been recognized as necessary adjuncts to a complete postal service. As with all other privately-controlled public utilities, these facilities have been extended in our country only in proportion as the service to be performed has insured substantial dividends for the stockholders. Under private ownership, therefore, the telegraph and telephone are for the masses. Under Government ownership, through the postal machinery, which is conducted in the interest of the whole people and already reaches every man's door, the benefits of these facilities could be extended to the masses.

"It is obvious that the longer the acquisition by the Government of these facilities is deferred the greater will be the cost. Moreover, it is economic waste to permit private enterprise to build up vast properties that must eventually be taken over by the Government in resuming its constitutional monopoly at a cost out of all proportion to the value of the parts of such properties that may be utilized to advantage in the postal system."

The pipe-line system in the hands of the Government would be made to reach out its lines to all fields of production and to each producer having a reasonable quantity to offer for transportation. It would afford the opportunity of such transportation and delivery

to all buyers of such crude petroleum indifferently and without unreasonable restriction.

**3. Government ownership and operation of interstate pipe lines would encourage development and conservation.**

Prospecting for the discovery of oil would be encouraged by the knowledge that wherever found the producer would have the certainty of being able to transport his oil to an available market to the best advantage. Whenever oil was discovered in large quantities the ability of the Government to furnish facilities for its transportation would be undoubted, and the enormous waste to sudden and flush production which has characterized the history of this industry would thereafter be avoided. The refiner would have the certainty of being able to acquire his crude supplies delivered at his plant at a minimum and reasonable transportation charge.

**4. Discrimination would be prevented through Government ownership and operation of interstate pipe lines.**

While the regulatory power of the Government over interstate commerce has constantly in view the prevention of undue discrimination, it is obvious that under Government ownership instead of regulation of interstate pipe lines there would exist no discriminations such as unavoidably creep in with respect to private operation of all instrumentalities of interstate commerce.

**5. Governmental ownership and operation of interstate pipe lines would result in the standardization of the different crudes in the different fields.**

The history of the petroleum industry shows that the prices of the different crudes produced in the different fields of production have heretofore been fixed in an arbitrary way. As the Interstate Commerce Commission observed, such control of transportation enabled the owners of the instrumentalities of transportation to arbitrarily fix the price to be paid to the producer and also the price to be paid by the consumer for the finished commodity. While some relation to value would necessarily be observed, no equivalence would be maintained based upon the inherent refining values of the different kinds of crude oil produced. The operation of the pipe-line systems would enable all refiners to obtain their crude from whatever field of production was most advantageous for their purposes, and would necessarily fix the standard of value to each class of crude oil.

**6. Governmental ownership of pipe lines would prevent the abandonment of production before exhausted.**

The history of the production of petroleum has shown that the opening of large pools of flush production has been followed by a marked reduction in the price paid for the crude oil. The result has always been to make unprofitable the production of oil in the older and partially exhausted fields and the abandonment of such fields by reason of the low prices of crude, thereby losing enormous quantities of oil that would otherwise have been produced. The question of the conservation of the production of petroleum and the prevention of premature abandonment of fields before exhausted is an important one, and is entirely in line with the policy of conservation wisely adopted by this Government in all matters under its control. Frequently several strata of underlying sands are saturated with oil, which if production had been continued in a partially developed field would have been found to be more prolific than the first stratum. Undoubtedly many millions of dollars worth of oil lies in such deeper strata of sands in abandoned territory.

An interesting paper has recently been issued by the Bureau of Mines in its Bulletin No. 51, by L. G. Huntley, treating of the causes of declining yield, all of which might be controlled by proper regulations if the Government owned and operated the instrumentalities of oil transportation. The waxy sediment that obstructs the passage of the oil into the well is a prolific cause of waste. The decline of gas pressure in the oil districts decreases the production. Decrease of oil supply within the drainage area of a well on account of near-by development decreases production. Also flooding by salt water, flooding by fresh water; also by the use of improper casing, unwise rate and time of pumping, and failure to clean, due to poor management—all are sources of waste which might, by proper surveillance, be eliminated.

**7. Government ownership of pipe lines would aid the Navy Department in securing supplies of fuel oil.**

It is perhaps unnecessary to point out the advantages of the use of oil as a fuel in the Navy Department, since that has been demonstrated by the department itself. It is a well-known fact that the requirements of the Navy Department this year of fuel oil will be nearly three times the quantity used last year. In the Associated Press, on December 30, 1913, the following item appeared:

"The new twin-screw oil-burning torpedo boat destroyer *Parker*, largest of its class and called the 'destroyer of destroyers,' has been turned over to the Government by the builders here. The *Parker* will be equipped with four 4-inch rapid-firing guns and four twin 8-inch torpedo tubes. One hundred men, including four officers, will be assigned to the ship. With its tanks loaded to their capacity of 300 tons of oil, the *Parker* is capable of 7,000 miles at cruising speed, or 800 miles at its highest velocity."

The American Review in a recent issue published a very interesting article, from which we quote:

"In a great war, such as all the European nations are preparing for, there will be no such thing as the respecting of the rights of the non-belligerents who are not powerful enough to protect themselves. In the same way the oil fields of the lesser powers would undoubtedly be seized by the first nation, or coalition, that felt it could further its own ends by their possession. Of such are the great fields of Roumania and the Dutch Indies, Sumatra and Borneo. The oil fields of Mexico would also be included in this list but for the fact that the protecting wing of the Monroe doctrine renders them fairly safe from European aggression. If the United States, however, became hard pressed for oil, as might happen in a war, this 'law of might and expediency' would undoubtedly be invoked to justify our seizure of the Mexican fields."

At the present time the Government is investigating the desirability of building and operating a pipe line of its own for the primary purpose of protecting the Navy in securing its supplies of fuel oil. Its investment in such a proposition would necessarily be considerable. Fuel oil, however, is manufactured and not produced, and this would require the investment by the Government in a refinery. A Government refinery, if built, would necessarily be operated in competition against privately owned refineries, and would not and could not be extended to the monopoly of the refining business in the hands of the Government, because by its nature the refining business is not such a natural

monopoly as the transportation of oil by means of pipe lines. It would thereby invade the realm of private enterprise, which is undesirable.

By means of the acquisition and operation of existing interstate pipe-line systems, however, the Navy would be fully protected, not only by pipe lines and refineries located at such points, but also at all seaboard points where refineries are already established from which the Navy could secure its supplies of fuel oil in competitive markets. It would also be able to select the best quality of fuel oil under standard specifications which could be manufactured at interior points and transported through the pipe lines for delivery in large quantities to seaboard points.

Since the ownership and operation by the Government of pipe lines would prevent the arbitrary fixing of prices in any field of production, the Navy Department would be protected from an arbitrary advance in the price in any one particular field while the price in other fields was arbitrarily reduced. At the present time the price of Pennsylvania crude is \$2.50 per barrel. Crude which is of nearly equal value is sold in the midcontinent field at 90 cents a barrel. The power that can make this artificial difference in prices can exactly reverse those prices, if to its advantage to do so.

**8. Revenue would be produced to the Government through its ownership and operation of pipe lines.**

From the information that the Government has already acquired through its investigation of the oil industry, it is obvious that the pipe lines have been the chief source of profit to the monopoly existing in the petroleum industry since the abolition of the railroad rebate. From the table shown on page 32 of this declaration, stating the plant investments and yearly profits for the year 1906 of the various pipe-line companies filing reports with the Interstate Commerce Commission, as required by the act to regulate commerce, it may be seen that there would be a sufficient guaranty of revenue to the Government accruing from its operation of pipe lines, even at a reasonable rate; and, as a transportation tax is one most easily collected and of little hardship upon the consuming public—an indirect tax—its burden would rest very lightly upon those who paid such revenue.

The cost of transportation by means of pipe lines, as compared with the value of the service, is inconsiderable, and as there is nothing intricate in pipe-line operation inasmuch as it requires but a small number of employees, the Government would be able to keep the expense of operation at a minimum. Plant cost and maintenance, as compared with the value of the service, is lower with respect to pipe lines than any other means of transportation. Depreciation of plant, or obsolescence, is an almost negligible factor. From the nature of the commodity transported frictional wear is almost entirely eliminated. Iron pipes are invariably laid underneath the surface of the ground, and consequently are not affected by atmospheric changes nor by contact with other activities. There is no deterioration of the metal itself from the oil transported, which is in itself a preservative, and the pipe when laid is covered with an adequate preservative coating. Terminal and station facilities are not costly and are easily and quickly provided. The volume of transportation, the plant considered, is enormous. So that every opportunity exists to provide a permanent revenue to the Government, at small cost of operation and without burden upon the public, through governmental operation of pipe lines.

**III. PRACTICABILITY OF GOVERNMENT OWNERSHIP AND OPERATION OF INTERSTATE PIPE LINES.**

**1. Such Government ownership and operation in harmony with other governmental enterprises.**

The acquisition and operation of interstate pipe lines is entirely in harmony with what the Government has undertaken of an industrial nature, such as the Postal System, including the Parcel Post System, the Forestry Department, the Alaskan railroad, Panama Canal, irrigation dams, and many other activities undertaken by the several executive departments of the Government.

**2. Valuation of interstate pipe lines within the scope of the Interstate Commerce Commission.**

In connection with its work of valuation of railroads the valuation of the properties of the interstate pipe lines would be an easy matter for the Interstate Commerce Commission, with all of its equipment for arriving at valuations, so that said commission could accurately and quickly return an estimate of what the Government should pay for such properties.

**3. Pipe lines could be readily operated by the Department of the Interior.**

On account of the vast properties of the Government which are placed under the jurisdiction of the Department of the Interior, the operation of interstate pipe lines could be readily undertaken by that department without great expense and with best results, since the necessary administrative control of other governmental properties has already established the machinery for the general superintendence of a proposition of this kind.

**4. The cost of acquisition of interstate pipe lines by the Government not prohibitive.**

While the cost of the properties to be acquired by the Government for the operation of a system of interstate pipe lines is not accurately available, reference to the capitalization of the various pipe-line companies, or to the plant investments of such companies, as shown by their balance sheets, will be of assistance in determining this cost. Taking the figures as shown in such balance sheets and making due allowance for the investments of such pipe-line companies in producing properties, large storage farms where oil is accumulated and stored for future shipment, refinery investments, etc., it will be found that the amount necessary to compensate the owners of such pipe-line properties would be much less than the sums expended on many of the projects already undertaken by the Government.

The total cost can be roughly estimated by taking the total mileage of the trunk pipe lines and multiplying that by a careful estimate of the average cost per mile, based upon the investigation of costs shown in the extensive report of the Commissioner of Corporations.

However, the cost could not reasonably be urged against the practicability of Government ownership, since, whatever that might be, the Government would have it within its power to recoup such cost by the imposition of transportation charges, and that without burdening the industry. In fact, the present pipe-line transportation charges are such that any reasonable rates which the Government might fix would at once work a reduction in the cost of petroleum and its products to the ultimate consumer.

From every standpoint of view, therefore, it is entirely practicable for the Government to acquire and operate interstate pipe lines.

## IV. THE VALIDITY OF GOVERNMENT OWNERSHIP AND OPERATION OF INTER-STATE PIPE LINES.

1. *Fundamentally such ownership and operation would be in harmony with the purposes of government as expressed in the preamble of the Constitution—the "general welfare" of the people.*

In the Commentaries on the Constitution of the United States, by Joseph Story (vol. 1, p. 338), it is stated:

"The importance of examining the preamble for the purpose of expounding the language of the statute has been long felt and universally conceded in all juridical discussions. It is an admitted maxim in the ordinary course of the administration of justice that the preamble is a key to open the mind of the makers as to the mischiefs which are to be remedied and the objects which are to be accomplished by the provisions of the statute."

Having in mind, then, the purposes of the Constitution, any of its specific provisions or the powers delegated to Congress thereunder would be interpreted in relation to such declarations found in the preamble.

And at page 362, in discussing the "general-welfare" clause, the same author says:

"We pass in the next place to the clause to 'promote the general welfare.' And it may be asked, as the State governments are formed for the same purpose by the people, why should this be set forth as a peculiar or prominent object of the Constitution of the United States? To such an inquiry, two general answers may be given: The States separately would not possess the means; if they did possess the means, they would not possess the power to carry the appropriate measures into operation."

First, with respect to the means, the great enterprises entered upon by the Federal Government have, in the extent of their expenditures, been beyond the revenues of many of the States. And even if such projects could be contributed to by the revenues of the States as a whole, by their unanimous consent, a just distribution of the whole burden would be extremely difficult and an almost insurmountable problem.

And, second, with respect to the powers of the State, the powers of a State can not extend beyond the territory of its sovereignty, and, consequently, are confined to all of those matters which are internal; can not attempt to regulate affairs extending beyond its own territory. Commerce among the States must be controlled by the Federal Government, because its powers alone are commensurate with such commerce.

At page 364 the same author says:

"If a system of regulations, on the other hand, is prepared by a general government, the inequalities of one part may, and ordinarily will, under the guise of wise councils, correct and ameliorate those of another. \* \* \* The navigation and commerce, the agriculture and manufactures, of all the States have received an advancement in every direction by the Union which has far exceeded the most sanguine expectations of its warmest friends."

"But the fact alone of an unlimited intercourse, without duty or restriction, between all the States is of itself a blessing of almost inconceivable value. It makes it an object with each permanently to look to the interests of all, and to withdraw its operations from the narrow sphere of its own exclusive territory. Without entering here into the inquiry how far the General Government possesses the power to make or aid the making of roads, canals, and other general improvements which will properly arise in our future discussions, it is clear that if there were no General Government, the interest of each State to undertake or to promote in its own legislation on any project would be far less strong than it now is, since there would be no certainty as to the value or duration of such improvements, looking beyond the boundaries of a State. \* \* \*

"Independent of the exercise of any authority by the General Government for this purpose, it was justly foreseen that roads would be everywhere shortened and kept in better order; accommodations for travelers would be multiplied and meliorated; an interior navigation on our eastern side would be opened throughout the whole extent of our coast; and, by canals and improvements in river navigation, a boundless field opened to enterprise and immigration, to commerce and products, through the interior States, to the farthest limits of our western territories."

It is true that the above-quoted language refers to things as they were 80 years ago, before the advent of railroads, telegraphs, telephones, and pipe lines, but the fact that the great commentator saw that the powers of the Government could be exercised, unless forbidden by the Constitution, along these avenues, shows that the same principles when applied to this question will be seen to be in entire harmony therewith.

2. *It is an exercise of the Government's constitutional grant of power to regulate commerce among the States.* (Federal Constitution, Art. I, sec. 8, par. 3.)

In volume 2, page 2, Story on the Constitution, it is stated:

"The want of this power (as has been already seen) was one of the leading defects of the Confederation, and probably, as much as any one cause, conduced to the establishment of the Constitution. It is a power vital to the prosperity of the Union, and without it the Government would scarcely deserve the name of a national government and would soon sink into discredit and imbecility. It would stand as a mere shadow of sovereignty, to mock our hopes and involve us in a common ruin."

If from the facts heretofore stated relating to the use made by the private pipe-line companies to control commerce among the States the conclusion is inevitable that these instrumentalities are not now regulated by this power of the Government, it stands as a "mere shadow of sovereignty" with relation to these instrumentalities, unless by the exercise of that power it can and does effectually regulate the commerce which flows through them. That it is commerce over which the power of the Government extends and that the Government has the power to regulate such commerce was well established in the early case of *Gibbons v. Ogden* (9 Wheat, 1), in which Chief Justice Marshall, at page 196, said:

"It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed; This power, like all others vested in Congress, is complete in itself, may be exercised to its fullest extent, and acknowledges no limitations other than are prescribed in the Constitution."

As to the means by which this commerce can be regulate, this is amply set forth in the celebrated case of *McCulloch v. Maryland* (4 Wheat, 167), the syllabus of which is:

"The Government of the Union is a Government of the people; it emanates from them; its powers are granted by them, and are to be exercised directly on them and for their benefit."

"The Government of the Union, though limited in its powers, is supreme within its sphere of action, and its laws, when made in pursuance of the Constitution, form the supreme law of the land."

"There is nothing in the Constitution of the United States similar to the Articles of Confederation, which exclude incidental or implied powers."

"If the end be legitimate and within the scope of the Constitution, all means which are appropriate, which are plainly adapted to that end, and which are not prohibited, may constitutionally be employed to carry it into effect."

As said by the Supreme Court in *re Debs* (158 U. S. Rep., 564):

"Constitutional provisions will not change, but their operation extends to new matters as the mode of business and habits of life of the people vary with each succeeding generation. The law of the common carrier is the same to-day as when transportation on land was by coach and wagon, and on water by canal boat and sailing vessel, yet in its actual operation it touches and regulates transportation by modes then unknown—the railroad trains and steamships. Just so it is with the grant of power to the National Government over interstate commerce. The Constitution has not changed; the power is the same, but it operates to-day upon modes of interstate commerce unknown to the fathers, and it will operate with equal force upon any new modes of such commerce which the future may develop."

And, again, in *Pensacola Telegraph Co. v. Western Union Telegraph Co.* (96 U. S. Rep., 1, 24 L. ed., 708):

"They extend from the horse and wagon to the stage coach, from the sailing vessel to the steamboat, from the coach and steamboat to the railroad, from the railroad to the telegraph, as these new modes are successively brought into use to meet the demands of increasing population and wealth. They were intended for the government of the business to which they relate at all times and under all circumstances."

In *Interstate Commerce Commission v. Brimson* (154 U. S. Rep., 456), it is said:

"Congress has plenary power, subject to the limitations imposed by the Constitution, to prescribe the rule by which commerce among the several States is to be governed. Congress may, in its discretion, employ any appropriate means not forbidden by the Constitution to carry into effect and accomplish the objects of power given to it by the Constitution."

Cases might be multiplied upon this question of power and what it includes and the means that the Government may make use of in putting such power into effect, as the "commerce clause" has been considered by the court of last resort more frequently in the last half of the Nation's existence than any other clause in the Constitution. But this is not necessary, either to substantiate the power or the means of exercising such power so long as the power and means are exercised with respect to the regulation of commerce among the States.

3. *Interstate transportation of oil by pipe lines is a monopoly of such nature as to properly reside in the Federal Government.*

In *United States v. Knight* (156 U. S. Rep., 1) Mr. Chief Justice Fuller, at page 12, made use of the following language:

"The power to regulate commerce is the power to prescribe the rule by which commerce shall be governed, and is a power independent of the power to suppress monopoly. But it may operate in repression of monopoly whenever that comes within the rules by which commerce is governed or whenever the transaction is itself a monopoly of commerce."

Again, in *Pearson v. Great Northern Railway Co.* (161 U. S., 646), the Supreme Court said:

"There is, and has been, for the past 300 years, both in England and in this country, a popular prejudice against monopolies in general which has found expression in innumerable acts of legislation. We can not say that such prejudice is not well founded. It is a matter upon which the legislature is entitled to pass judgment. At least there is sufficient doubt of the propriety of such monopolies to authorize the legislature, which may be presumed to represent the views of the public, to say that it will not tolerate them unless the power to establish them be conferred by clear and explicit language."

In *Texas & Pacific Ry. Co. v. Interstate Commerce Commission* (162 U. S., 197) it is stated:

"Before we consider the phraseology of the statute it may be well to advert to the causes which induced its enactment. They chiefly grew out of the use of railroads as the principal modern instrumentalities of commerce. While shippers of merchandise are under no legal necessity to use railroads, they are so practically. The demand for speedy and prompt movement virtually forbids the employment of slow and old-fashioned methods of transportation, at least in the case of the more valuable articles of traffic. At the same time the immense outlay of money required to build and maintain railroads, and the necessity of resorting, in securing rights of way, to the power of eminent domain, in effect disable individual merchants and shippers from themselves providing such means of carriage. From the very nature of the case, therefore, railroads are monopolies, and the evils that usually accompany monopolies soon began to show themselves and were the cause of loud complaints."

Again, in *Swift v. United States* (196 U. S., 375), Mr. Justice said:

"No more powerful instrumentality of monopoly could be used than an advantage in the cost of transportation."

4. *Privately owned pipe lines from their very nature trespass upon public rights.*

In the investigation by the Interstate Commerce Commission, "In the matter of pipe lines," Docket No. 4199 (I, and S.), after taking a large amount of testimony, the commission formulated seven questions of law upon which it requested counsel for the proponents and respondents to argue before the commission. The fourth question propounded by the commission was:

"Does the utilization by a pipe line of the right of way of a common carrier railroad impress upon that pipe line the obligations of a common carrier?"

The question arose by reason of the fact that the testimony before the Interstate Commerce Commission showed that in a great many instances the rights of way acquired by railroad companies had been utilized by pipe-line companies by arrangement with the railroad companies and without the consent of the abutting property owners. For instance, along the line of the Santa Fe, for more than 300 miles, the private pipe line of the Prairie Oil & Gas Co. extended. Other instances are referred to of other pipe lines occupying the rights of way of railroad companies, and in every instance, where necessary, such pipe lines crossed the rights of way belonging to the railroad companies.

The fifth question propounded by the Interstate Commerce Commission was:

"Does the utilization by a pipe line of a highway acquired for or dedicated to the public use impress upon that pipe line the obligations of a common carrier?"

This question arose from the facts shown in the record that in many instances private pipe lines, so called, extended along public highways, and in all instances, where necessary, crossed such highways, consent usually having been obtained from county commissioners or road commissioners in districts through which such pipe lines passed.

It will thus be seen that in the rights of way enjoyed by pipe-line companies, obtained by private arrangement and not by the exercise of eminent domain, that such pipe lines are necessarily trespassers upon public rights.

Very nearly all pipe-line companies, especially those that are so-called private pipe lines, are purchasers as well as transporters of crude oil. In coupling together the control of purchase and transportation, it necessarily follows that the sellers are at the mercy of the buyers, because the product must be transported in order to be available for use, and hence, have a market value. Since the pipe lines furnish the only means of reaching a final market, this leaves the seller of crude oil entirely at the mercy of the buyer and transporter, and consequently, deprives the seller of the right to freely enter the market to dispose of his products, differing in that respect from other sellers of other products. The means of transportation as well as the product transported being owned by the pipe-line companies, the product is then directed to such receivers of the transportation as the pipe-line companies shall elect, and again they interpose their power to prevent buyers generally from securing this commodity. From the fact that the stockholders of the large Standard refineries and the stockholders of these pipe-line companies are practically the same, it is obvious that this situation will continue as long as the present status of the pipe-line companies exist.

While it may be true that the evils above described might be overcome in a measure by proper procedure under the existing laws, the fact remains that they have not been, and probably will not be without further remedial legislation, although these questions have been before our Federal tribunal.

##### 5. For proper Government purposes private property may be taken.

The fifth amendment of the Federal Constitution provides that private property shall not be taken for public use without due compensation. This provision does not prevent the United States Government from taking property by the right of eminent domain, subject to reimbursement to the owner of the property. In *United States v. Jones* (109 U. S., 513) it was said:

"The power to take private property for public uses, generally termed the right of eminent domain, belongs to every independent government. It is an incident of sovereignty, and, as said in *Boom v. Patterson* (98 U. S., 106), requires no constitutional recognition. The provision found in the fifth amendment of the Federal Constitution and in the constitutions of the several States, for just compensation for property taken, is merely a limitation upon the use of the power. It is no part of the power itself, but a condition upon which the power may be exercised. \* \* \* The proceeding for the ascertainment of the value of the property and consequent compensation to be made is merely an inquisition to establish a particular fact as a preliminary to the actual taking, and it may be prosecuted before commissioners or special boards or the courts, with or without the intervention of a jury, as the legislative power may designate. All that is required is that it shall be conducted in some fair and just manner, with opportunity to the owners of the property to present evidence as to its value and to be heard thereon."

In *Kohl v. United States* (91 U. S., 367) it was held that no State can interfere with the United States' right of eminent domain.

##### 6. Such ownership will protect producers and refiners from commercial duress.

In *re Debs* (158 U. S., 582), the court said:

"The strong arm of the National Government may be put forth to brush away all obstructions to the freedom of interstate commerce and the Nation and all its militia are at the service of the Nation to compel obedience to its laws."

In the "Pipe Line cases," before the Supreme Court of the United States, Nos. 481, 482, 483, 506, 507, and 508, considered together, the Solicitor General, in his brief before that court, at page 56, said:

"In practical result—and that is the thing courts and legislatures are concerned with—the small well owner is in a position closely resembling that of the mine owner in *Strickley v. Highland Boy Gold Mining Co.* (200 U. S., 527), who had no right of way out of his mines, or the owner of the arid land in *Clark v. Nash* (198 U. S., 361), who had no means of bringing water in, and was allowed to use his neighbor's irrigation ditch. The shipment of oil except by pipe line is a practical impossibility. No other means of transportation can possibly compete with it. Without a pipe line the oil producer is, as it were, shut in by an impassable barrier.

"But even these analogies do not adequately express the difficulties of the small producer. The possibilities of duress are even greater in the case of oil wells than in the case of mines and arid lands. The mine owner can shut up his mine and hold it, but the wells once opened can not be closed to await a more convenient season. And if they could be, or if they were not opened in the first place, the owner of the oil land would only lose instead of gain by waiting, because oil lies in great subterranean reservoirs, and the pumping of the wells upon adjacent lands would drain the common source. (*Ohio Oil Co. v. Indiana*, 177 U. S., 190.) Therefore the small producer is compelled either to sell his oil or to sell the wells themselves to the owner of the pipe lines at whatever terms the latter may choose to offer. He is caught beneath the sheer weight of capital and has no alternative except to yield.

"The court below says that there is no connection between monopoly and a situation where the greater number of oil producers are virtually compelled to sell their output to the owners of private pipe lines"; but Mr. Justice Holmes said, in *Swift v. United States* (196 U. S., 375, 402):

"No more powerful instrument of monopoly could be used than an advantage in the cost of transportation."

"It is largely the use of this potent instrument that has built up these enormous capitalizations, that has paid these enormous dividends, that once at least has thrown the oil industry of the whole United States into the hands of a single group of capitalists. The evidence in the Standard Oil case proves this; the statistics in the Government reports prove it; the facts were in the mind of Congress when it passed this legislation. Congress has declared the possibility of its

recurrence a menace to the public welfare. Congress has struck down monopoly full grown. It now seeks to destroy the source from which it sprang.

"But the court below says that Congress is quite mistaken; that pipe lines have no relation to monopoly; that the right to injure the public in general and one's neighbors in particular is merely one of the legitimate and inviolable advantages arising from the acquisition of the substantial amounts of property."

##### 7. Such ownership would prevent the evils sought to be remedied by the principle embodied in the "commodities clause" of the act to regulate commerce.

At page 70, in the Solicitor General's brief in the "Pipe Line cases" above referred to, the following language is used:

"The commodities case, *United States v. Delaware & Hudson Co.* (213 U. S., 366), is directly in point. It was there held that Congress could prohibit common carriers from carrying their own coal, despite the fact that many of the companies affected had invested enormous sums of money in the business of mining prior to the passage of the law. There is no substantial distinction between that case and the present. In both the motive of Congress was the same—to prevent an unconscionable use of an advantage in the means of transportation. In the one case the owner of a railroad is forbidden to carry his own coal, unless he first parts with ownership; in the other the owner of a pipe line is forbidden to carry his own oil, unless he transports also the oil of others for reasonable compensation. The same reasoning which supported the one supports the other."

The Solicitor General might have noted further the difficulties attending even the application of the principle of the "commodities clause" to pipe lines if the "commodities clause" were to be extended in the control of pipe lines by regulation. In the instances of the *Prairie Oil & Gas Co.* and the *Ohio Oil Co.* the evidence in the "Pipe Line cases" shows that these companies are engaged in producing as well as purchasing and transporting oil. As producers and purchasers they claim the right to use the pipe lines which they have built and own to carry their own commodities. Unless such pipe lines are held to be common carriers by the Supreme Court, their status will remain the same as it is at present. If they are held to be common carriers, in order to make them effectively such, further legislation extending the application of the "commodities clause" to pipe lines will be necessary. The organization of a producing company to purchase and take over the producing properties will be a fiction supported by a mere matter of bookkeeping to avoid the effectiveness of the provisions of the "commodities clause" principle. The stockholders, who are the real parties at interest, will continue to be the same as now. The great bulk of transportation offered to the pipe lines will be by the owners of the producing and purchasing companies, whose stockholders are the same as those of the pipe-line companies. If such pipe lines are owned and operated by the Government, no such embarrassment and complications can arise.

##### 8. Government ownership and operation of transportation in interstate commerce not forbidden by any provisions of the Federal Constitution.

In the broad declaration of Federal powers in *McCulloch v. Maryland*, supra, it was said:

"If the end be legitimate and within the scope of the Constitution, all means which are appropriate, which are plainly adapted to that end, and which are not prohibited, may constitutionally be employed to carry it into effect."

During the early period in the history of this Government, when constitutional construction was less liberal than it afterwards became, unless there was a specific grant of power, the Federal Government was slow to act. There is no such specific grant of power as to permit the Government to appropriate money for internal improvements. On March 3, 1817, President Madison vetoed a bill to set apart the bonus and Government dividends of the national bank as a fund for constructing roads and canals and improving navigable rivers, on the ground that the Constitution did not provide for the expenditure of money for internal improvements. On March 14, 1818, the House of Representatives passed a resolution declaring the Congress had the power to appropriate money for such improvements, and on March 3, 1823, the first bill was passed for the construction of internal improvements, since which time, without specific authority, but on the ground that the end was legitimate and not forbidden by the Constitution, huge enterprises have been undertaken by the Government, such as the construction of the Panama Canal, the Alaskan Railroad, great irrigation projects, the improvement of rivers and harbors, all of which are of undoubted advantage and promote the general welfare. While the doctrine of the conservation of natural resources is fully accepted as a Federal policy, it is equally important that the Government should guard all of its natural resources from the encroachments of private monopoly, that the entire welfare of the people may thereby be promoted.

Since, therefore, there is no prohibition in the Constitution, and since the Government has already entered the field of ownership and transportation, there can be no question on this ground but what the Government would be justified in such ownership and operation of interstate pipe lines.

##### 9. State laws recognize the public interest in pipe lines by requiring them to become common carriers.

In very nearly all of the States in which oil is produced in quantities, and through which pipe lines pass, are to be found statutes providing that pipe lines shall be common carriers, thereby indicating the public interest residing in such means of transportation.

##### ARKANSAS.

The Statutes of Arkansas of 1911 (*Kirby's Digest*, pp. 253, 254; title "Eminent domain—oil and gas companies") provide:

"Sec. 2991a. Any corporation organized by virtue of the laws of this State for the purpose of developing and producing mineral oil or petroleum or natural gas in this State, and marketing the same, or transporting or conveying the same by means of pipes from the point of production to any other point or points, either to refine or market such oil or conduct such gas to any point to be used for heat or light, may construct, operate, and maintain a line or lines of pipes for that purpose along and under the public highways and the streets of cities and towns with the consent of the authorities thereof, or across and under the waters and over any lands of the State, and on the lands of individuals, and along, under, or parallel with the rights of way of railroads and the turnpikes of this State: *Provided*, That the ordinary use of such highways, turnpikes, and railroad rights of way be not obstructed thereby or the navigation of any waters impeded, and that just compensation be paid to the owners of such lands, railroad rights



of way, or turnpikes by reason of the occupation of such lands, railroad rights of way, or turnpikes by said pipe line or lines."

## CALIFORNIA.

Pomeroy's Code of Civil Procedure of California, 1901, title 7, page 692, provides:

"Sec. 1237. Eminent domain is the right of the people or Government to take private property for public use. This right may be exercised in the manner provided in this title.

"Sec. 1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses: \* \* \*"

## 10. Oil pipe lines.

## COLORADO.

The Revised Statutes of Colorado, 1908, chapter 45, 689, provide:

"Sec. 2436, subsection 22: Any foreign or domestic corporation organized or chartered for the purpose, among other things, of conducting or maintaining a pipe line for the transmission of power, water, air, or gas for hire to any mine or mining claim or manufacturing, milling, mining, or public purpose, shall have the right of way for the construction, operation, and maintenance of such pipe line or pipe lines, for such purposes, through any lands, without the consent of the owner thereof, where such right of way is necessary for the purpose for which said pipe line shall be used."

"Sec. 2439, subsection 25: Any such corporation or corporations organized or chartered for any or all of the purposes hereinbefore mentioned shall be deemed a common carrier or common carriers and shall fix and charge only a reasonable and uniform rate to all persons who desire the use of any such tunnel, pipe line, electric power transmission line, or aerial railway."

## ILLINOIS.

The Legislature of Illinois in 1913 passed an act entitled "An act to provide for the regulation of public utilities," which provides in part as follows:

"Sec. 10, subparagraph (a): May own, control, operate, or manage, within the State, directly or indirectly for public use, any plant, equipment, or property used or to be used for or in connection with the transportation of persons or property or the transmission of telegraph or telephone messages between points within this State; or for the production, storage, transmission, sale, delivery, or furnishing of heat, cold, light, power, electricity, or water; or for the conveyance of oil or gas by pipe line," etc.

## INDIANA.

Burns's Annotated Indiana Statutes, Volume II, chapter 40, provide:

"Sec. 5148. Whenever three or more persons desire to form a company to lay on, over, or underneath the ground iron pipes or tubes, to erect pumps and pump stations and tanks for storing oil, and also to erect telegraph lines along said line or lines of pipe, and to carry on by means thereof the business of transporting and storing petroleum, they shall make, sign, and acknowledge before some officer capable to take acknowledgments of deeds, a certificate in writing which shall state the corporate name adopted by the company, the object of its formation, the amount of capital stock, the term of its existence (not, however, to exceed 50 years), the number of directors and their names, who shall manage the affairs of such company for the first year, and the names of the counties in which its operations are to be carried on, and the county where its principal office shall be located, and file the same in the office of the recorder of such county, which shall be placed upon the record, and a duplicate thereof in the office of the secretary of state."

## KANSAS.

Dassler's General Statutes of Kansas, 1909, chapter 48, article 4, title "Transportation of oil," provide:

"SECTION 1. All pipe lines laid, built, or maintained for the conveyance of crude oil within the State of Kansas are hereby declared to be common carriers and said conveyance of oil shall be in the manner and under the restrictions of this act provided."

## KENTUCKY.

Carroll's Kentucky Statutes, 1909, chapter 93a, title "Oil and gas—condemnation of land for," provide:

"Sec. 3766b. All corporations or companies organized for the purpose of constructing, maintaining, or operating oil or gas well or wells or pipe lines for conveying, transporting, or delivering oil or gas, or both oil and gas, are hereby vested with the right and power to condemn lands and material in this Commonwealth, or the use and occupation of so much thereof as may be necessary for constructing, maintaining, and operating such pipe line or lines, and all necessary machinery, pumping stations, appliances, and fixtures, including tanks, telephone and telegraph lines, for use in connection therewith, together with rights of ingress and egress to examine, alter, repair, maintain, and operate or remove such pipe line or lines, all such being hereby declared to be a public use."

## LOUISIANA.

The Acts of the State of Louisiana, 1906, page 54, Act No. 39, approved June 29, 1906, provide:

"SECTION 1. That corporations, whether domestic or foreign, organized with the power of constructing and operating pipe lines for the transportation of oil or gas, or either, shall have the right to appropriate rights of way for such pipe lines and for telegraph and telephone lines incident to the operation of such pipe lines, and lands for pumping and tank stations, making part of such lines, or of storage stations connected therewith and necessary to the purpose thereof."

And Act No. 36, declaring pipe lines common carriers, provides:

"Sec. 1. That all pipe lines through which gases, oil, or other liquids are conveyed from one point in the State to another point in the State for a consideration, are hereby declared to be common carriers, and are placed under the control and subject to regulation by the Railroad Commission of Louisiana."

## NEBRASKA.

Sections 4575 and 4581, chapter 64, Compiled Statutes of Nebraska, 1911, provide—

"That any company, corporation, or association formed or created for the purpose of transporting, transmitting, or conveying petroleum or other like oil, and desiring or requiring a right of way for the laying and maintaining of any pipe line for such purpose within the State of Nebraska, and being unable to agree with the owner or lessee of any land, lot, or right of way on the amount of compensation for the

use and occupancy of so much of any lot, land, real estate, or right of way as may reasonably be necessary for the laying, relaying, and maintenance of any such pipe line, shall have the right to acquire the same for such purpose, as hereinafter provided \* \* \*"

## NEW YORK.

Birdseye, Cumming & Gilbert's Consolidated Laws of New York, 1909, volume 5, page 6311, article 6, title "Pipe lines corporations," provide:

"Sec. 50. The pipe lines of every such corporation shall be open for transportation to the public use, and all persons desiring to transport products through such pipe line shall have the absolute right upon equal terms to such transportation in the order of application therefor on complying with the general requirements of such corporation, as to delivery for and payment of such transportation; but no application for such transportation shall be valid beyond or for a greater quantity of products than the applicant shall then own and have ready for delivery for transportation to such corporation, and every such corporation shall provide suitable and necessary receptacles for receiving all such products for transportation, and for storage at the place of delivery until the same can reasonably be moved by the consignee, and shall be liable as common carriers therefor from the time the same is delivered for transportation until a reasonable time after the same has been transported to the place of consignment and ready for delivery to the consignee, which time shall be fixed by general regulation by the corporation, and shall not be less than two days from and after the same shall be ready for delivery and notice thereof given to such consignee; and all rates and charges of every description, for or on account of or in any manner connected with the transportation of any products, shall be fixed by such corporation by general rules and regulations which shall be applicable to all parties who shall transport any products through such pipe line, or deliver or contract to deliver products for transportation, and shall be written or printed and exposed to public view and at all times open to public examination."

## OHIO.

Page and Adams Annotated Ohio General Code, Volume IV, pages 1002, 1003, provides:

"Sec. 10132. Such company or companies, for the purpose of transporting natural gas, oils, water, and electricity, shall be a common carrier and subject to all the duties and liabilities of such carriers under the laws of this State."

## OKLAHOMA.

Snyder's Constitution of Oklahoma, 1908, page 226, article 9, provide:

"Sec. 4. All oil pipe-line companies shall be subject to the reasonable control and regulation of the corporation commission, and shall receive and transport each other's tonnage or oils, or commodities, under such rules and regulations as shall be prescribed by law or such commission."

Section 786, chapter 11, article 1, provides:

"Every one who offers to the public to carry persons, property, or messages is a common carrier of what he thus offers to carry."

## PENNSYLVANIA.

Pepper and Lewis Digest, 1910, volume 1, page 1903, title "Pipe line companies," provides:

"Sec. 458. \* \* \* That any company organized for such purposes, under the provisions of said act, shall have the right to transport, store, insure, and maintain pipes, tubing, tanks, offices, and such other construct, and machinery devices, or arrangements as may be necessary, and to enter upon, use, and occupy such lands as may be requisite for the purposes of the company; and for rights of entry upon lands, rights of way, and the use of materials necessary for the construction, maintenance, and operation of said lines of pipes and fixtures as aforesaid they shall be entitled to all the rights and privileges, and be subject to all the limitations and restrictions, of railroad companies as contained in the act relating to railroad companies approved February 19, 1849, and the supplements thereto: *Provided, however,* That nothing herein contained shall be construed to authorize the construction of any railroad."

## TEXAS.

Herron's Supplement to Sayles's Texas Civil Statutes, 1897-1906, chapter 13a, page 104, title "Oil, gas, salt, etc., corporations," provide:

"SECTION 1. Any number of persons, not less than three, may organize themselves into a corporation for the purpose of storing, transporting, buying, and selling oil and gas, salt, brine, and other mineral solutions in this State.

"SEC. 3. Such corporation shall have power to store and transport oil and gas, brine, and other mineral solutions, and to make reasonable charges therefor.

"SEC. 6. It shall be unlawful for any corporation organized under this act to discriminate against any person, corporation, firm, association, or place in the charge for such storage or transportation, or in the service rendered; but shall receive, store, or transfer oil or gas for any person, corporation, firm, or association upon equal terms, charges, and conditions with all other persons, corporations, firms, or associations for like service."

## WEST VIRGINIA.

West Virginia Code, 1906, chapter 62C, title "Transportation of petroleum or other oils or liquids," provide:

"Sec. 2830. Any company heretofore or hereafter organized for the purpose of transporting petroleum or other oils or liquids by means of pipe line or lines shall be required to accept all petroleum offered to it in merchantable order, in quantities of not less than 2,000 gallons, at the wells where the same is produced, making at its own expense all necessary connections with the tanks or receptacles containing such petroleum, and to transport and deliver the same at any delivery station, within or without the State, on the route of its line of pipes which may be designated by the owners of the petroleum so offered."

## WYOMING.

The constitution of Wyoming, section 7, article 10, title "Corporations," provide:

"All corporations engaged in the transportation of persons, property, mineral oils and mineral products, news or intelligence, including railroads, telegraphs, express companies, pipe lines, and telephones, are declared to be common carriers."

Congress itself has recognized the public interest in interstate transportation by pipe lines in its amendment to the act to regulate commerce of 1906. It was undoubtedly the intention of Congress to include all pipe lines, whether common carriers or private (so called), engaged in the transportation of petroleum in interstate commerce.

The Interstate Commerce Commission, upon its own motion, after investigation, decided that such was the intention of Congress, and ordered such "private pipe lines," so called, to file tariffs and charges and rules and regulations with said commission. Those pipe lines, however, which did not profess to be common carriers secured an injunction against said order of the commission by application to the Commerce Court, which said order sustained, and the question has been appealed to and now is under consideration by the Supreme Court of the United States.

While there can be no question of the general recognition of the public interest in all State and interstate transportation of petroleum or gases by pipe lines, yet from all the facts heretofore set out it must be obvious that such control and regulation will always be attended with its embarrassing features, and that the entire interest of the public in such utilities can never be adequately accomplished or perfected until Congress shall exercise its sovereign power in the acquisition and operation of all interstate pipe lines.

#### PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. TOWNSEND. Mr. President, I ask permission to print as a part of my remarks a letter written on March 27, 1914, to J. P. Tumulty, Esq., Washington, D. C., by J. H. O'Neill. I do not agree with the writer that the railroads are entitled to the higher rates they ask. I do not agree that the depressed conditions mentioned by him are due to too low rail rates. I insert this letter from a Democrat to the President's secretary because the facts mentioned have a bearing on the prosperity issue which has been raised this afternoon.

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

The matter referred to is as follows:

FEDERAL TRUST CO.,  
Boston, Mass., March 27, 1914.

J. P. TUMULTY, Esq.,  
Washington, D. C.

MY DEAR MR. TUMULTY: Pardon me for bothering such a very busy man as you, but I know you are interested in the success of the party, and I want you to believe that I have no other object in writing. I have writer Judge Clements and Secretary McAdoo, urging them to do something to hasten the case of railroad rates. In my opinion, anything would be better than nothing.

It is impossible to blink at the fact that slowly but surely business is getting to a standstill. For the first six months of the administration business was first class; for the second six months it was fair, but to-day it is dragging. One of the oldest machine shops in New England, down in Biddeford, Me., laid off 250 men; the New Haven shops at Readville have shut down, throwing 1,500 men out, and the Boston & Maine shops at Biddeford, in this State, which have a capacity of employing 8,000 men, will not open. Now, these two latter may, of course, be blamed to local railroad conditions, but that is not true in the case of the Biddeford shop, nor in the case of the Pennsylvania Railroad Co., which has recently thrown out 15,000 men, 8,000 of them east of Pittsburgh. The Sturtevant Blower Works here has just let 250 men go. My information is that this is true pretty generally throughout the country.

For the past 30 years I have believed that the nub of any question in this country was the railroad situation; that when the railroads were prosperous the country was prosperous. While I admit that the railroads have done many, many things for which somebody should go to jail, I do not see why the present generation should be punished for the faults of those who have gone before. A 10 per cent increase in freight rates, as I pointed out to Judge Clements, on a case of shoes shipped from Boston to San Francisco would mean an additional cost of 1 cent per pair, but this 10 per cent increase in freight rates would mean \$3 a week in the pockets of hundreds of thousands of men who would have to buy shoes, because it would give them work.

As I wrote Mr. McAdoo, I think in regard to many corporations, they ought to adopt the old Chinese custom, and when crimes are committed by corporations some heads should be lopped off and dropped into the basket—be cut close off to the shoulders. But we are facing a condition to-day, not a theory. Now, mind me, I do not own a share of railroad stock, and do not know that I ever shall, but I am writing you as one who can put in a word at the right place close up, and as you are a practical man, like myself, and know conditions as I think I know them, from practical experience, I hope that you will do your best to see that something is done, and done at once.

Should the roads not be allowed to increase their rates, then they must face bankruptcy or make a reduction in wages. I am opposed to a reduction in wages—radically and unalterably. Wages are none too good now. If it may be claimed that the railroad capitalization is excessive, I will admit it, but I do not think that the workingman, working for his day's wage, should be the one to be punished; rather give them a fair wage, a chance to live, and punish the fellows who have put the water into the road and arranged to squeeze it out. This is not a difficult thing to do, although it may take some time.

Now, I take the liberty of writing you on account of the friendly spirit you showed when I met you with Congressman MURRAY, and also because I believe you to be a practical man, who realizes, as I do, what these facts mean. Do this thing, and, in my opinion, the Republican Party need not nominate a candidate against us in 1916; do not do it, and I do not think there is the least necessity of our nominating one.

I may be in Washington some time next month, and, if so, I shall take the liberty of calling on you to say "How are you?"

With kindest regards, I am,  
Yours, very truly,

J. H. O'NEIL.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Nebraska [Mr. NORRIS] in lieu of the amendment proposed by the committee.

Mr. O'GORMAN. May I ask what is the amendment to which the Chair refers?

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. In lieu of the amendment at the end of the bill offered by the committee, the Senator from Nebraska offers the following—

Mr. O'GORMAN. The Chair was speaking, then, of the amendment of the Inter-oceanic Canals Committee.

Mr. President, the tolls bill has been nominally before the Senate all day; but owing to the peculiar rules of this body everything else has been discussed, and no opportunity has been given to the Senators who desired to be heard on this question to present their views.

I would ask at this time unanimous consent to make the tolls bill the business of the Senate to the exclusion of all other business until a vote can be reached, but I understand that making that request at this hour would involve calling the roll. I shall, however, make that request to-morrow morning; and I hope nothing will be presented to the Senate in the way of a discussion that will interfere with the tolls bill, and an opportunity to take a vote upon it at the earliest practicable moment.

Mr. SMITH of Georgia. Mr. President, I had thought of suggesting that instead of adjourning to-day we take a recess until 10 o'clock to-morrow morning.

Mr. SMOOT. I hope the Senator will not do that.

Mr. SMITH of Georgia. Or a recess until 8 o'clock to-night.

Mr. SMOOT. Oh, no; not to-night. If the Senator will leave that matter until to-morrow and see if a unanimous-consent agreement can be reached, such as the Senator from New York gave notice he would ask, I think more than likely it will be granted, and then we can go right along and get through with the bill in the early part of the week.

Mr. CUMMINS. Mr. President—

Mr. O'GORMAN. Unless the Senator from Iowa wishes to proceed—

Mr. CUMMINS. Will the Senator from New York yield for a moment?

Mr. O'GORMAN. Yes.

Mr. CUMMINS. I desire only to suggest that the unanimous-consent agreement which he has proposed, which he says he will bring before the Senate to-morrow, ought to contain a provision that will give the President of the Senate power to confine the discussion taking place here to the bill before the Senate. Otherwise it will accomplish nothing, inasmuch as we have had the canal bill before us all day long and not a word has been said with regard to it.

Mr. O'GORMAN. Mr. President, I agree with the suggestion of the Senator from Iowa. The unanimous-consent agreement would amount to nothing unless Members should respect the spirit of it, refrain from injecting other matters into the discussion until such a time as a vote is had upon the unfinished business.

Mr. CUMMINS. Of course I do not suggest that for the purpose of having it written into the agreement, but I do suggest it in order to create a proper spirit in the Senate if the agreement shall be made. I suspended a speech upon this question yesterday in order to permit the Members of the Senate to attend a very notable and worthy ceremony which was about to take place. I have been waiting all day long for an opportunity to resume the observations I was then making upon the canal bill. While I suppose I have no technical right to the floor, I hope that before many volumes shall have been filled with extraneous discussion I may be permitted to finish the argument I began.

Mr. OWEN. Mr. President, on Thursday, April 16, 1789, this was the rule of the Senate:

VIII. While a question is before the Senate no motion shall be received, unless for an amendment, for the previous question, or for postponing the main question, or to commit it, or to adjourn.

IX. The previous question being moved and seconded, the question from the Chair shall be: "Shall the main question be now put?"

I think the time has come to restore this venerable rule of the United States Senate, and to have a cloture in the Senate; to have the previous question.

The Senate of the United States has lost in large measure the respect of the people of the United States and of Senators on this floor by the abuse of the privilege of free speech in this body. I wish to enter my protest against the continuance of the custom which permits unending debate upon any question. I wish to enter my emphatic dissent from the practice of the Senate.

Last summer I called attention to this matter and introduced a proposed modification of the rule, establishing the previous question in the Senate, or at least permitting the Senate, by a vote of the majority of its Members, to terminate at some time any question before the Senate. The matter of unanimous

consent which is in vogue in this body has the effect of denying to the majority of the Senate the right to conduct the affairs of the Senate. It permits any bill or any number of bills to be used for the purpose, or at least with the effect, of killing time ad libitum; and in that way the majority is excluded from discharging its obligations to the people of the United States.

The Democratic Party, although in nominal control of this body, is absolutely unable to carry out its pledges to the people of the United States because of the obstruction of the business of this body by unlimited debate, a debate to which nobody listens. Senators rise on this floor and talk for hours—

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator if a cloture rule requiring him to address himself to the subject before the Senate would not preclude him from making his present speech?

Mr. OWEN. It would; and it would preclude the Senator from Georgia from making many speeches he has delivered on this floor.

Mr. SMITH of Georgia. I should like to have the Senator call attention to them.

Mr. OWEN. I will hunt through the Record and try to do so. If not, he is the only exception.

Mr. GALLINGER. Mr. President—  
The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. I had concluded what I wished to say.

Mr. GALLINGER. It would also have prevented the Senator from Oklahoma from filibustering for six or eight hours a little while ago to defeat a bill which the Senator did defeat.

Mr. OWEN. If the Senator is referring to the occasion when I objected to Arizona being kept out of the Union, I plead guilty. I will say to the Senator, moreover, that so long as our rules permit that kind of thing any Senator with sufficient resolution can do as he pleases on the floor of this body. I do not think it ought to be permitted. I am opposed to it for myself, and I am opposed to it for the Senator from New Hampshire.

Mr. GALLINGER. It is a matter of regret to some of us that the Senate has lost the reputation it formerly enjoyed in the estimation of the Senator from Oklahoma; and yet I apprehend the Senate will go along and transact its business exactly as it would have done if the Senator from Oklahoma had not read his lecture to the Senate to-day. There is no trouble about it. The Senator has offered his amendment to the rules, and I apprehend that the Senator will live to be as old as I am, at least, before it shall be adopted.

Mr. OWEN. Mr. President, I thank the Senator from New Hampshire for his lecture read to the Senator from Oklahoma; but I advise him that no amount of lecturing or hectoring on his part will abate one iota the opinion of the Senator from Oklahoma on this question.

I serve notice on the Senator, and on the Senate, too, that at some convenient time the unanimous consent in this body will be discontinued.

Mr. KENYON. Mr. President—  
The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Iowa?

Mr. OWEN. I have yielded the floor.  
Mr. KENYON. I wish to ask the Senator a question, if he pleases.

Mr. OWEN. I shall be glad to answer any question I can.  
Mr. KENYON. Where is the Senator's amendment now? What is the status of it?

Mr. OWEN. It is lying, as all matters of this kind lie, in the bosom of the committee.

Mr. KENYON. What does the Senator propose to do about it? I am very much in sympathy with his amendment, and I wish to support it. I wish to have an opportunity to vote on it. Why does not the Senator press it?

Mr. OWEN. Because of the hope that the matters which have so urgently pressed upon the attention of the Senate might be disposed of, and because that matter itself, under the rules of the Senate, would be made a subject of unlimited debate and would preclude the consideration of anything else at this time.

Mr. KENYON. I wish the Senator could get it in the program of work for the summer.

Mr. OWEN. If I were making the program, it would be the first on the list.

Mr. SMOOT. Mr. President, the Senator referred to the fact that the majority in this body could not control legislation, and complained that the time was wasted by unnecessary talk.

Mr. OWEN. Yes; there is no question whatever about it.  
Mr. SMOOT. Mr. President, to be perfectly honest in this matter, as far as the discussion of to-day is concerned, if the

Senator had been in the Chamber he would have known that the great majority of the time of this body has been taken by members of the majority party.

Mr. OWEN. Oh, well, this is the practice of the Senate, and Senators avail themselves of it; but it is a bad practice, and against the practice I enter my emphatic protest. There are many other Senators here who are silent now who realize as well as the Senator from Oklahoma the unwisdom of this rule, and the fact that it is impairing the standing of the Senate, and is degrading the Senate in the respect of the people of the United States.

Mr. GALLINGER. Mr. President, I have been a Member of this body for 23 years, and I do not recall a single important measure that has ever been before the Senate that has not been voted on, with one exception, and that was defeated by a Democratic filibuster.

I think we have attended to the business of the country diligently. We have debated questions of importance at great length, it is true; they needed such debate; but they have always been voted on, and a majority of the Senate has determined whether or not they should become laws.

I do not think the evil is so great as the Senator from Oklahoma imagines it to be. I feel quite sure that if we should adopt the rule that prevails in another body, where debate on these great questions is almost absolutely forbidden, we would live to rue the time when we made the change.

Mr. SMITH of Georgia. Mr. President, I rose to ask the Senator from Iowa at what hour it would suit him to-morrow morning to speak.

Mr. CUMMINS. Personally, one hour would suit me as well as another, but I see no reason for convening earlier than the usual time. There is no difficulty about this matter, Mr. President. If we will adhere to the subject before the Senate, we will finish the debate very soon.

Mr. SMITH of Georgia. What I wished to say was that if it would suit the Senator from Iowa, promptly after 11, I hope, although we can not make a unanimous-consent agreement this afternoon, the Senator from New York will move to take up the bill immediately after the approval of the Journal to-morrow, and that without taking any time for morning business to-morrow we may proceed with the unfinished business.

Mr. CUMMINS. I have no objection to convening at 11 o'clock and going forward immediately with what I have to say. We have a very important meeting of the Committee on Interstate Commerce at 10 o'clock to-morrow, which I feel I must attend. I hope there will be no effort made to convene the Senate before the usual time.

Mr. SMOOT. I wish to say to the Senator from Georgia that we have the matter in our own hands. We can object to anything outside of the routine morning business, and that will not take over 10 minutes in the morning. We can object to any consideration of outside matters.

Mr. SMITH of Georgia. Of course, one certain way to avoid it would be to take a recess until 11 o'clock to-morrow morning, and then have no morning hour.

Mr. BRISTOW. Mr. President, I desire to express my opinion, and I think it is the opinion of a great many Senators on this side of the Chamber. I do not speak for them except that I have heard expressions in conversation in the cloakroom. There is no desire on the part of anyone on this side, so far as I have had any conversation with Members, to delay a vote upon the tolls bill. The time that has been taken to-day has been taken by the majority. There has nothing been injected in this debate and no bill has been used upon the part of anyone on this side of the Chamber to delay the discussion. It seems to me if the majority want to keep the tolls bill before the Senate, so that we may consider it hour after hour, we will get to a vote, and those of us who attempt to attend to business faithfully will not be required to be here at unusual hours, either morning or evening.

So far as I am concerned, I do not want to put any obstacle in the way of a prompt disposition of this measure. I do not intend, if I can help it, to spend another summer in working day and night continuously with a program before us that will keep us here at least until October. I am willing to stay until October, if it is so decreed by those who are in control of the legislation of the country, but I am not willing to spend unusual hours so as to impair my health and the health of other Members of this body.

Mr. SIMMONS. Mr. President, I wish to say in reply to the Senator from Kansas [Mr. Bristow] that I think I know the feeling of Members on this side and on the other side, too. There seems to be a feeling on both sides of the Chamber unusually strong that we should get to a vote upon this question as speedily as possible. I do not believe there is any disposition

on either side to filibuster. For what has happened to-day the gentlemen who have participated are solely responsible, and I do not think it has been done by them with any view to postponing the vote upon the tolls bill, although it has had that effect.

I wish to give notice that if some other Senator does not do so, immediately after the reading of the Journal to-morrow I shall object to the consideration of any measure except the tolls bill.

Mr. O'GORMAN. In order to insure expedition in the consideration of the tolls bill to-morrow, I move that the Senate take a recess until 11 o'clock to-morrow, at which time the Senator from Iowa will be permitted to proceed with his discussion.

Mr. OLIVER. Will the Senator from New York withhold that motion for a moment?

Mr. O'GORMAN. Yes.

Mr. OLIVER. Inasmuch as evidently no business will be transacted to-morrow except in connection with the tolls bill, I wish to say that after to-morrow I shall be compelled to be away for at least 10 days, and I wish to ask unanimous consent for the present consideration of House bill 14242. It is a bill to increase the cost of the public building at Harrisburg, and one in which our people are greatly interested. It is a House bill and has been favorably reported from the Committee on Public Buildings and Grounds of the Senate.

Mr. O'GORMAN. I yield for that purpose.

PUBLIC BUILDING AT HARRISBURG, PA.

Mr. OLIVER. I ask the Senate to proceed to the consideration of the bill (H. R. 14242) to increase the limit of cost for the erection and completion of the United States Federal building at Harrisburg, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to so amend the provision in section 2 of the public-building act of June 25, 1910, for the enlargement, extension, remodeling, or improvement of the post office and courthouse at Harrisburg, Pa., as to increase by \$75,000 the limit of cost fixed by that act for the work; and the Secretary of the Treasury is authorized to enter into contracts for the completion of the enlargement, extension, remodeling, and improvement of the building within the limit of cost as hereby extended.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS.

Mr. O'GORMAN. I move that the Senate take a recess until 11 o'clock a. m. to-morrow.

Mr. BRISTOW. Let me suggest to the Senator from New York that a single objection will prevent any delay at all by reason of the morning business. A Senator can not make a speech or do anything else that will consume time except by unanimous consent, and it is in the power of the Senator from New York to object.

Mr. SMITH of Georgia. There are resolutions coming over upon which Senators will have a right to speak.

Mr. O'GORMAN. Unless the Senator from Kansas has some business that he thinks ought to be presented to-morrow morning, I believe the wiser course is simply to take a recess, so that as soon as we convene the consideration of the tolls bill may be resumed.

Mr. BRISTOW. I have no desire to open up any debate upon resolutions that are pending. There is routine business that comes in which sometimes ought to be attended to at once. I will make no objection to the motion of the Senator.

Mr. O'GORMAN. Very well. I move that the Senate take a recess until 11 o'clock a. m. to-morrow.

The motion was agreed to; and (at 6 o'clock and 6 minutes p. m.) the Senate took a recess until to-morrow, Saturday, June 6, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 5, 1914.

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

Rev. Ulysses G. B. Pierce, D. D., of All Souls Church, Washington, D. C., offered the following prayer:

Our Father who art in heaven, ere we turn to the labors to which Thou hast called us, we pause to acknowledge Thy goodness and to implore Thy guidance. Grant, we humbly pray Thee, that this day we may so labor as to receive the benediction of Thy favor. And as we ask Thy grace so do we render to Thee all glory now and forevermore. Amen.

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

LEAVE OF ABSENCE.

The Clerk read as follows:

CAMDEN, N. J., June 4, 1914.

Hon. CHAMP CLARK,  
Speaker House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I met with an accident last week; I had a fall and broke two bones in my hand, and I am practically helpless. I would respectfully request that I be granted leave of absence indefinitely, or until I recover the use of my hand.

Yours, very truly,

WM. J. BROWNING.

The SPEAKER. Without objection, the request is granted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 3334. An act authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass.

The message also announced that the Senate had passed joint resolution and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 155. Joint resolution to remit, under certain conditions and for the year 1914, the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act in cases where said returns are completed by June 1, 1914; and

S. 4522. An act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906.

The message also announced that the Vice President had appointed Mr. PAGE and Mr. LANE members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the War Department.

NATIONAL STAR-SPANGLED BANNER CENTENNIAL CELEBRATION.

Mr. LINTHICUM. Mr. Speaker, I ask to take from the Speaker's table Senate joint resolution 148.

The SPEAKER. The gentleman from Maryland asks to take from the Speaker's table Senate joint resolution 148, there being one of similar tenor on the House Calendar. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 148) authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

Resolved, *etc.*, That the President be, and he is hereby, authorized to extend invitations to foreign Governments to be represented by their accredited diplomatic agents to the United States at the National Star-Spangled Banner Centennial Celebration to be held at the city of Baltimore, Md., in September of the year 1914: *Provided*, That no appropriation shall be granted by the United States for expenses of delegates or for other expenses incurred in connection with said invitation.

The joint resolution was ordered to be read a third time, was read the third time, and passed; and House joint resolution 209 of similar tenor was laid on the table.

SPEECH OF HON. PATRICK H. KELLEY, OF MICHIGAN.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting an address by my colleague, Hon. PATRICK H. KELLEY, of Michigan.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] asks unanimous consent to extend his remarks in the Record by printing a speech by his colleague, Gov. KELLEY. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS IN THE RECORD.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a dispatch that was carried in the papers yesterday relative to whether the Monroe doctrine is in danger of being superseded by some other doctrine by the mediators at Niagara Falls.

The SPEAKER. The gentleman from Ohio [Mr. Fess] asks unanimous consent to extend his remarks in the Record by printing a dispatch that was in the papers yesterday to ascertain whether the Monroe doctrine is still extant or whether we are going to have a new doctrine. [Laughter.] Is there objection?

Mr. BARNHART. Mr. Speaker, being a newspaper man and believing everybody in the United States reads the newspapers and that they have read this article, I shall object.

The SPEAKER. The gentleman from Indiana objects.

I think favoritism a mistaken policy of government, the breeding ground of jealousy and hate. The teachings of the great Virginia sage and father of our country still ring true to the spirit of our institutions. No matter what the President says, the world is not united against us on this matter. I indorse all that was said the other day by my honored friend from Iowa [Mr. CUMMINS]. I do not believe there is on record with the President of the United States a protest from any Government in the world against our policy at Panama, except the half-hearted and weak protest which Mr. Innes made in behalf of Great Britain, largely because he was asked to do it by the premier of Canada.

Mr. CUMMINS. Mr. President—

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

Mr. SMITH of Michigan. Certainly.

Mr. CUMMINS. The Senator from Michigan does not quote me with absolute accuracy.

Mr. SMITH of Michigan. I did not mean to quote the exact words of the Senator.

Mr. CUMMINS. I said that I knew of no protest from any nation, including Great Britain, challenging our right to exempt our coastwise traffic from the burden of tolls through the Panama Canal. There is a very emphatic protest against our right to give the President authority to discriminate in favor of our foreign shipping.

Mr. SMITH of Michigan. Mr. President, that is the statement I desire to approve. If there is any such protest I think we ought to have it. We are entitled to have it. The Vice President and the Speaker of the House were entitled to it. The Committee on Foreign Relations were entitled to it.

I do not think, however, that England contemplated quarreling with us over the tolls matter. I think she was asked to do this by Canada. It is a singular thing, but it is the truth, that Mexico upon our south and Canada upon our north—Mexico with probably fourteen or fifteen million people and Canada with nearly 10,000,000 people—are exercising more influence over the internal affairs of the United States of America than the rest of the world.

The other day I interrupted the Senator from Oregon [Mr. CHAMBERLAIN] and stated my impression that Canada had initiated this entire proceeding, and now I am going to give the reason for the charge.

I quote from a cable:

London, July 4, 1912—

We passed that law on August 24, 1912.

PREMIER BORDEN IN LONDON—THREE CANADIAN MINISTERS WITH HIM—MUCH INTEREST IN THE VISIT.

LONDON, July 4, 1912.

Robert L. Borden, the Canadian premier, with his colleagues, J. D. Hazen, minister of marine; C. J. Doherty, minister of justice; and L. P. Feltner, postmaster general, arrived here this afternoon.

Mr. Borden is the most heralded colonial visitor to come to London for years. The press and public are making much of his pronouncement, "I stand for a great navy," which is interpreted to mean that Canada is prepared to make a handsome contribution to the British Navy in the shape of two more dreadnaughts. \* \* \* Among the many subjects to be discussed between the Canadian statesmen and the British Government is the proposal of the Senate committee in Washington that no ship owned by a railroad shall be allowed to use the Panama Canal.

Before returning to Canada Mr. Borden intends to visit Paris to discuss trade relations with the French Government, and the question of steamship connection between Canada and France.

[From the New York Times, Friday, July 5, 1912.]

ENGLAND ASKS CANAL BILL DELAY—REQUESTS THAT LEGISLATION BE HELD UP PENDING A FORMAL NOTE—MAY OBJECT TO TOLLS—ACTION SAID TO BE UNPRECEDENTED—BILL EXPECTED TO PASS AT THIS SESSION.

WASHINGTON, July 10, 1912.

\* \* \* The notification from the British embassy that there was a desire to have the matter considered diplomatically was received this afternoon by mail from Michell Innes, the chargé of the embassy, who is spending the summer at Kineo, Me. Mr. Huntington Wilson, the Acting Secretary of State, promptly sent a note to Senator BRANDEGEE, chairman of the Senate Committee on Inter-oceanic Canals, informing him of the new turn in Panama Canal affairs, and submitted to him preliminary as he had received it the request of the British Government.

The canal bill is now before Mr. BRANDEGEE'S committee and has the prospect of prompt consideration and a favorable report within a very few days. The British request came probably just in the nick of time, if it is to have the effect of delaying consideration. \* \* \* It is a fair guess that study of the question has tended to satisfy the British diplomats that the case is not a foregone conclusion for the British contention, and the best way to hold ground is to take it early in the game by a protest, even at the risk of the charge of interfering in our internal affairs.

[From the New York Times, Thursday, July 11, 1912.]

ENGLAND A MEDDLER IS WASHINGTON VIEW.

WASHINGTON, D. C., July 11, 1912.

\* \* \* It is understood that Ambassador Bryce discussed the matter of canal tolls with Count Bernstorff, the German ambassador, and Mr. Jusserand, the French ambassador, several months ago. (Afraid of California interference with West India fruit railroad ship has provoked the opposition of Great Britain.)

[From the New York Times, Friday, July 12, 1912.]

LONDON, July 12, 1912.

London Times editorial says submit to arbitration. Morning Post editorial commenting on the same subject hopes that the British Government will stand firm in defense of the shipping interest of the Empire.

LONDON, Friday, July 12, 1912.

There are other points, however, about which the British foreign office, through the embassy at Washington, has addressed the United States Government; and since the arrival here of the Canadian premier, Mr. Borden, the question of the regulations in regard to steamers owned by railroads has been taken up; Canada has protested to the home Government on the ground that these regulations are inimical to her interest.

Senators, Senators, has it come to the point where our nearest neighbor on the north is to dictate our relations with England? We have always been kind to Canada. We have always been indulgent with her. She is our neighbor. I live near her border. In the name of all that is good, however, are they to influence England's course toward us? Must all our relations revolve around Canada?

O Senators, Senators, is it possible that we must now back somersault for the edification of the diplomatic world? We were asked to submit to arbitration, yet with hot foot Senators would have us hastily do the Executive will.

Mr. TOWNSEND. Will my colleague yield to me for a moment?

Mr. SMITH of Michigan. Certainly.

Mr. TOWNSEND. In connection with what my colleague is saying it might be well to understand also that at the time the bill of 1912 was being considered by the Senate Committee on Inter-oceanic Canals a representative of the Pacific Mail Co., which is owned by the Union Pacific Railroad Co., was before that committee most of the time. He was contending against the provision that would prevent railroad-owned boats going through the canal. After it was determined that the provision was going to be included in the bill he is reported to have gone to Canada and from there to England, and a statement was circulated that he was in that country at the time this contest over the Canadian Pacific Railroad was presented to Great Britain.

Mr. SMITH of Michigan. I am obliged to my colleague. He has contributed a most valuable piece of historical information at this point, and I thank him for it. The London Times says, "Submit to arbitration"; administration Senators say, "Pass the bill"; while distinguished Senators who sympathize with England put their propaganda before the British public.

Our tolls are so generous that the income will barely pay the annual expense of operation, while Great Britain imposes tolls for the use of the Suez Canal sufficient to pay the expense of operation and large dividends to the stockholders, of which she is the principal one. French money built the Suez Canal, but on its completion English money held control and dominated it.

Mr. CUMMINS. Mr. President—

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

Mr. SMITH of Michigan. Certainly.

Mr. CUMMINS. In connection with the statement just made by the junior Senator from Michigan [Mr. TOWNSEND], it ought not to be forgotten that in Lord Grey's letter, which fully developed the British position, he said:

I assume that the provision in the canal act excluding railroad-owned or railroad-controlled ships from the canal does not apply to the Canadian railroads.

Mr. SMITH of Michigan. When?

Mr. CUMMINS. That happened in November, I think, 1912. "If that part," said he, "of the act does apply to Canadian railroads, Great Britain will have something more to say to the United States." I recall that to the attention of the Senator from Michigan to ask him whether, in his opinion, if he has given study to the question, that part of the act does apply to the Canadian railroads, and to remind him of what I said the other day about it, that there is no question but that the Canadian Pacific and the Grand Trunk Railroads are both described by the bill.

Mr. SMITH of Michigan. There is some doubt about the meaning of the law; other Governments do not accept the Senator's interpretation.

Now, see what we have done. We have forbidden American railroad-owned vessels from going through the canal, have we not? Did the Senator vote for it? We have allowed railroad-owned vessels under the British flag to go through the canal. There is not a Grand Trunk or a Canadian Pacific Railroad owned vessel that can not pass through that canal under the law as it now stands. In other words, it makes a great deal of difference whether the railroad-owned boat flies the British flag or the American flag. We may keep our commerce from the enjoyment of unrestricted privileges at Panama, but we can

not enforce the same rule against railroad boats owned in England, Germany, or France. There is no law on the statute books—one can not be passed—which will reach a railroad-owned vessel under a foreign flag. What becomes of equality of treatment among your customers when you can do that? The Canadian Pacific and the Grand Trunk may send their ships through this canal at pleasure, but American railroad-owned vessels must continue to go around Cape Horn.

Mr. O'GORMAN. Mr. President—

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

Mr. SMITH of Michigan. I do.

Mr. O'GORMAN. The Senator has now spoken for several hours and has not quite completed his observations. I understand it is the desire to occupy a brief time with an executive session.

Mr. SIMMONS. Will the Senator from New York yield to me for a moment?

Mr. O'GORMAN. Yes.

Mr. SIMMONS. I desire to perfect the amendment which I offered to-day so that it may appear in the Record in its perfected form. There is a mistake in the amendment. I had it ratified, speaking of the treaty of the 18th of November, 1901. That was the day when it was signed in duplicate. It should read ratified the 21st day of February, 1902, and between the word "to" and the word "exempt" I wish to add "discriminate in favor of its vessels by exempting."

Mr. GALLINGER. The Senator will have the amendment printed?

Mr. SIMMONS. I am offering it so that it may be printed in its perfected form.

The PRESIDING OFFICER. The correction suggested by the Senator from North Carolina will be made, and the amendment as modified will be printed.

Mr. SIMMONS's amendment as modified is as follows:

*Provided*, That the passage of this act shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain, ratified the 21st day of February, 1902, or otherwise to discriminate in favor of its vessels by exempting the vessels of the United States or its citizens from the payment of tolls for passage through said canal, or as in any way waiving, impairing, or affecting any right of the United States under said treaty, or otherwise, with respect to the sovereignty over or the ownership, control, and management of said canal and the regulation of the conditions or charges of traffic through the same.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield the floor?

Mr. SMITH of Michigan. No; I do not yield the floor.

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

Mr. WILLIAMS. Has the Senator from Michigan yielded the floor?

Mr. SMITH of Michigan. I do not yield the floor, but I would do so for a recess or an executive session. I am tired, and if I may be permitted to resume my remarks in the morning, I shall not take long. I would prefer to do that.

Mr. WILLIAMS. Mr. President, we have had about three weeks of this debate, and it is about time that we were getting through with it somehow.

Mr. SMITH of Michigan. I will not finish until to-morrow, Mr. President. I have the floor.

Mr. WILLIAMS. I thought the Senator had yielded the floor. If so, while on my feet—

Mr. SMITH of Michigan. If the Senator wants me to go ahead, I will proceed.

Mr. WILLIAMS. I wish to make a few remarks in response to some of the historical references—

Mr. SMITH of Michigan. All right; the Senator can do that to-morrow.

Mr. WILLIAMS. I do not see any reason for taking a recess in order that either one of us may speak.

Mr. SMITH of Michigan. I will go ahead to-night if the Senator wants me to proceed.

Mr. WILLIAMS. I would rather agree with the Senator that we shall vote.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. SMITH of Michigan. I thought I was to yield for the purpose of an executive session.

Mr. SHIVELY. Do I understand that the Senator from Michigan does not desire to complete his speech this afternoon?

Mr. SMITH of Michigan. I did intend to complete it. If I am delaying Senators—

Mr. SHIVELY. I do not think there is any objection to the Senator concluding to-morrow.

Mr. SMITH of Michigan. I would prefer to finish my remarks to-morrow. I will not take a long time. If a short executive session or anything else is desired, I will yield the floor for that purpose.

Mr. O'GORMAN. I supposed a motion was to be made for an executive session. I wish to move that the Senate take a recess until to-morrow at 11 o'clock.

Mr. JONES. Will the Senator yield to me?

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. To whom does the Senator from Michigan yield, or does he yield the floor?

Mr. SMITH of Michigan. I will move that the Senate take a recess until to-morrow at 11 o'clock.

Mr. SHIVELY. Pending that, I move that the Senate proceed to the consideration of executive business.

Mr. OWEN. Mr. President, before that is disposed of, I move, as a substitute, that the Senate take a recess until 8 o'clock to-night.

Mr. WILLIAMS. I second the motion. I do not believe the motion is debatable; but it is time we were getting through with this measure, sometime, somehow.

Mr. SMITH of Michigan. I withdraw my motion.

The PRESIDING OFFICER. The Chair understands that the Senator from Indiana [Mr. SHIVELY] moves an executive session, and that has precedence over a motion for a recess.

Mr. WILLIAMS. I understood that the Senator from Oklahoma had moved that we take a recess until 8 o'clock this evening.

The PRESIDING OFFICER. The motion for an executive session has precedence over a motion for a recess.

Mr. OWEN. I understood that the Senator from Indiana [Mr. SHIVELY] made his motion subject to the disposition of the previous motion.

Mr. SHIVELY. I did not. I said pending that motion I would move an executive session.

Mr. GALLINGER. Regular order!

The PRESIDING OFFICER. The regular order is demanded.

Mr. SMITH of Michigan. Mr. President, a parliamentary question. I desire to give notice that if the motion of the Senator from Indiana is adopted I shall expect to proceed briefly with my remarks to-morrow morning.

The PRESIDING OFFICER. The Senator from Michigan has the floor and the Chair will recognize him to conclude his remarks when the bill comes up to-morrow.

#### EXECUTIVE SESSION.

Mr. SHIVELY. I ask for a vote on my motion.

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate proceed to the consideration of executive business.

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

#### PETITIONS AND MEMORIALS.

Mr. KERN presented petitions of sundry citizens of Solisbury and Newark, in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Indianapolis, Fort Wayne, and Terre Haute, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Burlington, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

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

Mr. WEEKS presented a petition of the Board of Aldermen of Malden, Mass., and a petition of the City Council of North Adams, Mass., praying for the enactment of legislation to grant pensions to civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. OWEN presented petitions of sundry citizens of Cushing, Lawton, Avar, Crescent, Tulsa, and McAlester, all in the State of Oklahoma, praying for national prohibition, which were referred to the Committee on the Judiciary.

#### PURCHASE OF STATUE OF GEORGE WASHINGTON.

Mr. LEA of Tennessee, from the Committee on the Library, to which was referred the bill (S. 5429) for the purchase of two bronze copies of the original marble portrait statue of George Washington, reported it without amendment and submitted a report (No. 585) thereon.

## PENSION APPROPRIATIONS.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 15280) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1915, and for other purposes, submitted a report (No. 586) thereon.

## BILLS INTRODUCED.

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

By Mr. BANKHEAD:

A bill (S. 5759) for the relief of James Keith, jr., administrator (with accompanying papers); to the Committee on Claims.

By Mr. THOMAS:

A bill (S. 5760) granting an increase of pension to Elizabeth McKeever (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 5761) to open for immediate homestead entry all remaining Government lands within the former Flathead Indian Reservation, in the State of Montana, opened to settlement under the act of Congress of April 23, 1904; to the Committee on Public Lands.

By Mr. RANSDALL:

A bill (S. 5762) to prevent unlawful restraint of trade; to the Committee on Interstate Commerce.

A bill (S. 5763) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service; to the Committee on Public Health and National Quarantine.

By Mr. OWEN:

A bill (S. 5764) to correct the military record of William Pearson (with accompanying papers); to the Committee on Military Affairs.

## LABOR TROUBLES IN COLORADO.

Mr. OWEN. I introduce a joint resolution providing for the appointment of a commission to settle the labor disturbances in the State of Colorado, which I ask may be read twice by its title and referred to the Committee on Interstate Commerce.

Mr. THOMAS. I object, Mr. President, to the second reading and to the reference of the joint resolution. I ask that it may go over until to-morrow.

The PRESIDING OFFICER. The joint resolution will lie over.

## AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. OWEN submitted an amendment proposing to appropriate \$25,000 for an exhibit at the Panama-Pacific International Exposition of such articles, materials, and processes as may illustrate the progress of the Nation in the practice of hygiene and the art of sanitation, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. RANSDALL submitted an amendment proposing to appropriate \$12,000 for the purpose of constructing a new wharf at the New Orleans (La.) quarantine station, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

## RURAL CREDIT IN GERMANY.

Mr. JONES. I ask to have referred to the Committee on Printing for publication as a Senate document an address delivered by Ralph Metcalf, State senator and executive commissioner for the State of Washington of the American commission, before the Sixth Annual Convention of the Farmers' Educational and Cooperative Union of America, Division of Washington and Idaho, at Spokane, May 26, 1914. The address relates to agricultural problems of the United States and Europe, and so forth.

The VICE PRESIDENT. Without objection, the matter will be referred to the Committee on Printing.

## RECESS.

Mr. O'GORMAN. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, June 9, 1914, at 11 o'clock a. m.

## NOMINATIONS.

*Executive nominations received by the Senate June 8, 1914.*

*(Legislative day of June 5, 1914.)*

CHIEF JUSTICE OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

J. HARRY COVINGTON, of Easton, Md., to be chief justice of the Supreme Court of the District of Columbia, vice Harry M. Claiborne, deceased.

## UNITED STATES ATTORNEYS.

Perry B. Miller, of Morganfield, Ky., to be United States attorney for the western district of Kentucky, vice George Du Relle, resigned.

Clarence Merritt, of McKinney, Tex., to be United States attorney for the eastern district of Texas, vice James W. Ownby, whose term expires July 1, 1914.

## UNITED STATES MARSHAL.

Otho T. Wood, of Liberal, Kans., to be United States marshal, district of Kansas, vice John R. Harrison, removed.

## APPOINTMENTS IN THE ARMY.

## MEDICAL RESERVE CORPS.

*To be first lieutenant with rank from June 4, 1914.*

Otto Joe Cook, of Texas.

Alexander Lambert, of New York.

George Henry Richardson, of California.

Miley Barton Wesson, of Texas.

Udo Julius Wile, of Michigan.

## PROMOTIONS AND APPOINTMENT IN THE NAVY.

Lieut. Lewis Cox to be a lieutenant commander in the Navy from February 21, 1914.

Lieut. (Junior Grade) Joseph S. Evans to be a lieutenant in the Navy from March 10, 1914.

The following-named ensigns to be lieutenants (junior grade) in the Navy from June 5, 1914.

William W. Smith,

Harold T. Smith,

Gerard Bradford,

Benjamin V. McCandlish,

Alan G. Kirk,

Levi B. Bye,

Francis W. Scanland,

Joel W. Bunkley,

Leo L. Lindley,

Monroe Kelly,

Alfred L. Ede,

George K. Stoddard,

Charles H. Morrison,

Paul H. Rice,

Charles E. Reordan,

Virgil J. Dixon,

Franklin Van Valkenburgh,

Eugene M. Woodson,

James S. Spore,

Mark C. Bowman,

Ralph G. Haxton,

James M. Doyle, and

Ewart G. Haas.

Albert J. A. Hamilton, a citizen of Massachusetts, to be an assistant surgeon in the Medical Reserve Corps of the Navy from June 1, 1914.

The following-named assistant paymasters with rank of ensign to be assistant paymasters in the Navy with rank of lieutenant (junior grade) from June 5, 1914:

Arthur H. Mayo,

William Gower,

Thomas Cochran, and

Frederick C. Bowerfind.

Pharmacist Maury D. Baker to be a chief pharmacist in the Navy from April 17, 1914.

Ensign Henry G. Cooper, jr., to be a lieutenant (junior grade) in the Navy from the 5th day of June, 1914.

The following-named midshipmen to be ensigns in the Navy from the 6th day of June, 1914:

Edward Ellsberg.

Edward L. Cochrane.

Noel Davis.

Robert W. Ferrell.

Warner W. Bayley.

George C. Manning.

Donald Royce.

Fred E. Pelton.

Adrian R. Marron.

Carl H. Jones.

John N. Laycock.

Conrad D. Fry.

Charles B. C. Carey.

Gordon W. Nelson.

Henry P. Samson.

Joseph L. McGuigan.

Carleton F. Bryant.

William J. Larson.

Fred M. Earle.

Alfred P. H. Tawrescy.

Thomas N. Vinson.  
 John H. Buchanan.  
 Herman A. Spanagel.  
 Joseph R. Redman.  
 Frank L. Lowe.  
 Franklin G. Percival.  
 Theo D. Westfall.  
 K. P. Gilchrist.  
 Theodore D. Ruddock, jr.  
 Zeno W. Wicks.  
 Andrew H. Addoms.  
 Albert G. Berry, jr.  
 James D. Black.  
 George B. Wilson.  
 William H. Porter, jr.  
 William K. Harrill.  
 Sherrod H. Quarles.  
 John I. Hale.  
 Alfred H. Balsley.  
 Greene W. Dugger, jr.  
 Charles D. Swain.  
 Edmund W. Burrough,  
 Albert H. Rooks.  
 George F. Neiley,  
 Russell E. Perry.  
 Byron E. Ralston,  
 Stanley L. Wilson,  
 Herbert J. Ray,  
 Charles E. Rosendahl,  
 John G. Moyer,  
 Robert W. Hayler,  
 Bert F. Clark.  
 Theodore W. Sterling,  
 Archibald N. Oiley,  
 Richard L. Conolly,  
 William A. Corn,  
 Thomas L. Nash,  
 Edwin T. Short,  
 William A. Teasley,  
 John B. W. Waller,  
 Arthur E. Wills,  
 Robert L. Vaughan,  
 Homer L. Ingram,  
 Thomas J. Doyle, jr.,  
 Alexander R. Early, jr.,  
 Charles F. Martin,  
 Vincent A. Clarke, jr.,  
 Kemp C. Christian,  
 Philip W. Yeatman,  
 James A. McCown,  
 Samuel G. Moore,  
 William J. Hart, jr.,  
 John L. Vaiden,  
 Swift Riché,  
 George Marvell.  
 Benjamin H. Page,  
 Frank J. Cunneen,  
 Allan W. Ashbrook,  
 Raymond A. Deming,  
 Charles T. S. Gladden,  
 Benjamin S. Killmaster,  
 Robert A. Dyer, 3d,  
 Raymond S. Hatch,  
 James E. Boak,  
 William A. Heard,  
 Charles H. Mecum,  
 George T. Howe,  
 Rudolph F. Hans,  
 Simson C. Stengel,  
 Wilder DuP. Baker,  
 Julius M. Moss,  
 Boleslaw L. Dombrowski,  
 Robert S. Wyman,  
 Lewis H. McDonald,  
 Ervine D. Peck,  
 Thomas F. Downey,  
 Horace H. Jalberty,  
 George S. Arvin,  
 Foster C. Bumpus,  
 Harold J. Nelson,  
 William C. Borge,  
 Frank P. Thomas,  
 Ralph O. Davis,  
 Francis K. O'Brien,  
 Sifrein F. Maury,

Martin Griffin.  
 Marion Y. Cohen,  
 William F. Roehl,  
 Malcolm W. Callahan,  
 Thomas C. Slungluff,  
 Donald F. Washburn,  
 William S. Popham, jr.,  
 Frederick D. Powers,  
 Robert H. Maury,  
 Thomas C. Latimore, jr.,  
 Robert W. Cary, jr.,  
 Karl R. Shears,  
 Lloyd J. Wiltse,  
 Leon O. Alford,  
 Lawrence J. K. Blades,  
 Henry W. Hoyt,  
 Robert C. Starkey,  
 William DeW. Austin,  
 Joseph C. Arnold,  
 Philip R. Weaver,  
 Charles A. Macgowan,  
 Robert P. Luker,  
 Clarence J. McReavy,  
 Oliver O. Kessing,  
 John F. Moloney,  
 Delorimier M. Steece,  
 Wallis Gearing,  
 William K. Beard,  
 Paul Fitzsimons, jr.,  
 Charles F. Angel,  
 John H. Brown, jr.,  
 William D. Bungert,  
 Lewis J. Stecher,  
 Malcolm L. Worrell, and  
 Ralph G. Pennoyer.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate June 8, 1914.  
 (Legislative day of June 5, 1914.)*

## UNITED STATES MARSHALS.

McDuffie Cain to be United States marshal for the middle district of Alabama.  
 Vincent Y. Dallman to be United States marshal for the southern district of Illinois.

## POSTMASTERS.

## ALABAMA.

William M. Head, Ozark.

## NEW JERSEY.

George H. Abel, Haddon Heights.

## NEW YORK.

Owen J. Burns, Clinton.

Albert R. Kessinger, Rome.

C. Gordon Simmons, Vernon.

George H. Steele, Oriskany.

## VERMONT.

W. H. Boardman, Charlotte.

## HOUSE OF REPRESENTATIVES.

*MONDAY, June 8, 1914.*

The House met at 12 o'clock noon.  
 Rev. James F. Mackin, pastor of St. Paul's Church, Washington, D. C., offered the following prayer:  
 In the name of the Father, the Son, and the Holy Ghost,  
 Amen.

Our Father, the Father of all, of the Jew and the Gentile; our Father who art in heaven, which we hope will one day be our home, hallowed be Thy name. We pray Thee, O God of might, wisdom, and justice, through whom authority is rightly administered, laws are enacted, and judgment decreed, assist with Thy Holy Spirit of counsel and fortitude the Members of this Congress; let the light of Thy divine wisdom direct their deliberations and shine forth in all the proceedings and laws framed for our rule and government, so that they may tend to the preservation of peace, the promotion of national happiness, the increase of industry, sobriety, and useful knowledge, and may perpetuate to us the blessings of equal liberty; through Christ our Lord. Amen.

The Journal of the proceedings of Saturday, June 6, was read and approved.



ever you take from all the people and give to a particular class, and especially if that class is a monopoly and does not need it, and is very rich, why, of course, that is Americanism; and gentlemen who do not do that must forever wear the brand of yielding cowardlike to Great Britain.

Mr. MARTINE of New Jersey. Mr. President—

Mr. JAMES. I am delighted to yield.

Mr. MARTINE of New Jersey. I can not resist stating to the Senator from Kentucky that I think he, in common with the greater part of the Senators from the South, voted for a subsidy to eradicate the cotton boll weevil, and some of the rest of us were duped into voting for it, too. Now, "acknowledge the corn." You did it in your interest—

Mr. JAMES. Mr. President, I have never heard the question of a subsidy raised; have never seen an attempt to take the public money and give it to a monopoly as a subsidy advocated by anybody in this Chamber when it was assailed that they did not talk about the cotton boll weevil.

Mr. MARTINE of New Jersey. Call it what you may, it is much of the same character, according to your idea.

Mr. JAMES. Oh, Mr. President, happily I can see a difference between taking a couple of million dollars a year out of the Public Treasury and ramming it into the pockets of a monopoly owned by a lot of very rich people up on the coast of New England and in New York, and appropriating a sum of money to try to eradicate the boll weevil that is destroying all the cotton of the toiling farmers, who wring from the earth under the sunny skies of Dixie that product which keeps the balance of the world's trade in our favor. Bless your soul, Senator, if you do not see any difference between those two things, your Democratic education has been sadly neglected. [Laughter.]

The PRESIDING OFFICER. The Senate and the galleries must be in order.

Mr. MARTINE of New Jersey. Mr. President, my education in the cause of Democracy has been at a shrine as pure and holy as that of the Senator from Kentucky. I say it is well for the Senator to defend his side of the question in breaking up a Democratic platform, but call it "subsidy" or whatever else you may, it is of the same kin and character as the illustration to which I have referred.

Mr. JAMES. Mr. President, I am perfectly content with my position. I am willing to account to the great people of Kentucky; and when the Senator from New Jersey speaks of the Democratic platform, to which one of the three planks does he refer—the two against subsidy or the doubtful one in favor of it? Whatever I may do about construing Democratic platforms, no President of my party will ever have me standing with the enemy firing upon him when he is fighting the greatest battle that was ever fought in favor of human rights and in the interests of the great mass of the American people.

Mr. OWEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Oklahoma?

Mr. JAMES. I yield.

Mr. OWEN. Will the Senator from Kentucky permit me a moment to call his attention to the fact that the Democracy in not a single one of the 48 States authorized this subsidy to be put into the Democratic platform?

Mr. JAMES. Why, certainly not, Mr. President. You could not get 50 in a Kentucky Democratic convention of a thousand delegates to advocate a subsidy. It is antagonistic to the whole history and the whole teaching of the Democratic Party from beginning to end.

Mr. MARTINE of New Jersey. No; and you could not have got 50, I believe, in all the States of the Union that would have voted to expend money for the building of the Panama Canal, at a cost of \$400,000,000, had they known that this was to be at a cost of \$400,000,000, had they known that this was to be the policy of the United States Senate.

Mr. JAMES. Why, Mr. President, that is just where the Senator from New Jersey is in error. After the people dug the canal, at a cost of \$400,000,000 to the taxpayers, then you take your ships there and say: "Here, take charge of us now; run us through. It will cost you on an average of \$3,000 per ship, but you take us and run us through." Why do you not send the Government wagons out to the farmers in this country and haul their products to town free of charge. It would be just as fair as it is to haul the ships of monopoly through the canal without any charge. Why do you not pay the laborer's way and from his daily toil? He needs it worse than this Rockefeller-Morgan-Wall Street monopoly does. But the worst of it all is you take from the farmer and the laborer and give to the monopoly.

Mr. MARTINE of New Jersey. The Senator would go backward. The same argument that he advances would establish toll gates on every highway in our land.

Mr. JAMES. Ah, Mr. President, after we have dug the canal, after the ships go up to it, then your monopoly is not satisfied with the great expenditure of money. We do not want any profit; we do not ask any interest on the money; we ask only that you pay your proportionate part of the work we do for you; that is all, and nothing more. It reminds me of the fellow down in my community who would not work, and after the neighbors had become tired of giving him this and giving him that, aiding him and feeding him, a few of the boys, in a spirit of devilry, one day said, "We will take this fellow, put him in a coffin, haul him to the graveyard, and bury him." They put him in the coffin and started with him to the graveyard, and as they were going along they met an old farmer with a load of corn, and he said, "Boys, who is dead?" They said, "Bill Jones." He said, "Is he dead?" They said, "No; but we are going to bury him anyhow." He said, "My goodness, you are not going to bury him alive, are you?" They said, "Why, certainly." He inquired why. They said, "Because he will not work. We have been giving him and giving him, and he will not do anything to support himself." The old man said, "Boys, do not do that; I will give him a load of corn." The fellow stuck his head out of the coffin and said, "Is it shelled?" The farmer said, "No." The man in the coffin said, "Drive on, then." [Laughter.] That is the way with the ship monopoly. After we have expended \$400,000,000 digging that canal for them, then they come to the canal and say, "You dug it for us; now put us through it."

My friend the distinguished Senator from Mississippi [Mr. VARDAMAN], always happy and eloquent in expressing himself, proceeded to tell us in that very elaborate and excellent discourse he made on this subject that President Wilson had signed the death warrant of the Democratic Party. Mr. President, I should have expected that prophecy from some one upon the other side—some of our Republican friends, but not from a Democratic Senator, especially from Mississippi. I have heard the funeral of the Democratic Party preached many times, but always from the other side. They have told us of the impending death of this party of Democracy which was born before the Constitution and has buried every party that has contended against it, and I want to say to the Senator from Mississippi that if it shall ever go to its grave, which God forbid, the hand that takes its life will do something more than sign a bill repealing a subsidy to a monopoly. Signing a bill repealing a special privilege to a monopoly will come as near killing the Democratic Party as proclaiming anew the Ten Commandments would in killing the Christian religion.

But, Mr. President, the Senator from Mississippi tells us that Root and Bryan are going hand in hand, side by side. Everybody nowadays takes a lick at Mr. Bryan, but under each blow which they deal him he grows in strength and in the love and the confidence of the American people. Root and Bryan side by side. What a powerful argument to drive the Democrats in favor of a subsidy. I, Mr. President, have always taken the position that I would not allow some one with whom I disagreed to select my position for me, and I would not allow the fact that Senator Root was in favor of repealing the subsidy to drive me from its support.

But if that powerful argument, so subtle and brilliant, is to have an effect, let me see with whom the distinguished Senator, my beloved friend from Mississippi, is associated. If companionship and comradeship in this struggle is to be the brand of infamy, behold the hero of Mississippi marching down to the good old State where the cotton blossoms, advocating this subsidy to this monopoly, upon one side of him the distinguished Senator GALLINGER and upon the other side of him the distinguished Senator SMOOT, and directly in front of him BORGES PENROSE, of Pennsylvania. [Laughter.]

Mr. GALLINGER. Mr. President—

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

Mr. JAMES. I yield.

Mr. GALLINGER. The Senator from Kentucky, Mr. President, honors me by calling me by name, contrary to the rules of this body.

Mr. JAMES. I withdraw that, Mr. President.

Mr. GALLINGER. But no matter about that, I simply rise—

Mr. JAMES. I meant no offense at all; I merely desired to put the Senator from Mississippi in good company.

Mr. GALLINGER. I simply rise to say, Mr. President, that the performance that is going on to-night is an illustration of "how good and how pleasant it is for brethren to dwell together in unity."

Mr. JAMES. And how good and how pleasant it is for that statement to come from one who has so recently dwelt in such harmony and unity with his own colleagues. [Laughter.]

But, Mr. President, I say if that argument is a good one now, I point to the fact that Senator VARDAMAN is following the leadership of Senators upon the other side of the Chamber and following a majority of the Republicans of this Chamber. I do not present that argument because it has any merit; I present it because I deem it a worthy and fit reply to the suggestion made by the Senator from Mississippi.

Speaking for the great Commonwealth of Kentucky, I rejoice to take my stand with President Wilson. Practically the men of that State of all parties and creeds are supporting him in this battle against subsidy. I delight in the thought that no monopoly can make our President surrender the people's money to it. No fake or false cry of "surrender" can drive him from the position that a Nation's honor must be as pure as the mothers' hearts who prayed, as clean as the fathers' hands who fought to create this great Republic to have it take its place among the nations of the earth. Mr. President, against the insolent demands of this monopoly for this subsidy I place the rights of every taxpayer in this Nation: those who by toll in the field and the forest, the shop and the factory pay the taxes that built this canal, pay the taxes that must operate and maintain it. In their interest I solemnly and emphatically insist that this great engineering feat shall not be made the vehicle upon which greed shall raid the Public Treasury and exploit our people.

Mr. President, the people of the United States of America demand the repeal of the tolls-exemption clause of the Panama Canal act; first, because it violates this Nation's honor; and, second, because it violates the best-known principle of popular government—equal rights to all and special privileges to none.

Mr. THORNTON. Mr. President, I do not propose to discuss any phase of this question that I mentioned in my address to the Senate on the 9th of May, but I wish briefly to allude to two points in connection with it which have been given prominence in the debate since that time.

Some Democratic Senators in this body who are opposed to the repeal of the exemption clause of the canal act lay great stress on the fact that a provision of the Baltimore convention declared in favor of the exemption of American vessels in the coastwise trade from the payment of tolls.

I think that I realize as much as any other party man the general obligation of observing the declarations contained in a party platform; but I wish to say, further, that the principle has its limitations. It is to be presumed that a plank in a platform is placed there by its framers because they suppose that the effect of it will be conducive to the general interest, and just so long as they are satisfied that that plank is conducive to the general interest they are justified in standing by that provision, but not one moment longer.

If it should become evident to the members of a political party after a declaration had been put in a platform that its effect would not be conducive to the public interest, it is their duty to the public not only to refrain from trying to carry it into effect, but if any steps have been taken to carry it into effect, then patriotism and public duty require that they should endeavor to undo what they have already done in that direction.

I have not the slightest idea, if the report of the House Committee on Merchant Marine and Fisheries, following their investigation of shipping combinations, and likewise the testimony taken recently before the Senate Interoceanic Canal Committee, had been known before the meeting of the Baltimore convention that the tolls-exemption plank would ever have gone into it.

At this time those who are satisfied from the investigation that has been made since and from the evidence that has been adduced which was not accessible before that that particular plank in the platform is wrong are justified in not insisting upon it, and would not be justified if they did not strive to repeal it to the extent of undoing anything that has already been done in the direction of putting it into effect. Nor have I the slightest idea that President Wilson, if that knowledge had been in his possession at the time he made that New Jersey speech, which has been so harped upon here by the Democratic as well as the Republican opponents of repeal, would have made it.

I know that I changed my position on the subject on account of this new evidence that was not accessible before; the knowledge brought to me that had not been and could not be brought to me before; and I assume that the President of the United States has just as much right as I have to change his opinion, based upon a sincere conviction that he was mistaken in the premises. I say that I honor him, I feel far more respect for him for the position he now occupies since he has discovered that his first position was wrong than if he had continued to maintain that position just because it was a part of the party platform.

To one who persists in a course which he had originally adopted because he thought it was right, and who still thinks it is right, can be applied the expression that "consistency is a jewel"; but to him who persists in a course that he has once adopted because he thought it was right, but now is convinced that it is wrong, can be applied the expression, "Consistency is the main virtue of fools."

I think that those Democrats in this body who are so much disturbed on account of the change of position of the President on this question since he made that New Jersey speech are very unduly disturbed, much more disturbed on account of it than the President himself is.

It has also been stated, with more or less dramatic effect, by Democratic Members of this body who are opposed to repeal that if this bill is passed it will mean the loss of power of the Democratic Party in the approaching elections; and if it shall happen that the party loses in the fall elections, or that its power is considerably decreased, they will most certainly claim that the effect was due to that cause, and in the nature of things it could not be proven that it was not so. I said in my address of the 9th of March that if the Democratic Party should be defeated in the approaching elections it would not be due to the passage of this bill, but to other causes; and, of course, if that contingency should happen, I would not be able, either, to prove the truth of my assertions. Even, however, if the party should be defeated for that reason, in my judgment, it is far better that it should be defeated on account of trying to uphold the right than succeed on account of trying to uphold the wrong, for I believe that in the ultimate outcome any political party will be benefited by an adherence to principle, rather than by a resort to expediency.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. TALBOTT of Maryland, and Mr. BUTLER managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM managers at the conference on the part of the House.

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution:

H. R. 14242. An act to increase the limit of cost for the erection and completion of the United States Federal building at Harrisburg, Pa.; and

S. J. Res. 143. Joint resolution authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

#### PETITIONS AND MEMORIALS.

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

Mr. GALLINGER presented a petition of sundry citizens of Concord, N. H., and a petition of the congregation of the First Baptist Church of Laconia, N. H., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for an appropriation for the construction of the San Carlos Dam, in Arizona, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a memorial of the Humboldt Chamber of Commerce, of Eureka, Cal., remonstrating against the passage of antitrust legislation at this session, which was referred to the Committee on Interstate Commerce.

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

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

of the late Lewis Bancroft from Glenwood Cemetery, District of Columbia, to Mantorville, Minn.; to the Committee on the District of Columbia.

By Mr. JOHNSON:

A bill (S. 5799) granting an increase of pension to John A. Patterson (with accompanying papers); and

A bill (S. 5800) granting an increase of pension to George W. Harding (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5801) granting a pension to J. H. Short; to the Committee on Pensions.

#### AMENDMENT TO APPROPRIATION BILLS.

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

Mr. OWEN submitted an amendment relative to the claims of the Ponca Tribe of Indians residing in Oklahoma and Nebraska, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. JOHNSON submitted an amendment proposing to appropriate \$900 for one stamp deputy at Portland, Me., intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to lie on the table and be printed.

#### OMNIBUS CLAIMS BILL.

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

#### RECESS.

Mr. O'GORMAN. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 10 o'clock and 20 minutes P. M., Wednesday, June 10) the Senate took a recess until to-morrow, Thursday, June 11, 1914, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 10, 1914.

The House met at 12 o'clock noon.

Rabbi Louis Stern, of the Eighth Street Temple, Washington, D. C., offered the following prayer:

We earnestly and reverently invoke Thy blessing, O Heavenly Father, upon this representative body, its Members and officers; and we ask Thy special blessing upon the Chaplain of this House, absent to-day, who for years, day after day, has so faithfully performed the sacred office here. We thank Thee for his fervent words of prayer, for the sanctifying impressions they have created, and the ennobling influences they have wrought. We thank Thee for the lessons they have taught—lessons of lofty patriotism, of personal liberty, of civic righteousness, of true humanity. We thank Thee that out of the physical darkness enshrouding his vision there has shone forth continually the resplendent light of an undying faith, a cheerful, contented disposition, and a superb optimism. O God, bless Thy servant with health and long life, as a constant example and inspiration to the world around him, and more especially to the Members of this House in their daily lives and deliberations. We ask it for our common good and for the glory of Thy name. Amen.

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

#### FRIDAY EVENING SESSION.

Mr. POU. Mr. Speaker, I ask unanimous consent for the adoption of the following resolution. I ask the Clerk to read it.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

#### HOUSE RESOLUTION 538.

Resolved, That on Friday, June 12, the House stand in recess from 5 o'clock p. m. until 8 o'clock p. m.; that a session be held from 8 o'clock p. m. until 11 o'clock p. m. for consideration in the House as in the Committee of the Whole of bills on the Private Calendar which are not objected to, commencing with No. 132 on said calendar.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, considering the slowness with which the House has been proceeding with the consideration of the sundry civil appropriation bill, I can not agree that the House shall recess at 5 o'clock in the afternoon.

Mr. POU. I will make it 5.30 or 6 or whatever hour the gentleman suggests.

Mr. FITZGERALD. Make it 6 o'clock.

Mr. POU. I ask unanimous consent that the House recess at 6 o'clock instead of 5 o'clock.

The SPEAKER. The gentleman modifies his resolution by asking unanimous consent to make the recess at 6 o'clock instead of 5 o'clock.

Mr. MANN. I will object to that.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] objects to 5 o'clock, and the gentleman from Illinois [Mr. MANN] objects to 6 o'clock.

Mr. FITZGERALD. Make it 5.30.

Mr. MANN. In this kind of weather I do not think—

Mr. POU. I hope the gentleman from New York will not insist on his objection.

Mr. FITZGERALD. Mr. Speaker, I must try to get the sundry civil bill through the House, and can not consent that we spend only five hours a day in its consideration. If the gentleman will couple with the request another request that we meet at 11 o'clock on Friday—

Mr. MANN. That would not do any good.

Mr. POU. I will agree to any order that we can get through the House.

Mr. MANN. It seems to me we shall have plenty of time to take up all the bills on all the calendars before we are likely to adjourn, according to present indications.

The SPEAKER. Is there objection?

Mr. MANN. What is the request?

The SPEAKER. The request is that the House take a recess on Friday at half past 5 o'clock until 8 o'clock, and then have a session to last not later than 11 o'clock, and that at the evening session the House as in Committee of the Whole consider bills on the Private Calendar to which there is no objection.

Mr. GOLDFOGLE. I should like to inquire of the gentleman from North Carolina [Mr. POU] whether the bill No. 132, mentioned in the resolution, was the bill last taken up when we had a night session for consideration of private bills?

Mr. POU. We got to No. 132.

The SPEAKER. Is there objection?

Mr. GARNER. Reserving the right to object—

Mr. FOSTER. I hope the gentleman from Texas will not object.

Mr. GARNER. The gentleman from Texas is going to take care of himself, if the gentleman from Illinois will let him.

Mr. FOSTER. I do not desire to interfere with the freedom of action of the gentleman from Texas in the least, but I do want kindly and earnestly to request him not to object.

Mr. GARNER. It was not the intention of the gentleman from Texas to object; but the gentleman from Texas would like to ask the gentleman from North Carolina [Mr. POU] why it is that we can not take up these bills on the Private Calendar as they stand now on that calendar? I happen to have a bill on the Private Calendar to which I do not think there will be any objection, but under his proposed order it could not be reached.

Mr. POU. I will say to the gentleman that we commenced at the beginning of the Private Calendar and got down to No. 131 on the last occasion. To go back over the calendar and begin at the beginning would give the bills up to No. 132 a double opportunity, whereas from 132 to the end of the calendar the bills have had no opportunity whatever for consideration.

Mr. GARNER. After you have considered bills on the calendar from No. 132 to the end of it, will there be any chance to take up bills that were passed over at the last meeting and ask the House for unanimous consent for their present consideration?

Mr. POU. I can only express the hope that there will be such opportunity. So far as I am concerned, whenever the calendar is completed, it is my purpose to ask unanimous consent to begin at the beginning of the calendar, and I am hoping that we will have at least one or two other opportunities to consider bills on the calendar that are contested, but the gentleman knows—

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

The SPEAKER. The gentleman will state it.

Mr. MANN. If this resolution is agreed to, and the House begins with Calendar No. 132 and runs through to the end of the calendar before 11 o'clock, will it not then commence at the beginning and run down as far as possible before 11 o'clock?

Mr. POU. I see nothing in the resolution to prevent that course being pursued. The resolution merely fixes the beginning point.

The SPEAKER. All that the resolution says about it is "commencing with No. 132 on said calendar." If the present

occupant of the chair should happen to be in the chair, he would rule that they had a right to go back to the beginning after they had got through with the calendar. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

#### NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I wish to submit a request for unanimous consent relative to the conference on the naval appropriation bill. In some of the paragraphs of the bill there were amendments changing the amounts of specific items, but they failed to change the totals, leaving the text of the bill unchanged with reference to the total. I want the assent of the House that the conferees, wherever it is necessary, may change the totals in order to make it speak the truth.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the conferees shall have the privilege of correcting totals in the naval appropriation bill. Is there objection?

Mr. JOHNSON of Washington. Reserving the right to object, I would like to ask the gentleman from Tennessee about certain changes reported to have been made in the naval appropriation bill. I am receiving quite a large number of letters from persons in my district stating that a change has been made in the Senate by which an additional number of chaplains has been authorized.

Mr. PADGETT. There is a provision in the bill, the same as was in the House bill, that went out on a point of order in the House.

Mr. JOHNSON of Washington. Is there any way by which the House can get at that now?

Mr. PADGETT. I do not know of any.

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

#### PENSION BILLS.

Mr. ADAIR. Mr. Speaker, I call up conference reports on the bills S. 4168, S. 4352, S. 4552, and ask that they be agreed to.

Mr. MANN. Are there any statements with the conference reports?

Mr. ADAIR. The conference reports have been printed, but there was no statement with them.

The SPEAKER. Have the conference reports been printed?

Mr. ADAIR. They have.

The SPEAKER. The Clerk informs the Chair that those reports have been agreed to.

#### REVISION OF THE LAWS—JUDICIARY TITLE.

The SPEAKER. This is Calendar Wednesday, and the House automatically resolves itself into Committee of the Whole House on the state of the Union; with the gentleman from Missouri [Mr. RUSSELL] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, and the Clerk will read.

The Clerk read as follows:

Sec. 218. A bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried, without any seal of the court or judge being affixed thereto. And in case the judge before whom the cause has been tried is, by reason of death, sickness, or other disability, unable to hear and pass upon the motion for a new trial and allow and sign said bill of exceptions, then the judge who succeeds such trial judge, or any other judge of the court in which the cause was tried, holding such court thereafter, if the evidence in such case is taken in stenographic notes, or if said judge is satisfied by any other means that he can pass upon such motion and allow a true bill of exceptions, shall pass upon said motion and allow and sign such bill of exceptions; and his ruling upon such motion and allowance and signing of such bill of exceptions shall be as valid as if such ruling and allowance and signing of such bill of exceptions had been made by the judge before whom such cause was tried; but in case said judge is satisfied that owing to the fact that he did not preside at the trial, or for any other cause, that he can not fairly pass upon said motion and allow and sign said bill of exceptions, then he may, in his discretion, grant a new trial to the party moving therefor.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In reference to section 218, I have this memorandum submitted by one of the district Federal judges as to the signing of bills of exceptions, which I would like to call to the attention of the gentleman from Louisiana.

The condition of the law as to the time when bills of exceptions shall be signed and allowed is very unsatisfactory.

The general rule is that a bill of exceptions should be signed at the term. Some terms are six months long and some are one month long. The victorious party in a suit is generally content to rest on his laurels; a defeated attorney often deliberately waits until the incidents of the trial have passed

from the mind of the trial judge and then submits a grossly unfair and indeed untrue bill of exceptions. There should be a time limit upon the presentation of bills of exceptions. The writ of error must be taken to the circuit court of appeals within six months, but I have had bills of exceptions submitted to me more than a year after trial.

The section ought to read:

A bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried within four months of the rendition of the verdict, if there was one, or the entry of a final order or judgment if there was no jury. It shall not be necessary to affix to such bill of exceptions the seal of the court or judge.

Mr. WATKINS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. WATKINS. The gentleman says that the memorandum he has read is from a presiding judge.

Mr. MANN. Yes.

Mr. WATKINS. I am not surprised that he put the time at four months. No judge ought to have four months to sign a bill of exceptions. I agree with the gentleman that it is proper to fix a time limit. I think that often 10 days after the termination of the case is a sufficient time, and 30 days would be ample.

Mr. MANN. I should think myself that four months was a long time; but considering the fact that they sometimes take a year, I suppose the judge thought he was doing pretty well to cut it down to four months.

Mr. WATKINS. If the gentleman will suggest an amendment making it 30 days, I would not object to that.

Mr. MANN. I should be perfectly willing to do that, but I have not the form of the amendment.

Mr. WATKINS. Strike out the words "four months" and insert in lieu thereof "thirty days."

Mr. CULLOP. Mr. Chairman, I think 30 days is too short a time, for this reason: Sometimes the court stenographer is kept busy through the entire session of the court and has no time to prepare a transcript of the evidence. Therefore, there must be some time permitted after the term. If there is not, there will be instances in which it will be impossible to get a stenographic report of the evidence. I would suggest 60 days—that within 60 days after the adjournment of the term it shall be done.

Mr. MANN. Suppose the gentleman passes this section over at this time and prepares an amendment to the section which would put some kind of a time limit upon it.

Mr. WATKINS. Mr. Chairman, I will state to the gentleman that if that was done it would not change my opinion at all. I have had sufficient experience in the courts to know that 30 days is ample time. The suggestion of the gentleman from Indiana [Mr. CULLOP] would be practical if it was a fact that the stenographer was the one who prepared the bill of exceptions, but the lawyer in the case prepares the bill of exceptions and the judge signs it without any assistance from the stenographer whatever. It is not necessary at all.

Mr. CULLOP. But if the stenographer takes down the evidence, the evidence must be incorporated in a bill of exceptions, and no one but the stenographer can transcribe the evidence or make the longhand manuscript of his shorthand notes. Therefore in all such cases it would be impossible for any lawyer where there was a stenographer taking the evidence to make out a bill of exceptions which incorporated the evidence, and in many instances the very question that goes to the court of review is some question arising during the trial over the admission or rejection of evidence and the ruling thereon.

Mr. MANN. Why would it not be practicable to put in a limit of, say, 30 days, and then give the judge power to extend that time?

Mr. CULLOP. Mr. Chairman, I would like to make this suggestion to the gentleman: He is right on that proposition, except in many cases 30 days would not be sufficient time. Make this amendment so that it will be such time as the judge trying the case shall grant, not to exceed 90 days.

Mr. MANN. I would fix the time and give the judge authority to extend the time. There might be reasons why time ought to be extended.

Mr. CULLOP. But if the gentleman fixes it as I suggest, I think it will be satisfactory—such time as the court will grant, not to exceed 90 days.

Mr. MANN. We all agree there ought to be some kind of time limit. Lawyers ought not to be permitted to bring in a bill of exceptions without any occasion for it a year after the trial.

Mr. CULLOP. Certainly not.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman?

Mr. MANN. Certainly.

ness, which is threatened with destruction by the insane practice that large corporations are adopting of price cutting.

The retailers desire the passage of this measure, because it will enable manufacturers to take advantage of its provisions and establish a uniform price of sale to all wholesalers, and also a uniform price of sale to all retailers. In other words, it affords a fair deal to all concerned, including the consumer. For these and other reasons the retailers are unanimously in favor of the passage of the Stevens bill.

Very respectfully,

MURDOCH GROCERY CO.  
(And others).

JUDICIAL POWERS TO MINISTERS, ETC.

Mr. STONE, from the Committee on Foreign Relations, to which was referred the bill (S. 2877) to amend an act entitled "An act to carry into effect provisions of the treaties between the United States, China, Siam, and other countries, giving certain judicial powers to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," approved June 22, 1880, reported it without amendment and submitted a report (No. 599) thereon.

BILLS INTRODUCED.

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

By Mr. GRONNA: A bill (S. 5802) to amend section 10 of the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906; to the Committee on Immigration.

By Mr. SHIVELY: A bill (S. 5803) granting an increase of pension to Amos T. Phares (with accompanying papers); and

A bill (S. 5804) granting an increase of pension to Curtis B. Small; to the Committee on Pensions.

By Mr. SMITH of Maryland: A bill (S. 5805) to confer additional power and authority on the National Forest Reservation Commission, and to provide for the acquisition of lands for a national forest or park in the general vicinity of the District of Columbia; to the Committee on Agriculture and Forestry.

By Mr. SMITH of Arizona: A bill (S. 5806) authorizing the issuance of a patent to the city of Tempe of certain land in the county of Maricopa, State of Arizona; to the Committee on Public Lands.

By Mr. HUGHES: A bill (S. 5807) granting a pension to Annie Wilson; to the Committee on Pensions.

By Mr. GORE: A bill (S. 5808) to authorize the Secretary of the Interior to extend certain payments on public lands in Oklahoma; to the Committee on Indian Affairs.

By Mr. OWEN: A bill (S. 5809) to terminate minority rule in the nomination and election of Senators and Representatives in Congress; and

A bill (S. 5810) to amend an act entitled "An act to provide for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," also to amend an act amending the said act and "extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses," and extending both, first, by providing for publicity by all committees and individuals that shall expend \$50 or more to influence the election of a Representative or Senator in Congress; second, by restricting all persons other than candidates for office from expending more than \$1,000 to influence the election of a Representative or Senator in Congress; and third, by incorporating in an amended form the prohibition against corporations from making money contributions in connection with political elections; to the Committee on Privileges and Elections.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. GORE submitted an amendment authorizing the Secretary of the Interior to grant a further extension of extensions of time on the payments described in the act of April 27, 1912, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

L. W. JONES.

Mr. TILLMAN submitted the following resolution (S. Res. 388), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to pay out of the "contingent fund" of the Senate, the sum of \$10 to L. W. Jones for services as assistant clerk to the Committee on Naval Affairs from June 1 to June 4, inclusive.

THE SHORT-BALLOT MOVEMENT.

Mr. OWEN. I have an article on the short-ballot movement by H. S. Gilbertson, executive secretary of the National Short Ballot Organization. I desire to have the article printed as a public document, and I ask that it be referred to the Committee on Printing with a view to its publication.

The PRESIDING OFFICER. Without objection, the matter will be referred to the Committee on Printing.

CREEK INDIANS OF OKLAHOMA.

Mr. GORE. I desire to have printed as a document a letter from R. C. Allen, national attorney for the Creek Nation of Indians, of Oklahoma, relative to certain provisions contained in the Indian appropriation bill affecting these Indians. I ask that the letter may be referred to the Committee on Printing with a view to its publication.

The PRESIDING OFFICER. Without objection, the letter will be referred to the Committee on Printing.

PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. WALSH. Mr. President, I send to the desk an amendment, and ask for its adoption.

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

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That section 5 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, be, and the same hereby is, amended by the addition thereto of the following provision, namely:

That nothing contained in this act shall be deemed to repeal any provision of the Hay-Pauncefote treaty, or to affect the judicial construction thereof, or in anywise to impair any rights or privileges which have been or may be acquired by any foreign nation under the treaties of the United States relative to tolls or other charges for the passage of vessels through the Panama Canal, and that when any alien, whether natural person, partnership, company, or corporation, considers that the charging of tolls or the enforcement of any other regulation under and pursuant to the provisions of this act violates in any way any such treaty rights or privileges, such alien shall have the right to bring an action against the United States for a redress of the injury which he considers himself to have suffered, and the district courts of the United States are hereby given jurisdiction to hear and determine such cases and to decree the appropriate relief, and from the decision of such district courts there shall be an appeal by either party to the action to the Supreme Court of the United States.

Mr. WALSH. Mr. President, in the course of some remarks which I made upon this bill some time since I said all that I cared to say in advocacy of this amendment. The amendment was offered in the Committee on Inter-oceanic Canals, having the bill under consideration. It was rejected by that committee by a vote of 8 to 6. I am entitled to no credit for originating the idea which the amendment expresses. It was suggested by former President Taft at or about the time of the passage of the act to repeal an important provision of which the bill now before us is presented. Briefly, the amendment is intended to put the matter in such shape as that the question as to whether that part of the act exempting coastwise vessels from the payment of tolls for passing through the Panama Canal is or is not in violation of the Hay-Pauncefote treaty.

Mr. NORRIS. Mr. President, I desire to make a parliamentary inquiry.

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

Mr. WALSH. I do.

Mr. NORRIS. Is the amendment which the Senator from Montana now offers a substitute for the amendment now pending?

Mr. WALSH. The amendment is offered as a substitute for the bill as amended.

Mr. NORRIS. Mr. President, if that is true, I make the point of order against the amendment that until the committee amendment is disposed of a substitute for the bill would not be in order.

Mr. WALSH. I did not understand there was any amendment pending. I understood that the amendment proposed by the Senator from Nebraska had been adopted.

Mr. NORRIS. No; a vote was taken on making my amendment a substitute for the committee amendment, and that prevailed. Now that amendment is before the Senate as an amendment to the bill. Until it is disposed of, I take it that the Senator can not offer a substitute for the entire bill. Of course the Senator's amendment would be in order later.

Mr. WALSH. I assume that the Senator from Nebraska states the parliamentary situation correctly. I assumed that his amendment had become an integral part of the bill by the action heretofore taken.

The PRESIDING OFFICER. The Senate has not yet made the amendment a part of the bill; it has simply expressed a preference for the amendment offered by the Senator from North Carolina over all other amendments which have as yet been proposed. The vote has not yet been taken in the Senate making the amendment a part of the bill.

Mr. WALSH. I inquire of the Chair, then, whether a vote on the motion to adopt the amendment of the committee as amended by the amendment of the Senator from North Carolina is in order?

The PRESIDING OFFICER. It is now in order, and it is the question before the Senate.

Mr. WALSH. Upon the adoption of that amendment, would my amendment then be in order?

The PRESIDING OFFICER. It would be in order. The question before the Senate is on agreeing to the amendment proposed by the committee as amended by the amendment offered by the Senator from North Carolina.

Mr. WALSH. I desire to state, then, that if the Senate is prepared to vote on that motion, I shall be very glad to yield, and to resume what I have to say about the matter upon the conclusion of the vote.

The PRESIDING OFFICER. The Senator from Montana will be recognized.

Mr. BORAH. Mr. President, what is the question now before the Senate?

The PRESIDING OFFICER. The question before the Senate is the amendment of the committee as amended by the amendment offered by the Senator from North Carolina [Mr. SIMMONS].

Mr. SIMMONS obtained the floor.

Mr. CLAPP. Mr. President—

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

Mr. SIMMONS. I do.

Mr. CLAPP. Mr. President, before the vote is taken, as I expect to vote against the amendment and the bill, I desire to place in the RECORD my reasons for doing so.

I shall not at this time discuss at length the merits of the bill seeking to repeal the exemption clause of the Panama Canal act. I may refer to one or two reasons urged in favor of the bill; but so far as any treaty right is concerned, I shall not waste any time on that phase of the question, because I think now, outside of a very limited number, no one seriously contends that there are any treaty obligations standing in the way of our granting freedom from tolls either to our coastwise trade or to our over-seas trade.

My conclusion in that respect is borne out even by the position almost universally taken by those who in this debate have favored the repeal of free tolls and the complacency with which those who favor the tolls exemption accept the pending amendment. It is either the abandonment of all claims that the treaty interferes with free tolls or else it is evidence that the pending amendment is in the nature of a sham.

Dealing with the economic phase of this question, we find that some years ago we began the construction of the Panama Canal. I have voted for every appropriation that has been made for the canal. There was but one justification for our taking several hundred million dollars of the money of the American people to build this canal, and that was or the theory, wise or unwise, that the facilitation of water transportation is a general benefit in developing a factor in competition with the railroads. It is the same justification which we urge for annually taking millions of the people's money to develop our waterways, harbors, and canals, like the great "Soo" Canal, that such development may facilitate water transportation and result in the general cheapening of transportation.

Of course, I realize that the trip of the *Oregon* around Cape Horn developed a sentiment in favor of the canal, but I think everyone upon reflection realizes that every outpost which a nation holds, every over-sea coast or territory which a nation holds, is a liability and not an asset, for such over-sea coast requires protection, and in proof of this we are confronted today with the proposition that we are obliged to increase our Navy, not because the canal has or will prove a military advantage, but because we must have a greater Navy to protect it.

The fact is that, notwithstanding the sentiment, the people of this country, and especially the people of the great Middle West, had determined upon the building of the canal before the trip of the *Oregon*, because they believed that the canal would in a general way somewhat relieve them from the cost of trans-

portation by making the coastwise water transportation through the canal a competitive factor, a principle that was emphasized in the speech made by President Wilson during the campaign. This purpose of the people had been thwarted and retarded by the railroad interests which, of course, feared such competition, and the trip of the *Oregon* doubtless developed a sentiment which made it possible for the people to begin sooner the construction of the canal, and they bore the burden of the construction in the belief that it would result in a benefit to the people in transportation, just as they bore the burden of the cost of developing other water transportation.

We went on and built the canal. It is almost ready to be used, and now we are asked to abandon the principle for which we built the canal and to make the great expenditure of no practical benefit in relieving the people of the burdens of transportation rates through competition.

Before the last Democratic convention was held at Baltimore free tolls to our coastwise trade had been the subject of consideration in the House, and a Democratic House had finally decided in favor of free tolls. The bill was pending in the Senate when the Democratic convention was held, and that convention declared, among other things, for free tolls for our coastwise trade. Subsequently the Senate passed the bill, largely by the aid of Democratic votes, and its passage through both Houses had been secured in spite of the opposition of the same interests which had so long delayed the building of the canal itself. It strikes me that it is a reflection upon the intelligence of the delegates to the Baltimore convention for the Senator from Connecticut [Mr. BRANDEGEE] to say that they knew nothing about the status of that matter.

Pending in that form, the Baltimore convention passed a resolution in favor of toll exemption; and now, at the demand of the President, we are confronted with the proposition of repealing the toll-exemption clause and repudiating that declaration in the Democratic platform; and to justify the repudiation of the solemn declaration in the platform, those who, obedient to the President's demand, are working to repeal the exemption shield themselves behind the cry of "ship subsidy," because the Democratic platform contains a plank opposed to ship subsidy, and they insist that the two planks are inconsistent. When men have no excuse they always give a poor one, and the character of the purpose can usually be easily seen in the character of the excuse. Now, upon this issue there are two distinct groups of Democratic Senators. One group repudiates the Baltimore platform as to free tolls but undertakes to justify such repudiation by quoting the Democratic platform against ship subsidy. This analysis of a platform, even if accurate, would leave each man, influenced as he might be by motives good, bad, or indifferent, to determine what part of a platform he might repudiate and what he should retain; but it goes further than that—it discredits the witness and the testimony. What a spectacle it is to see a man stand with the platform in his hand, one portion of which he is repudiating, and then, reading from the same platform, justifying his act of repudiation. Such testimony would hardly command attention in the court of a justice of the peace. It is true that the Democratic Party, from time immemorial, has stood against ship subsidy; but if the deepening of rivers, improving of harbors, and building of canals like the "Soo" Canal is to be classed as ship subsidy, then the attitude of the Democratic Party in accepting the benefits of such appropriations challenges the integrity of its repeated declarations against ship subsidy, and we all know that such appropriations never have been considered as within the purview of what is called "ship subsidy," although the benefits from such appropriation, in the first instance, go directly to the owners of the boats. But I have no time to discuss with a man what the balance of his platform means, when he selects one plank to repudiate and another plank on which to base his justification.

But there is another group of Democrats, who believe in standing by their party pledge, and to them I propose to address briefly some remarks upon this phase of this question. There is absolutely no inconsistency between the plank in the Democratic platform which denounces ship subsidy and the plank in the platform which declares for the continuation of toll exemption in the Panama Canal. There is absolutely nothing inconsistent in those two planks.

As pointed out so ably by the Senator from Missouri [Mr. REED] yesterday, the term "ship subsidy" came to have a distinct meaning in the American political vocabulary. It meant a direct bonus or gratuity to the owners of ships or to the owners of freight carried by ships. In that sense the Democratic Party has stood against ship subsidy almost from time immemorial, and in that sense the Democratic Party was just-

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.  
Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I understand that he would vote as I am about to vote, and therefore I consider myself released from the pair. I vote "yea."

The PRESIDING OFFICER (when Mr. JAMES's name was called). I have a general pair with the Senator from Massachusetts [Mr. WEEKS]. I therefore withhold my vote.

Mr. JOHNSON (when his name was called). I announce my pair with the junior Senator from North Dakota [Mr. GRONNA] and the transfer of that pair to the junior Senator from New Hampshire [Mr. HOLLIS]. I vote "yea."

Mr. LEWIS (when his name was called). I desire to announce a pair with my colleague [Mr. SHERMAN] on this question.

Mr. THORNTON (when Mr. O'GORMAN's name was called). I announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN] on official business, and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER].

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Maryland [Mr. LEE] and vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I will transfer that pair to the junior Senator from Louisiana [Mr. RANSELL] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. REED. My colleague [Mr. STONE] is detained from the Senate by public business. He is paired with the Senator from Wyoming [Mr. CLARK].

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virginia [Mr. GORF] to the junior Senator from Tennessee [Mr. SHIELDS]. I vote "yea."

Mr. CRAWFORD. I have a pair with the Senator from Tennessee [Mr. LEA], and withhold my vote.

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. WARREN. I wish to announce that my colleague [Mr. CLARK of Wyoming] is unavoidably absent. He is paired with the Senator from Missouri [Mr. STONE]. I will let this announcement stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER] and the senior Senator from Massachusetts [Mr. LODGE].

Mr. KENYON. I desire to announce the unavoidable absence of the junior Senator from Massachusetts [Mr. WEEKS].

The result was announced—yeas 42, nays 17, as follows:

YEAS—42.

Bankhead	Fletcher	Parkins	Smoot
Brady	Johnson	Pittman	Stephenson
Brandegee	Jones	Reed	Sterling
Bristow	Kern	Robinson	Sutherland
Bryan	McCumber	Roor	Thomas
Burleigh	Martin, Va.	Saulsbury	Thornton
Caton	Martine, N. J.	Shafroth	Warren
Chamberlain	Nelson	Shively	West
Chilton	Overman	Simmons	White
Clarke, Ark.	Owen	Smith, Ariz.	
Dillingham	Page	Smith, Md.	

NAYS—17.

Borah	La Follette	Smith, Ga.	Townsend
Burton	Lane	Smith, Mich.	Vardaman
Clapp	Norris	Swanson	
Cummins	Pomerene	Thompson	
Kenyon	Sheppard	Tillman	

NOT VOTING—36.

Ashurst	Cole	Lippitt	Ransdell
Clark, Wyo.	Gronna	Lodge	Sherman
Colt	Hitchcock	McLean	Shields
Crawford	Hollis	Myers	Smith, S. C.
Culberson	Hughes	Newlands	Stone
du Pont	James	O'Gorman	Walsh
Fall	Lee, Tenn.	Oliver	Weeks
Gallinger	Lee, Md.	Penrose	Williams
Got	Lewis	Poindexter	Works

So the amendment was concurred in.  
Mr. KERN. I offer an amendment to the amendment on page 132, which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 132, line 20—

The PRESIDING OFFICER. The Chair will state to the Senator from Indiana that that amendment has been agreed to as in Committee of the Whole, and concurred in in the Senate.

Mr. KERN. But it has just been amended a few minutes ago by striking out certain words in line 20.

The PRESIDING OFFICER. That is correct.

Mr. KERN. I move to amend that section in the Senate—

The PRESIDING OFFICER. But the Senator from Indiana will understand that the amendment as amended was concurred in in the Senate.

Mr. SMOOT. I will say to the Senator from Indiana, also, that I reserved the right while the bill was before the Senate as in Committee of the Whole to offer an amendment to that amendment in the Senate. Afterwards that amendment to the amendment was agreed to in the Senate.

Mr. KERN. There is only one way to reach it, then, and that is by a motion to reconsider.

The PRESIDING OFFICER. The bill is still in the Senate and open to amendment.

Mr. POMERENE. Mr. President, I send an amendment to the desk, which I desire to have stated.

The PRESIDING OFFICER. The Chair will state to the Senator from Indiana [Mr. KERN] that he can reach the question by moving to reconsider the vote by which the amendment was agreed to.

Mr. KERN. I did not vote on the prevailing side.  
The PRESIDING OFFICER. The amendment proposed by the Senator from Ohio [Mr. POMERENE] will be stated.

The SECRETARY. On page 126, line 17, before the words "of class 4," it is proposed to strike out "ten" and to insert "eleven," so as to read:

Chief Division of Supplies, \$2,100; clerks, 11 of class 4.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Ohio.

Mr. POMERENE. My reason, Mr. President, for offering this amendment is that the department advises me that heretofore there has been one stenographer from the Bureau of Corporations detailed to the Secretary of Commerce to act as a confidential stenographer. They have eliminated one stenographer from the Bureau of Corporations, and that will necessitate the dropping of one from the Department of Commerce, which, as I am advised by the Secretary and the Assistant Secretary, is going to seriously embarrass the work of the department. For that reason I ask for this increase of one clerk.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Ohio.

Mr. SHAFROTH. Mr. President, I raise the point of order against the amendment that it has never been estimated for the department, and therefore is not in order. If everyone who desires it is permitted to have an additional employee put on the roll, we could never get through with the bill and could never have any systematic arrangement of the bill.

Mr. POMERENE. Mr. President, I desire to state, in answer to the Senator from Colorado, as I have been informed, or perhaps have inferred from a statement which was made to me a little while ago, that while it is true that this clerk was not included as one of the employees of the Secretary himself, he was included in the estimates made for the Bureau of Corporations. The stenographer for some time has been in the employ of the Secretary himself, or at least has been performing duties under the direction of the Secretary. I hope that the Senator from Colorado will not insist upon his objection.

The PRESIDING OFFICER. The point of order will have to be sustained if the Senator from Colorado insists upon it.

Mr. SHAFROTH. I insist upon it, Mr. President.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. OWEN. For the purpose of submitting an amendment, I move to reconsider the action of the Senate in regard to the item with relation to commercial attachés, Department of Commerce, on page 132, beginning in line 18.

The PRESIDING OFFICER. The Senator from Oklahoma moves to reconsider the vote by which the amendment on page 132 was agreed to in the Senate.

Mr. SMOOT. I should like to ask the Senator from Oklahoma if he voted for the amendment when it was offered?

Mr. OWEN. I voted with the Senator from Utah.

Mr. SMOOT. Then, of course, the Senator from Oklahoma has a perfect right to make the motion.

Mr. REED. I raise the question of a quorum, Mr. President.  
The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Fletcher	Pittman	Sutherland
Bankhead	James	Pomerene	Swanson
Borah	Johnson	Reed	Thomas
Brady	Jones	Root	Thompson
Brandegee	Kenyon	Saulsbury	Thornton
Bristow	Kern	Shafroth	Tillman
Bryan	La Follette	Sheppard	Townsend
Burleigh	Lee, Md.	Shively	Vardaman
Burton	Martin, Va.	Simmons	Warren
Catron	Martine, N. J.	Smith, Ariz.	West
Chamberlain	Nelson	Smith, Ga.	White
Chilton	Norris	Smith, Mich.	Williams
Crawford	Owen	Smoot	
Cummins	Page	Stephenson	
Dillingham	Perkins	Sterling	

Mr. THORNTON. I announce the absence of the junior Senator from New York [Mr. O'GORMAN] on departmental business.

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum of the Senate is present. The question is on the motion of the Senator from Oklahoma [Mr. OWEN] to reconsider the vote by which the amendment of the committee on page 132 as amended was concurred in in the Senate.

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

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

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. CRAWFORD (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from California [Mr. WORKS] and vote "nay."

Mr. JOHNSON (when his name was called). Again announcing my pair with the senior Senator from North Dakota [Mr. GRONNA] and transferring that pair to the junior Senator from New Hampshire [Mr. HOLLIS], I vote "yea."

Mr. THORNTON (when Mr. O'GORMAN's name was called). I announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN] and state that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER].

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the Senator from Massachusetts [Mr. LODGE] to the junior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. BANKHEAD (after having voted in the affirmative). I announce the transfer of my pair as on the last vote and will permit my vote to stand.

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

The PRESIDING OFFICER (when the name of Mr. JAMES was called). I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. SUTHERLAND (after having voted in the negative). Since voting I observe that the Senator from Arkansas [Mr. CLARKE], with whom I have a pair, has not voted. I transfer my pair with that Senator to the Senator from Washington [Mr. POINDEXTER] and allow my vote to stand.

The result was announced—yeas 31, nays 30, as follows:

YEAS—31.			
Bankhead	Kern	Saulsbury	Swanson
Bryan	Lee, Md.	Shafroth	Thompson
Chamberlain	Martin, Va.	Sheppard	Thornton
Chilton	Martine, N. J.	Shively	Tillman
Fletcher	Overman	Simmons	West
Gore	Pittman	Smith, Ariz.	White
James	Reed	Smith, Ga.	Williams
Johnson	Robinson	Smith, Md.	
NAYS—30.			
Ashurst	Clapp	Nelson	Sterling
Borah	Crawford	Norris	Sutherland
Brady	Cummins	Page	Thomas
Brandegee	Dillingham	Perkins	Townsend
Bristow	Jones	Root	Vardaman
Burleigh	Kenyon	Smith, Mich.	Warren
Burton	La Follette	Smoot	
Catron	Lane	Stephenson	

NOT VOTING—34.

Clark, Wyo.	Hitchcock	Myers	Sherman
Clarke, Ark.	Hollis	Newlands	Shields
Colt	Hughes	O'Gorman	Smith, S. C.
Culberson	Lea, Tenn.	Oliver	Stone
du Pont	Lewis	Owen	Wahsh
Fall	Lippitt	Penrose	Weeks
Gallinger	Lodge	Poindexter	Works
Goff	McCumber	Pomerene	
Gronna	McLean	Ransdell	

So the motion to reconsider was agreed to.

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

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. On page 132, line 20, after the word "Commerce," it is proposed to insert "after examination to be held under his direction to determine their competency," so that, if amended, it will read:

Commercial attachés, Department of Commerce: For commercial attachés, to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency, etc.

Mr. ROOT. Mr. President, as the Senator from Wisconsin [Mr. LA FOLLETTE] suggests, this is confession. It is confession and avoidance. It is confession that these officers ought to be selected upon examination, and it is confession with an attempt to avoid any real, genuine, effective examination.

Mr. President, we all know what a sham and a delusion the old department examinations were. It was because they were a mere pretense that the machinery of the Civil Service Bureau was created, that examinations by an independent body of public officers were substituted for department examinations.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

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

Mr. ROOT. Certainly.

Mr. OVERMAN. Is it not true that the consuls who are appointed now are appointed under rules and regulations prescribed by the Senator from New York when he was Secretary of State, rather than under civil-service rules?

Mr. ROOT. No, Mr. President; they are appointed under rules prescribed by the President, signed by the President, under the authority of the Revised Statutes of the United States.

Mr. OVERMAN. What President?

Mr. ROOT. President Roosevelt; the same authority under which the civil-service rules are prescribed affecting all the other departments of the Government.

Mr. OVERMAN. Who prescribed these rules?

Mr. ROOT. The President of the United States prescribed these rules, just as he prescribes all civil-service rules.

Mr. OVERMAN. The point I am getting at is this: These persons do not stand what is known as the civil-service examination?

Mr. ROOT. Mr. President, they do stand what is known, or ought to be known, as the civil-service examination. It is an examination conducted by a board the head of which is the chief examiner of the civil service.

Mr. OVERMAN. But the Civil Service Commission has nothing in the world to do with the matter.

Mr. ROOT. The Civil Service Commission appoints the head of the board, the chief examiner under the Civil Service Commission.

Mr. OVERMAN. Mr. President, the Senator knows, I think, that he prescribed these rules and regulations himself and had President Taft indorse them, and it was under them that these men were appointed. This really is not the regular, ordinary civil-service examination. Is not that true?

Mr. ROOT. It is true that it is not the ordinary civil-service examination. It was President Roosevelt and not President Taft.

Mr. OVERMAN. Yes.

Mr. ROOT. But, Mr. President, those regulations brought into operation an examining board which is under the direction and control of the chief examiner of the Civil Service Commission, because it was found that the old department examination was absolutely useless; that the very kind of examination to which it is now proposed to subject these men was useless.

Mr. OVERMAN. If the Secretary of State, together with the President, could frame rules and have these examinations held by order of the President under the chief examiner of the civil service, why should not the Secretary of Commerce do exactly like the Senator from New York did when he was Secretary of State—prescribe rules and have the President sign them and have the chief examiner hold examinations, just as they were held for the consuls? Is there any reason why that should not be done?

Mr. ROOT. It ought to be.



The message also announced that the House had passed the joint resolution (S. J. Res. 29) authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

- H. R. 6433. An act to relocate the headquarters of the customs district of Florida;
- H. R. 7208. An act to increase the limit of cost of the public building at Smyrna, Del.;
- H. R. 8660. An act to amend section 4 of an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912;
- H. R. 11317. An act to increase the limit of cost of the United States post-office building at Newcastle, Ind.;
- H. R. 11624. An act to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888";
- H. R. 12909. An act to correct the military record of James W. McGreevey;
- H. R. 13717. An act to provide for leave of absence for home-stead entrymen in one or two periods;
- H. R. 15320. An act authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Owego, N. Y.; and
- H. R. 15987. An act to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

- S. 55. An act for the relief of Daniel Hampton;
- S. 2069. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey;
- S. 2226. An act for the relief of Joel J. Parker;
- S. 2576. An act for the relief of John Q. Adams; and
- S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses.

#### PETITIONS AND MEMORIALS.

Mr. SMITH of Michigan presented a memorial of Cigar Makers' Local Union No. 46, of Grand Rapids, Mich., and a memorial of the International Association of Machinists, of Saginaw, Mich., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

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

He also presented petitions of the Metal Trades Council of Grand Rapids; of the Federation of Labor of Detroit; and of the Street Railway Employees' Association of Detroit, all in the State of Michigan, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented memorials of the Gratiot County Medical Society, of Riverdale; of the Branch County Medical Society, of Coldwater; and of sundry citizens of Alma, Union City, and Cassopolis, all in the State of Michigan, remonstrating against the enactment of legislation to prohibit the distribution and dispensing of narcotic drugs by physicians, dentists, and veterinarians, which were ordered to lie on the table.

Mr. NORRIS presented a petition of sundry citizens of Valentine, Nebr., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a memorial of sundry citizens of Grindstone City, Mich.; and a memorial of Local Union No. 1233, Brotherhood of Carpenters and Joiners of America, of Detroit, Mich., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. WARREN presented petitions of sundry citizens of Buffalo, Kemmerer, Lost Spring, and Bosler, all in the State of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented the memorials of William Moore, Theodore Wiggins, George Smith, and 67 other citizens of Evansville and Indianapolis, in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

#### G. L. TANEYHILL.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (S. 1124) for the relief of G. L. Taneyhill, reported it without amendment and submitted a report (No. 598) thereon.

#### BILLS INTRODUCED.

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

- By Mr. ROOT:  
A bill (S. 5868) granting an increase of pension to Catherine Terwilliger; to the Committee on Pensions.
- By Mr. SHAFROTH:  
A bill (S. 5869) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; to the Committee on Military Affairs.
- By Mr. BRADY:  
A bill (S. 5870) granting a pension to Carlton Meredith (with accompanying papers); to the Committee on Pensions.
- By Mr. SWANSON:  
A bill (S. 5871) granting an increase of pension to Margaret Ford; and
- A bill (S. 5872) granting a pension to William M. Faidley; to the Committee on Pensions.
- By Mr. WARREN:  
A bill (S. 5874) for the relief of Fred C. and C. Helen Fisher; to the Committee on Public Lands.

#### NATIONAL INCORPORATION OF RAILWAYS.

Mr. NEWLANDS. I introduce a bill and ask that it be referred to the Committee on Interstate Commerce.

The bill (S. 5873) for the formation of national corporations for railroad and navigation lines engaged in interstate and foreign commerce was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. NEWLANDS. Mr. President, I wish to say with reference to this bill that the recent decision of the Supreme Court in the Shreveport case points decisively toward the necessity of organizing as national corporations the great railway systems of the country. The constant trend of the decisions, which is toward the absorption of all the powers over commerce by the United States Government by reason of the grant to it of jurisdiction over that part relating to interstate commerce, indicates the necessity of incorporating the great railway systems under national law.

In addition we are now about to enter upon the control of the stock and bond issues of carriers engaged in interstate commerce. That will involve, according to the contention of many, the exclusion of the control heretofore exercised by the States over the stocks and bonds of all carriers organized under their laws that have any relation to interstate commerce. The trend, therefore, is toward the absorption by the National Government of the entire jurisdiction over railways. It seems to be of the highest importance, therefore, that the National Government should have the power to create corporate instrumentalities through which these enormous functions will be exercised.

The bill which I offer is a bill which I introduced in the Senate in 1909, which in itself was an improvement upon a similar bill offered by me in the Senate several years previously. It seems to me that public opinion is ripe for immediate action upon this important subject, either in the way of a separate bill or in the way of an amendment to some of the legislation that is now pending relating to the regulation of interstate commerce.

I desire to call particular attention to section 18, relating to taxation; section 19, relating to State police and State rates; section 20, relating to acquisition of State railroads; section 21, relating to accident and insurance fund; and section 23, relating to jurisdiction of suits by and against railway companies. I ask that these sections may be printed in the Record.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The sections are as follows:

#### TAXATION.

SEC. 18. That railroads and navigation lines owned by corporations duly organized under this act are hereby declared to be instrumentalities for the regulation of interstate and foreign commerce. The franchises, stocks, bonds, fixed evidences of indebtedness, operations and traffic, and the corporation itself shall not be subject to taxation by any State or Territory, but the physical property of such corporation situate in the State or Territory, including its right of way, its real estate, stations, office buildings and equipment, shall be subject to assessment at such average percentage of their actual value as shall be customary with reference to other property in such State or Territory, and to the customary taxes on such assessment. In lieu of such tax any State or Territory may impose a tax not exceeding 4 per cent on such proportion of the gross receipts of such corporation as the number of miles of line in such State or Territory bear to the total miles of line operated by such corporation. In estimating the

miles of line each mile of second track shall be regarded as equal to one-half mile of track, and each mile of third or fourth track shall be regarded as equal to one-third of each mile of main track. For the purposes of each State the Interstate Commerce Commission shall certify to the taxing authorities of each State or Territory the gross receipts for the preceding year, the total mileage as aforesaid, and the proportion of such total mileage operated in such State or Territory.

#### STATE POLICE AND STATE RATES.

SEC. 19. That nothing herein contained shall be construed as interfering with the police laws of any State regarding railroads incorporated under this act and operating in such States, nor shall anything herein contained be construed as affecting the right and power of each State to regulate purely State commerce on railroads organized under this act. But the Interstate Commerce Commission shall hold conferences from time to time with the regulating power of any State with a view to such harmonious adjustment and regulation of State commerce and interstate commerce as will protect the public against abuses or extortion and the railroads against inadequate returns upon their investment, and as will promote the efficiency of such corporations as common carriers. With such end in view the said commission shall call and hold at least once each year a conference with the railroad commissioners of the several States, and with such other State officers having any duty of supervision, taxation, or regulation of railroads within their respective States. Such conference shall be held in the District of Columbia, and the presiding officer at such conference shall be the chairman of the Interstate Commerce Commission, or some other member of said commission designated by its chairman. The proceedings of such conference shall be printed or distributed by or under the direction of the Interstate Commerce Commission.

#### ACQUISITION OF STATE RAILROADS.

SEC. 20. That such corporation may, with the consent of any State, upon the approval of the Interstate Commerce Commission, acquire the railroad of any corporation now organized under the laws of such State, and may issue for the purchase thereof such amount of bonds and stock as may be authorized by said commission, but such authorization shall only be made after a full public hearing, at which the Attorney General shall appear, either personally or by one of his assistants, and no issue of bonds or stocks therefor shall exceed the value of such road as ascertained by said commission.

With the consent of the State under which any railroad corporation is or may be organized, merger between the corporation owning such road and a corporation organized under this act may be accomplished under this act; and bonds and stock may be issued by any corporation organized under this act for such purpose: *Provided*, That such proposed merger is approved by the Interstate Commerce Commission, and the amount of bonds issued, together with the rate of interest thereon, and of the stock issued in the accomplishment of such merger, are also approved by said commission.

#### ACCIDENT AND INSURANCE FUND.

SEC. 21. That it shall be a condition of the grant and continuance of any franchise to do business under this act that the corporation holding such franchise shall set aside annually a percentage of the gross receipts of said corporation, not exceeding 1 per cent, to be held as a fund in the Treasury of the United States for the payment of pensions to the employees of such corporation who shall have been disqualified for active service, either by injury in the service or by age. The conditions entitling employees to pensions, the amount and time of payment, the investment of the fund, the disbursing of the same, and the entire management thereof shall be under rules and regulations to be made, and from time to time amended, by the Interstate Commerce Commission.

#### JURISDICTION OF SUITS BY AND AGAINST RAILWAY COMPANIES.

SEC. 23. That any corporation organized under this act shall, for the purpose of all actions by or against it, real, personal, or mixed, and all suits in equity, be deemed a citizen of every State in which its lines are located, and in such cases circuit and district courts of the United States shall not have jurisdiction other than such as they would have in cases between individual citizens of the same State. The provisions of this section shall not be held to affect the jurisdiction of the courts of the United States in cases by the United States, or by direction of an officer therein, or cases for winding up the affairs of any such corporation.

Any case involving the recovery of fines or penalties under this act may be brought in the circuit court of the United States for any judicial district wherein the corporation has its principal office or through which the line or any part thereof may run. In every such case, for the purposes thereof, the jurisdiction of the court shall be co-extensive with the territory of the United States, and in writs of subpoena, removal of persons, execution, and all other process shall run throughout the United States. All existing laws pertaining to the taking and compelling of testimony in cases arising under the act to regulate commerce, or its amendments, shall apply in cases arising under this act.

#### AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate \$207,000 for improving Tillamook Bay and Bar, Oreg., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate \$12,500 for inspection of prisons and prisoners and parole, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### OMNIBUS CLAIMS BILL.

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

#### AFFAIRS IN NICARAGUA.

Mr. SMITH of Michigan. I submit a resolution, which I ask may be read and referred to the Committee on Foreign Relations.

The resolution (S. Res. 396) was read and referred to the Committee on Foreign Relations, as follows:

Whereas the present administration of Nicaragua, headed by Adolfo Diaz as president, has been maintained for upwards of two years by the active presence of American marines in the capital at Managua, under the guise of a legion guard, and in defiance of the wishes of the people of that Republic; and

Whereas the American banking houses of Brown Bros. and Seligman have undertaken to finance the affairs of the Nicaraguan Government during this time; and

Whereas certain fraudulent syndicate bonds issued by former President Zelaya, known as the Ethelburga syndicate, aggregating \$6,250,000 in gold, has been questioned and their validity denied by the former government of President Estrada and the present Government of Nicaragua; and

Whereas, notwithstanding the fraudulent character of said bonds, they have been engraved onto said Republic as a bona fide indebtedness against the wishes of the Nicaraguan people; and

Whereas said bonds were issued without valid consideration, and the names of the beneficiaries unknown, but said bonds were largely deposited with certain European bankers for safe-keeping until secured in large part through the activity of Ernest H. Wanda, who had been designated by the Department of State of the United States as financial agent of the Republic of Nicaragua, in the interest of said Brown Bros. and Seligman; and

Whereas said bonds were purchased at an average of 25 per cent of their face value for speculative purposes, and were, through the assistance of the State Department of the United States, brought within the scope of an American guaranty, which entirely validated said bonds, greatly to the detriment of the people and Government of Nicaragua and to the advantage of the purchasers thereof; and

Whereas the sole beneficiaries of said fraud upon a friendly Republic were the Brown Bros. and Seligman, bankers, and Speyer & Co. and their allies, who became the friendly depositors thereof; and

Whereas this course upon the part of the American financial institutions, aided by the Department of State, has brought reproach upon the American Government; and

Whereas the last presidential election in Nicaragua was intentionally and directly influenced by the presence of the marines of the United States Navy at Managua, Granada, Masaya, Corinto, and other interior places, and the presence of the American naval vessels at the ports of Corinto and Bluefields in violation of the present treaty of commerce, peace, and amity between the Republic of Nicaragua and the Government of the United States of America, such action tending to prevent the invalidation of the fraudulent indebtedness herein specifically described; and

Whereas the National Railroad of Nicaragua, about 129 miles in length, has been sold much below its actual value to said Brown Bros. and Seligman, with the approval and acquiescence of the Department of State of the United States, in open and flagrant violation of the constitution of that Republic; and

Whereas by virtue of the protection granted by the Department of State of the United States to said bankers in maintaining their control of the customhouses of Nicaragua, said bankers are enabled to secure enormous profits through compelling the Republic of Nicaragua to redeem at par the said "Ethelburga syndicate" bonds, acquired as aforesaid: Therefore be it

*Resolved by the Senate*, That the Committee on Foreign Relations, or any subcommittee thereof, are hereby authorized and directed to inquire into the transactions above described. They are authorized to take testimony wherever necessary, subpoena witnesses, and the expenses incurred shall be paid out of the contingent fund of the Senate.

#### PRESIDENTIAL APPROVALS.

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

On June 15, 1914:

S. 4167. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 4168. An act 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;

S. 4260. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 4353. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 148. Joint resolution authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

On June 16, 1914:

S. 4552. An act 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; and

S. 4657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

#### M'CLINTIC-MARSHALL CONSTRUCTION CO.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5147) to authorize and direct Col. George W. Goethals, governor

Mr. SUTHERLAND. The circuit judges of the United States, who preside over the circuit courts of appeals, receive salaries of \$7,000 per annum each. Does the Senator think the Commissioner of Indian Affairs should receive a greater salary than one of those judges?

Mr. ASHURST. I should be very happy indeed to vote for a bill increasing the salaries of the judges of circuit courts and the judges of the Supreme Court of the United States. I think it is one of the reproaches of our Government that the judges of the Supreme Court and of the circuit courts are paid such small salaries; but the fact that we do not, or seemingly are unable, to increase the salaries of the circuit judges is no reason why I or any other Senator should decline to increase the salary of an officer who, in our judgment, ought to have his salary increased.

Mr. SHEPPARD. Mr. President—  
The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Texas?

Mr. ASHURST. I do.  
Mr. SHEPPARD. I simply wish to suggest that the work of the Commissioner of Indian Affairs has grown to such an extent that the commissioner not only devotes all his days but half his nights to the work. There is not a more devoted man in the public service.

Mr. SMOOT. Mr. President—  
The PRESIDENT pro tempore. Does the Senator from Arizona yield to the senior Senator from Utah?

Mr. ASHURST. I yield.  
Mr. SMOOT. I know the Senator wants to act properly and rightly in this matter, and I am going to call attention at this time to one of the great reasons why the salary of the Commissioner of Indian Affairs was not increased.

I have before me the legislative, executive, and judicial appropriation bill for the fiscal year ending June 30, 1915. I will commence right with the Interior Department. What do we find? The Commissioner of the General Land Office, \$5,000; the Commissioner of the Indian Office, \$5,000; the Commissioner of the Pension Office, \$5,000; the Commissioner of the Patent Office, \$5,000.

I want to say that \$5,000 is the salary of the head of each of these bureaus in the departments of our Government. I recognize the fact that the present Indian Commissioner is a splendid official. He is attending to his business as well as any man, perhaps, could possibly attend to it. I have no criticism of him in any way; but I want the Senate to understand that the Commissioner of the General Land Office, drawing \$5,000, has, I believe, more letters—aye, twice as many letters—pass over his table every day as the Commissioner of Indian Affairs. There is an office the salary of which should be increased if the salary of the head of any bureau in this Government should be increased. The business has increased by leaps and bounds.

I want to say to the Senator that it would not be right for us to increase the salary of the Commissioner of Indian Affairs and leave the Commissioner of the General Land Office in that same identical department at what it is.

Mr. President, I feel that so keenly that I can not let it pass. I would rather have an appropriation made direct in the general deficiency appropriation bill or in the sundry civil appropriation bill for whatever the Senate felt like they wanted to pay the Commissioner of Indian Affairs for the exceedingly heavy work that he has had to perform this year. A thousand times better that, Mr. President, than here to add in an Indian appropriation bill an increase of salary, which of course means that hereafter the Commissioner of Indian Affairs in the Interior Department shall have \$7,500 and the head of every other bureau in the department shall have only \$5,000. It is not right; and it should not be done.

It is for that purpose, Mr. President, that I intend to make a point of order against the amendment. The Senator from Oklahoma [Mr. OWEN] desires before I make the point of order to submit some remarks and I shall withhold it.

The PRESIDENT pro tempore. Does the Senator from Arizona yield the floor?

Mr. ASHURST. I yield.

Mr. OWEN. Mr. President, I think the Commissioner of Indian Affairs ought to have this increase. The Government of the United States has obtained the services of a man who in private life can earn from \$15,000 to \$20,000 a year. He has earned that sum in private life as a practicing attorney. He was solicited to take this position. He was not an office seeker. He was requested by the administration to take this office in order that he might improve its management. Since he has taken it he has worked from 12 to 15 hours a day. He is

always at his desk at night. It is a uniform practice on his part not only to work during the day but to work at night as well, and he has made great improvements in the methods of the department.

Moreover, the suggestion was made to him by those who solicited him to take this position that doubtless Congress would be willing to recognize the extraordinary service which he could bring to the department, and he had some reason to believe therefore that his sacrifice would be appreciated.

I know, of course, there are many men seeking office who would regard it as a great opportunity to get a position of this kind and who are willing to make the sacrifices, too; but I think under all the circumstances and in view of the enormous property which he must supervise and which he ought to bring into some productive form he ought to be encouraged to stay and do this work.

Mr. SHEPPARD. Mr. President, I wish to suggest that a short while ago the present commissioner was offered a position in another department of the Government at \$7,500 a year, but his devotion to this particular work is such that he declined it.

Mr. OWEN. The property which is within the management of the Commissioner of Indian Affairs is not only of very great value, amounting to over a thousand million dollars, but a large part of it is unproductive. If this property were made productive by proper management; if the Indians who, in the State of Washington, for instance, have large areas of timberlands were taught there as they have been taught in Wisconsin to develop their own timber and learn to be self-supporting and to use the opportunities they have under wise direction, they would make themselves thoroughly self-supporting, and they would take the tax off the Government which now will be found in this appropriation bill in various ways. The Commissioner of Indian Affairs is endeavoring to accomplish that end.

I think that the amendment proposes a very small reward for him, and that he should be allowed a sufficient amount on which to live decently while he is performing this public labor.

I hope that at least the suggestion made by the Senator from Vermont [Mr. PAGE] will prevail, and that, even if we do not increase it, as is proposed, it may be increased to \$6,000.

Mr. SMOOT. I want to say to the Senator that—

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. Certainly.

Mr. SMOOT. I think this is absolutely the wrong way. This same question was considered by the Committee on Appropriations of the House, and they had hearings on it. We had it before the Committee on Appropriations of this body, and it was voted upon there after all the reasons for an increase had been given.

Mr. OWEN. If the Senator will permit me, I should like to observe that in the Committee on Appropriations the members of the committee have no familiarity with the administration of Indian affairs. We have not the opportunity of seeing the infinite number of details with which the Commissioner of Indian Affairs has to deal. That committee simply passed upon the matter in that way after probably a hearing of 5 or 10 minutes or some such time. Really I do not think it is quite fair to the commissioner to use that as a precedent.

Mr. SMOOT. I will say this to the Senator, and I suppose the other members of the subcommittee of the Committee on Appropriations will bear me out. The Senator from Florida [Mr. BRYAN] was present when we had this matter under consideration. We went into it very thoroughly. All that could be said for it I believe was said.

Mr. President, I wish to say to the Senator from Oklahoma that I dislike to make the point of order against the proposed increase in the salary of Mr. Sells; I know what his work is; but this is not the proper way to legislate.

Mr. ROBINSON. Mr. President, before the Senator from Utah insists on his point of order, I should like to make a brief suggestion.

Mr. SMOOT. Very well; I withhold it.

The PRESIDENT pro tempore. Let the Chair state to his colleague that the Chair would like to have him address himself briefly to the point of order on this proposition to increase of salary. This view has occurred to the Chair heretofore. If the salary was fixed by the statute creating the office, independent of an appropriation bill, it can not be changed by an item in an appropriation bill. If the salary now drawn by the Commissioner of Indian Affairs depends for its existence on an item in an appropriation bill similar to this, the question would be somewhat enlarged. In that case the Senate might fix the salary as it might see proper to do.

Mr. SMOOT. Mr. President—

Mr. ROBINSON. If the Senator from Utah will yield to me, I will state in addition to the suggestion which the Chair has made that the Committee on Indian Affairs has directed that a bill increasing the salary to \$7,500 shall be reported. It would therefore seem to me that the point of order would not lie.

I wish, however, to make a brief statement with regard to the reasons for the increase. Ordinarily I do not believe in increasing salaries. The Senator from Arizona, the chairman in charge of the bill, the Senator from Oklahoma, and other Senators have presented very fully and forcibly the extent of the duties that are discharged by this officer, the large amount of property which he has control of, the more than 300,000 Indians in the United States under his jurisdiction, and the approximately 8,000 employees who are engaged in the service of the Government under the Indian Bureau. In view of all these circumstances and the further fact that we now have in the service an eminent gentleman who, so far as he has been able within the limited time which he has served the Government, has sought to reorganize it and has extended the activities of the bureau and vitalized it, I believe this appropriation should be made and the increase should be accorded.

Mr. SMOOT. Mr. President, I want to call particular attention to the wording of the amendment.

The PRESIDENT pro tempore. Let the Chair ask the Senator from Utah if he knows whether under a former statutory enactment the present salary exists, or was it fixed by an item in an appropriation bill?

Mr. SMOOT. The salary is fixed by statute at \$5,000, and we appropriate that sum every year.

The PRESIDENT pro tempore. By the statute creating the office?

Mr. SMOOT. By the statute creating the office.

The PRESIDENT pro tempore. Is that circumstance admitted by those who insist on the increase of salary? If so, it is easily disposed of, and the Chair sustains the point of order.

Mr. SMOOT. I was also going to call the attention of the Chair to the fact that this amendment also says that \$2,500 is hereby appropriated—

The PRESIDENT pro tempore. There is nothing difficult about the addition of \$2,500, because that is to pay for services already rendered and is a mere private claim and is not admissible to this bill at all. The point of order raised by the Senator from Utah is sustained as to the whole item.

Mr. ASHURST. Although the point of order has been sustained, I wish to incorporate in the Record at this time an article written by M. K. Sniffen, secretary of the Indian Rights Association, entitled "A man and his opportunity," being a resumé of the work and duties and responsibilities of the Indian Commissioner.

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

A MAN AND HIS OPPORTUNITY.

(By M. K. Sniffen, secretary Indian Rights Association.)

We have frequently been asked for an opinion regarding the administration of Hon. Cato Sells, the present Commissioner of Indian Affairs. Heretofore we have stated to all such inquiries that we believed the outlook for improved conditions under his management was more hopeful than it had been for many years. Before making any public statement on the subject, however, we preferred to wait until Commissioner Sells had demonstrated his worth. He has been actively in charge of the Indian Bureau for nine months, and his administration has therefore passed the experimental stage. During that time we have had abundant opportunity to closely observe the man and his methods, and we feel that it is now possible for us to give a mature, unbiased review of Mr. Sells's stewardship as an answer to the question: "What do you think of the present commissioner?" Unfortunately, there has been much occasion to criticize the Indian Bureau's management in the past, and it is a satisfaction to praise where that is possible—to give credit to whom credit is due. It affords us peculiar pleasure to submit for the information of our members and friends the following sketch of Commissioner Sells's masterful work, and also to record our thanks to President Wilson and Secretary Lane for putting the "right man in the right place."

When the present administration came into power on March 4, 1913, there was a feeling of deep concern by the friends of the red man as to the kind of man who would be selected for the post of Commissioner of Indian Affairs. This feeling was further intensified by our investigation of the record of a number of those who were seeking "to land the job," for it developed that in this group the "undesirable class" was decidedly conspicuous and aggressive.

THE PROMISE.

On March 15, 1913, a large delegation of the executive committee of the Indian Rights Association was granted a most courteous hearing by President Wilson and Secretary Lane, of the Interior Department, when attention was called to the importance of selecting a commissioner who would command the respect of the entire country. Our committee was assured that the best man obtainable would be selected. President Wilson said he wanted for the place "a man of affairs, because he has millions to administer; a man of imagination, that he may have

sympathy for the Indian; and, above all, a man with the fear of God in his heart."

Secretary Lane tersely expressed the same thought when he said he wanted a "big man" for the place, one to whom it "would not be a job, but an opportunity."

THE FULFILLMENT.

This interview took place in March, but it was not until June that the place was filled by the appointment of Hon. Cato Sells, of Cleburne, Tex. To indicate the care exercised by Secretary Lane in selecting the present commissioner, it is interesting to state that before Mr. Sells was appointed his record was thoroughly investigated from the time he was 20 years old; he was literally "weighed in the balance" and not found wanting.

Mr. Sells brought to his office a well-rounded equipment probably never possessed by any former commissioner—that of lawyer, business man, and agriculturist—fully qualifying him to handle the bureau's various ramifications which involve every phase of human life and necessarily draw upon such an equipment every day in the proper performance of the duties of the office.

First of all, he is "a man of affairs," having served as mayor of La Porte, Iowa, when he was but 22 years old; two terms as county attorney; and as United States attorney under President Cleveland. Although active and successful in his profession, he became deeply interested in stock raising and farming, and for years was a member of the board of trustees of the Iowa Agricultural College, Ames, Iowa. In 1907 he moved to Texas and was successful in the banking business. In that connection he took such an active interest in developing the resources of the State that he was a member of practically every important agricultural board in Texas.

As to the qualities of imagination and sympathy, they are evident from the broad and humane way in which Commissioner Sells has been grasping situations and developing plans for the benefit and advancement of the Indian in a material and moral way. He has shown that he has that other requirement specified by the President—"the fear of God in his heart"—by "heaving to the line," and adopting methods that will have a salutary and lasting effect.

As was well stated by some Washington correspondent in commenting on Mr. Sells's administration:

"The job of Indian Commissioner with him is a business proposition. He answered an altruistic call when he took the position, for he had retired from active business and had planned to settle down in Texas, as a United States attorney.

"Secretary Lane let it be known that he wanted a man of ability, not a job seeker; a man of red blood and purpose, not a weakling. He heard of Sells and his fight against pension grafters in the Middle West, and he found that Sells was indeed a regular fighting man, with the job of Indian affairs 14 hours a day, and that's why a new era is dawning in Oklahoma and the other Indian States."

Commissioner Sells entered upon the duties of his office with no preconceived notions. He announced no policies, but began a thorough inventory of his "plant," with its 6,000 employees, and a careful survey of the whole field.

One of the first things that impressed him was the great value to the Indians of their grazing tracts. The breaking up of the big ranges in Texas and other States has practically eliminated stock raising on an extensive scale. The best and largest tracts available for cattle and sheep are on the Indian reservation, from which the Indian has received but small returns. Heretofore those advantages have been leased at a small annual rental to white men, who have grown rich, while the owners either remained stationary or actually retrograded.

Commissioner Sells believed that these natural advantages should be used for the benefit of the Indian owners. Within 10 days after taking his office Commissioner Sells inaugurated a stock census. The result showed, as against magnificent opportunities, a very poor equipment—bulls and stallions of low grade and too old for use. The sheep situation was similar. Useless pony stallions by the thousand were grazing on the ranges and bringing no return to the Indians.

The first real work of Commissioner Sells in this connection was to reduce the old "he stuff," and to purchase a sufficient number of good stallions, bulls, and rams to secure the best result with "the she stuff," both in the case of tribal and individual ownership; in short, to build up the Indian stock wherever money was available for such purposes. For the Crow Reservation alone \$450,000 has been expended for 9,250 white-faced Hereford heifers, bulls, and steers.

As a result of this plan there is now going on a process of upbuilding and equalizing the Indian stock and eliminating that which is bringing no return. As rapidly as circumstances will permit, the various reservation ranges will be stocked to the maximum limit with Indian cattle. If this can be done, not only will thousands of red men soon be in the industrious and self-supporting class, but they will be an important factor in helping to avert a meat famine, threatened by the white man's diminishing herds.

Where grazing leases are now made to white men, they are always on a competitive basis and for short terms. A revocable clause is part of the lease, to avoid overstocking the ranges and also to provide for the natural increase of the Indian herds. This plan under proper management should not take many years to make the Indian the American cattle king.

\* \* \* \* \*

Much is being planned for the Indians' industrial development by Commissioner Sells along practical lines. The value and necessity for "reimbursable funds" have been recognized in the past, but the amount heretofore granted by Congress (never exceeding \$100,000 per annum) has been wholly insufficient. Commissioner Sells, with his broad experience in scientific agriculture and stock raising, believes in doing things in a way that will secure definite results, and he asked Congress for a reimbursable fund of \$900,000 to use in cases where the Indians have no tribal money that can be applied for their benefit.

There has undoubtedly been in the past an indefensible, one-sided, unbusinesslike conception of the Indians' needs in various quarters. Extensive and expensive irrigation systems have been built on reservations, the Indians given individual tracts of land, and then left absolutely without any means for developing them. An irrigation system for the Blackfeet Reservation, Mont., was authorized by Congress at a cost of \$6,000,000 to be charged against these Indians. As their tribal property is only valued at \$5,000,000, they will, under the scheme, be in debt to the Government for \$1,000,000. The people mostly to be benefited by this are white men, who are to be allowed 15 years in which to pay for the improvement. By this plan their lands are brought

NAYS—36.

Ashurst	Kenyon	Shafroth	Stone
Bryan	La Follette	Sheppard	Swanson
Chilton	Lane	Shively	Thompson
Clapp	Lee, Md.	Simmons	Thornton
Clarke, Ark.	Norris	Smith, Ariz.	Tillman
Cummins	Overman	Smith, Ga.	Townsend
Gore	Owen	Smith, Mich.	Vardaman
Hughes	Page	Stephenson	West
Jones	Perkins	Sterling	Williams

NOT VOTING—46.

Bankhead	Gallinger	Martin, Va.	Saulsbury
Brady	Goff	Myers	Sherman
Brandegee	Gronna	Newlands	Shields
Burleigh	Hitchcock	O'Gorman	Smith, Md.
Chamberlain	Hollis	Oliver	Smith, S. C.
Clark, Wyo.	James	Penrose	Thomas
Colt	Kern	Pittman	Walsh
Crawford	Lea, Tenn.	Poin Dexter	Warren
Culberson	Lewis	Pomerene	Weeks
du Pont	Lippitt	Ransdell	Works
Fall	Lodge	Robinson	
Fletcher	McLean	Root	

So the Senate refused to refer the bill to the Committee on the Judiciary.

Mr. SMOOT. I move that the bill be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The Senator from Utah moves that the bill be referred to the Committee on Appropriations. Is there objection?

Mr. KENYON. I object. I understood the Chair to say that the bill would be referred to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. That is where the Chair thinks it would appropriately go.

Mr. KENYON. A parliamentary inquiry, Mr. President. If the motion of the Senator from Utah is defeated, will this bill not then go to the Committee on Privileges and Elections without motion?

The PRESIDENT pro tempore. The Chair presumes that would be the effect of defeating the pending motion. The question is on the motion of the Senator from Utah [Mr. Smoot] to refer the bill to the Committee on Appropriations. [Putting the question.] By the sound the noes appear to have it.

Mr. SMOOT. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is the demand seconded? [A pause.] The matter is so doubtful that the Chair will give the Senator the benefit of the doubt, and direct the Secretary to call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "nay."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. Penrose] to the junior Senator from South Carolina [Mr. Smith], I vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. Transferring my general pair with the junior Senator from Pennsylvania [Mr. Oliver] to the junior Senator from Indiana [Mr. Kern], I vote "nay."

Mr. STONE (after having voted in the affirmative). I should have stated when I voted what I now desire to state, that I transfer the pair I have with the Senator from Wyoming [Mr. Clark] to the Senator from Nevada [Mr. Pittman], and allow my vote to stand.

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virginia [Mr. Goff] to the senior Senator from Nevada [Mr. Newlands] and vote "yea."

Mr. JOHNSON. Again announcing my pair with the junior Senator from North Dakota [Mr. Gronna], I transfer that pair to the junior Senator from New Hampshire [Mr. Hollis] and vote "yea."

Mr. FLETCHER. I have a pair with the Senator from Wyoming [Mr. Warren]. I transfer that pair to the junior Senator from Illinois [Mr. Lewis] and vote "nay."

Mr. O'GORMAN. I again announce my general pair with the senior Senator from New Hampshire [Mr. Gallinger], and withhold my vote.

Mr. DILLINGHAM. Because of my pair with the senior Senator from Maryland [Mr. Smith] I withhold my vote.

Mr. CRAWFORD. I again announce my pair with the senior Senator from Tennessee [Mr. Lea], who has not voted, and withhold my vote.

Mr. O'GORMAN. I transfer my pair with the senior Senator from New Hampshire [Mr. Gallinger] to the junior Senator from Arkansas [Mr. Robinson] and vote. I vote "yea."

The result was announced—yeas 25, nays 26, as follows:

YEAS—25.

Bankhead	Johnson	Shively	Thornton
Bristow	McCumber	Simmons	Tillman
Burton	Martine, N. J.	Smith, Ariz.	West
Catron	Nelson	Smoot	White
Clapp	O'Gorman	Stephenson	
Clarke, Ark.	Reed	Stone	
Hitchcock	Shafroth	Sutherland	

NAYS—26.

Bryan	Jones	Owen	Swanson
Chamberlain	Kenyon	Page	Thompson
Chilton	La Follette	Perkins	Townsend
Cummins	Lane	Sheppard	Vardaman
Fletcher	Lee, Md.	Smith, Ga.	Williams
Gore	Norris	Smith, Mich.	
Hughes	Overman	Sterling	

NOT VOTING—44.

Ashurst	Fall	McLean	Root
Borah	Gallinger	Martin, Va.	Saulsbury
Brady	Goff	Myers	Sherman
Brandegee	Gronna	Newlands	Shields
Burleigh	Hollis	Oliver	Smith, Md.
Clark, Wyo.	James	Penrose	Smith, S. C.
Colt	Kern	Pittman	Thomas
Crawford	Lea, Tenn.	Poin Dexter	Walsh
Culberson	Lewis	Pomerene	Warren
Dillingham	Lippitt	Ransdell	Weeks
du Pont	Lodge	Robinson	Works

So the Senate refused to refer the bill to the Committee on Appropriations.

The PRESIDENT pro tempore. Unless there is objection, the Chair will refer the bill to the Committee on Privileges and Elections.

Mr. OVERMAN. I move that the bill be referred to the Committee on Privileges and Elections, where the Chair has already indicated that it should be referred.

The PRESIDENT pro tempore. No motion is necessary for that purpose. That reference has been made.

OMNIBUS CLAIMS BILL.

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

PROPOSED RULE RELATIVE TO POINTS OF ORDER.

Mr. SHEPPARD. I submit a resolution, which I send to the desk and ask that it be read.

The resolution (S. Res. 397) was read, as follows:

*Resolved*, That it is the sense of the Senate that the failure to raise points of order in reference to any measure in the Committee of the Whole does not prevent their consideration when a measure has passed from the Committee of the Whole into the Senate.

Mr. SHEPPARD. Mr. President, I wish to say in reference to the resolution that I consider the question it raises one of the most important questions that can come before the Senate; and I should like the Senate to pass on it independently, at a time when it is not complicated with the consideration of any other question. I am unwilling to have the ruling of the Chair the other day stand—the ruling that failure to raise a point of order in the Committee of the Whole precludes its being raised in the Senate.

I therefore ask for the reference of the resolution at this time, and will discuss it later.

The PRESIDENT pro tempore. Under the rule, the resolution will lie over for one day. Is it the intention of the Senator to have it referred to the Committee on Rules?

Mr. SHEPPARD. That is my intention.

The PRESIDENT pro tempore. That may be done by unanimous consent. Is there objection? The Chair hears none.

The Chair will state, however, that it is not the universal custom among presiding officers to hold in such a way as to make necessary the adoption of this resolution. The present occupant of the chair has looked into the matter somewhat, and he thinks a distinct error was made by the Presiding Officer who recently made the ruling referred to by the Senator from Texas. The plain language of the first clause of Rule XV is that all bills and amendments must be considered as in the Committee of the Whole, and when thereafter these are reported to the Senate that the amendments shall again be considered. If the word "considered" is a limitation upon the power to make a point of order after the bill or amendment has been reported to the Senate, it is obviously a like limitation upon the power to make a point of order in the Committee of the Whole.

If the question shall arise during my brief occupancy of the chair, I shall not hesitate to hold that a point of order can be presented in the Senate, even though it may not have been urged in the Committee of the Whole. In the event such a point had been raised in Committee of the Whole and overruled or sus-

tained, I take it for granted that even if there should exist a difference of opinion as to the specific case between different presiding officers presiding in the Committee of the Whole and the Senate, respectively, that the one would not assume to overrule the other in the particular case. As a matter of comity among presiding officers the ruling would be permitted to stand so far as that identical instance is concerned, notwithstanding these casual occupants of the chair should differ in opinion as to the rule.

Mr. SHEPPARD. It seemed to me to be so clear that the matter stands just as the Chair has stated it that I believed it essential to have the Senate pass on it by resolution, after the ruling the other day by the Senator from Kentucky [Mr. JAMES].

The PRESIDENT pro tempore. We can get the matter up at some time by informally submitting it to the Senate when it is presented, and thus take the judgment of the Senate on the disputed question involved.

No objection having been interposed, the resolution will be referred to the Committee on Rules.

STANDING COMMITTEES OF THE SENATE.

Mr. JONES. I desire to give notice that on to-morrow I shall submit an amendment to Rule XXV in the nature of a substitute providing for a reorganization of the standing committees of the Senate, to take effect at the beginning of the Sixty-fourth Congress, so that said rule shall read as follows:

XXV.

1. Beginning with the Sixty-fourth Congress, the following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

COMMITTEES OF THE FIRST CLASS.

- A Committee on Appropriations.
- A Committee on Commerce.
- A Committee on the District of Columbia.
- A Committee on Finance.
- A Committee on Foreign Relations.
- A Committee on Interstate Commerce.
- A Committee on the Judiciary.
- A Committee on Banking and Currency.
- A Committee on Public Lands.

The foregoing committees shall consist of not to exceed 11 members each, and shall be so constituted that each Member of the Senate shall be a member of one of said committees and no more.

COMMITTEES OF THE SECOND CLASS.

- A Committee on Agriculture and Forestry.
- A Committee on Rules.
- A Committee on the Census.
- A Committee on Civil Service and Retrenchment.
- A Committee on Claims.
- A Committee on Education and Labor.
- A Committee on Insular Affairs.
- A Committee on Immigration.
- A Committee on Naval Affairs.
- A Committee on Pensions.
- A Committee on Post Offices and Post Roads.
- A Committee on Printing, which shall have power to act jointly with the same committee of the House of Representatives.
- A Committee on Engrossed and Enrolled Bills, which shall have power to act jointly with a similar committee or committees of the House of Representatives, and which, or some member of which, shall examine all bills or joint resolutions which shall have passed the Senate or both Houses, to see that the same are correctly engrossed or enrolled, and, when signed by the Speaker of the House and the President of the Senate, shall present the same forthwith, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate.

A Committee on Public Buildings and Grounds, which shall have power to act jointly with a similar committee of the House of Representatives.

A Committee on Audit and Control of the Contingent Expenses of the Senate, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.

The foregoing committees of the second class shall consist of not to exceed 13 members, and no Senator shall be placed upon more than two of said committees at the same time.

2. The aforesaid committees shall continue and have the power to act until their successors are appointed.

PRICES OF OIL.

Mr. OWEN. I submit a short memorial from citizens of Tulsa, Okla., which I desire to have printed in the Record, together with certain data bearing upon the relative prices of Oklahoma oil and oil in other parts of the country.

There being no objection, the matter was referred to the Committee on Interstate Commerce and ordered to be printed in the Record, as follows:

TULSA, OKLA., June 6, 1914.

To WOODROW WILSON,  
President of the United States; and  
To the CONGRESS OF THE UNITED STATES:

The vital welfare of the independent oil producers and the independent refiners and consumers of the Nation imperatively demands that oil pipe line companies be made common carriers and that they be ade-

quately divorced from oil-producing interests; and we beg your most urgent consideration of our appeal for earliest possible relief.

- DAVID J. KELLEY.
- O. K. EYSENBACH.
- F. M. ATKEN.
- JOHN RAY.
- CHAS. T. WILSON.
- J. A. EVANS.
- L. L. HUTCHISON.
- A. E. WATTS.
- C. J. WRIGHTSMAN.
- JOHN A. STEEL.
- LITCHFIELD & SULLIVAN.
- H. F. SINCLAIR.
- E. N. GREIS.
- E. R. KEMP.
- J. H. MARKHAM, JR.
- C. N. HASKELL.

(And many others.)

Crude oil prices.

	Per barrel, April, 1914.	Per barrel, June 4, 1914.
Pennsylvania.....	\$2.50	\$1.80
Ohio, North Lima.....	1.49	1.19
Illinois.....	1.45	1.15
Oklahoma:		
Cushing.....	1.05	.75
Healdton.....	.70	.50

Compared to Pennsylvania, at \$2 per barrel, the Cushing oil is worth \$1.85 per barrel and the Healdton oil is worth \$1.50 per barrel, on the authority of Dr. Allen, chief chemist of the Bureau of Mines.

The Healdton oil is bringing but 33 1/2 per cent of its market value acknowledged and fixed by the Standard Oil monopoly as fair in Pennsylvania.

The great wrong is obvious.  
Will Congress give the remedy?

TULSA, OKLA., June 10, 1914.

Senator ROBERT L. OWEN,  
Washington, D. C.:

Dr. Allen, chief chemist Bureau of Mines, just reported to corporation commission that, on basis of \$2 per barrel for Pennsylvania oil, Cushing worth \$1.85; Healdton, \$1.50. Carroll, of Commerce Bureau, in Washington, says 8 cents per barrel, reasonable transportation cost from Tulsa to Gulf points.

C. J. WRIGHTSMAN.

OKLAHOMA OIL AN EQUAL OF EAST HIGH GRADE—COMPARATIVE RUNS OF PENNSYLVANIA AND CUSHING OILS SHOW THEM PRACTICALLY ON A PAR—FIGURES ARE INDISPUTABLE—NEWS CORRESPONDENT FURNISHES HERE MOST INTERESTING ITEM TO OKLAHOMA PRODUCERS SEEN IN MANY MONTHS.

TULSA, OKLA., June 2, 1914.

MID-CONTINENT OIL NEWS,  
Okmulgee, Okla.

GENTLEMEN: One of the Pennsylvania refiners to whom the writer has been shipping Cushing crude oil has had a comparative run of 100 gallons Cushing crude and 100 gallons (approximately 2.4 barrels) of Pennsylvania crude oil. The runs were made by a laboratory which is recognized as the highest authority in the United States on tests of oils, including crude and all grades of refined and lubricating oils, waxes, residuum, etc.

The test is made in an experimental still and is taken in 20 units of 5 per cent each. The test of the 20 units are as follows:

MAY 22, 1914.

DEAR SIR: We have had comparative runs made by the \_\_\_\_\_ of the Pennsylvania crude we are now running and of the Cushing crude gotten through you.

The tests of the 5 per cent units are as follows:

	Gravity.		Gravity.
Crude oil, Cushing.....	41.8	Pennsylvania.....	44.2
No. 1, 5 per cent unit Cushing.....	80.1	Pennsylvania.....	80.5
No. 2, 5 per cent unit Cushing.....	72.0	Pennsylvania.....	70.5
No. 3, 5 per cent unit Cushing.....	67.0	Pennsylvania.....	64.3
No. 4, 5 per cent unit Cushing.....	62.0	Pennsylvania.....	60.1
No. 5, 5 per cent unit Cushing.....	57.2	Pennsylvania.....	55.5
No. 6, 5 per cent unit Cushing.....	55.5	Pennsylvania.....	53.8
No. 7, 5 per cent unit Cushing.....	52.3	Pennsylvania.....	52.0
No. 8, 5 per cent unit Cushing.....	49.5	Pennsylvania.....	50.0
No. 9, 5 per cent unit Cushing.....	46.7	Pennsylvania.....	47.7
No. 10, 5 per cent unit Cushing.....	44.1	Pennsylvania.....	45.7
No. 11, 5 per cent unit Cushing.....	42.0	Pennsylvania.....	43.6
No. 12, 5 per cent unit Cushing.....	40.2	Pennsylvania.....	41.6
No. 13, 5 per cent unit Cushing.....	38.3	Pennsylvania.....	40.5
No. 14, 5 per cent unit Cushing.....	37.1	Pennsylvania.....	38.8
No. 15, 5 per cent unit Cushing.....	34.5	Pennsylvania.....	37.6
No. 16, 5 per cent unit Cushing.....	32.1	Pennsylvania.....	36.8
No. 17, 5 per cent unit Cushing.....	29.0	Pennsylvania.....	34.0
No. 18, 5 per cent unit Cushing.....	27.0	Pennsylvania.....	32.5
No. 19, 6 1/2 per cent unit Cushing.....	24.8	Pennsylvania (9 3/4 per cent).....	29.7
No. 20, 3 1/2 per cent unit Cushing asphalt.			

100 per cent unit Cushing, 93 3/4 per cent Pennsylvania.

The first trace of color appears in Cushing unit No. 11 and Pennsylvania unit No. 12.

The color of the Cushing units darkens much more rapidly than the Pennsylvania units, Cushing crude No. 17 being about association No. 5, while Pennsylvania unit No. 17 is about association No. 2.

The first traces of paraffin at 70 temperature appear in the Cushing unit No. 17 and in the Pennsylvania unit No. 16.

The last three units from Cushing are exceedingly dark, while the darkest of any of the Pennsylvania units is about the color of commercial vaseline.

Three and one-half per cent asphalt in the Cushing crude was a hard, dry product.

The above report was given the writer with the understanding that neither the name of the refiner nor the laboratory making the test be used. The entire matter, however, is absolutely reliable, and originals are in my possession. Following the above comparative test this same refiner, under date of May 28, 1914, made a comparison of the market

value of the products and by-products contained in the two crudes and writes as follows:

As near as I could figure the value of the products from Pennsylvania and Cushing crude, based on the comparative run made by the figures, would be as follows:

PENNSYLVANIA OIL.			
Gasoline	66.2 gravity, 25 gallons, at 12 cents		\$3.00
Turp. subf.	51.9 gravity, 15 gallons, at 8½ cents		1.28
Kerosene	45.7 gravity, 15 gallons, at 5 cents		.75
300 oil	40.3 gravity, 15 gallons, at 5 cents		.75
Non vis. neut.	35.5 gravity, 12 gallons, at 4½ cents		.96
Vis. neut.	31 gravity, 8 gallons, at 12 cents		.96
S. R. cyl. stock	25 gravity, 8 gallons, at 12 cents		.96
Refined parf. wax	2 gallons, at 25 cents		.50
	100		8.74
5 per cent gallonage loss in manufacture			.44
Total value of products			8.30

CUSHING OIL.			
Gasoline	65.7 gravity, 30 gallons, at 12 cents		\$3.60
Turp. subf.	48.2 gravity, 20 gallons, at 8½ cents		1.70
Kerosene	40.1 gravity, 15 gallons, at 3 cents		.45
Gas oil	34.6 gravity, 15 gallons, at 2 cents		.30
Vis. neut.	28 gravity, 10 gallons, at 10 cents		1.00
S. R. cyl. stock	24 gravity, 6 gallons, at 8 cents		.48
Refined parf. wax	½ gallon, at 25 cents		.13
Asphalt	¾ gallons, at 6 cents		.21
	100		7.87
5 per cent gallonage less in manufacture			.39
Total value of products			7.48

You will note from the above figures that the products from 100 gallons of Pennsylvania oil only exceed in value the products of a like number of gallons of Cushing crude oil by 82 cents, or, in other words, of Pennsylvania oil from a refining standpoint, is worth only approximately 10 per cent more than the Cushing oil, although at the present time with Cushing oil selling at 75 cents and Pennsylvania oil at \$1.90 at the wells, price of Pennsylvania oil is over two and a half times that of Cushing oil.

Yours, very truly,

The above comparative estimate of the value of the products contained in the crudes referred to is really in favor of Pennsylvania oil, the comparison being made by a Pennsylvania refiner, being thoroughly familiar with his own product and not so with the products of Oklahoma crude, which would naturally leave the comparison slightly in favor of the Pennsylvania products.

For instance, kerosene, you will observe, is figured at 40.1 gravity at 3 cents per gallon, against 45.7 gravity (Pennsylvania) at 5 cents per gallon. In this connection, I might add, the Consumers' Refining Co. at Cushing, oil running oils from the Wheeler & Layton sands, before the discovery of the Bartlesville sand in the Cushing field, have been making a 47-gravity, 150 degrees, water-white oil (kerosene of the highest grade) would raise the value of kerosene from Cushing crude from 1 to 1½ cents per gallon.

Furthermore, take the viscus neutrals from Cushing oil. From "viscus neutrals" is derived all the various engine and machine, gas-engine and automobile oils, etc. While the flash and fire test of Pennsylvania viscus neutrals are somewhat, though slightly, higher than those from the Oklahoma oils, the viscosity as well as the cold test of Oklahoma viscus neutrals, are noticeably better, and such oils are therefore of about the same value. Therefore, according to the above report, figuring market values from either Oklahoma or Pennsylvania shipping points, freight rates considered, the value of the products from both crudes are about on a par. In fact, when the above results of the comparative runs were sent me, a letter accompanying said test stated in part: "You will readily see that Pennsylvania crude is worth but very little, if any, more than Cushing."

Cushing crude, I firmly believe, represents about the average value of Oklahoma oils, while the crude from the Bartlesville sand is of slightly higher gravity (41.8) than most other oils produced in the older Oklahoma fields. There is found in various fields crude of from 39 to 42 gravity of much better color than Cushing, and while slightly lower in gasoline and kerosene contents, the base or heavier oils are of much greater value to the refiner.

The writer has observed these oils at the wells and from different sands in the entire field and within the boundaries of, say, Muskogee, Henryetta, Okmulgee, and Tulsa, and is of the firm opinion that oils produced within the said boundaries are of as great, and likely greater, refining value than is Cushing crude.

Should any interested party, refiner, or producer doubt the reliability of the above report, I would be pleased to furnish proof, but, as before stated, the names of said refiner and laboratory must be withheld from publication and with good and sufficient reasons.

Yours, very truly,

LEO KAUFMAN.

CONSTRUCTION OF REVENUE CUTTERS.

Mr. BANKHEAD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4777) to provide for the construction of four revenue cutters, 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 amendment to amendment numbered 3 made by the House to the bill and agree to House amendment numbered 3; and that the Senate recede from its

disagreement to House amendments numbered 1 and 2 and agree to the same.

Strike out "four" and insert "two" in title of bill.

J. H. BANKHEAD,  
KNUTE NELSON.

Managers on the part of the Senate.

W. C. ADAMSON,  
T. J. SIMS,  
F. C. STEVENS.

Managers on the part of the House.

The report was agreed to.

ATLANTIC COAST LINE RAILROAD CO.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4053) for the relief of the Atlantic Coast Line Railroad Co., which was, on page 2, line 1, to strike out "a sufficient sum, not to exceed \$400," and insert "the sum of \$292.45."

Mr. SIMMONS. I move that the Senate concur in the House amendment.

The motion was agreed to.

NAVAL APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, receding from its disagreement to the amendments of the Senate numbered 34 and 53 to the bill and agreeing to the same; receding from its disagreement to the amendment of the Senate numbered 67 and agreeing to the same with an amendment, in which it requested the concurrence of the Senate insisting upon its amendment to the amendment of the Senate numbered 67; further insisting upon its disagreement to the residue of the amendments and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SWANSON. I move that the Senate further insist upon its amendments, disagree to the amendment of the House to the amendment of the Senate numbered 67, agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS conferees at the further conference on the part of the Senate.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The SECRETARY. The pending question is on the amendment on page 19.

The PRESIDENT pro tempore. The Secretary will suspend at that point.

On yesterday, when this bill was under consideration, the Senator from Vermont [Mr. PAGE] said:

Mr. President, I am rather inclined to submit a point of order upon the part of the bill which the Secretary has just read.

The amendment involved being an item making an appropriation of \$100,000 for the purpose of determining the heirs of deceased Indian allottees and other persons having any right, title, or interest in any trust or restricted allotment, or in any other estate or property held in trust by the United States, under regulations prescribed by the Secretary of the Interior.

Mr. SMOOT. What page is that?

The PRESIDENT pro tempore. It is at the bottom of page 14, all of page 15, and part of page 16.

The Chair regards that, the item having been estimated for by the department as an absolutely necessary and legitimate expense, the qualifying language which follows is only such as is calculated to give intelligent direction to the manner in which the fund shall be expended, and under the precedents of the Senate it is not subject to a point of order. The point of order is, accordingly, overruled.

The question is on agreeing to the amendment.

Mr. STERLING. Mr. President, I ask that this amendment may be passed over for the present.

The PRESIDENT pro tempore. The Senator from South Dakota asks that the amendment may be temporarily passed

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

The SECRETARY. The pending question on the bill is, on page 19, where the committee proposes to insert, after line 11, the following paragraph:

To enable the Secretary of the Interior to provide school facilities for the children of the Papago Tribe of Indians in Arizona, the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated, this amount to be in addition to any other funds available for that purpose.

Mr. SMOOT. Mr. President, may I ask the Senator what other funds have been made available for this purpose, and if any, how much?

Mr. ASHURST. Mr. President, I shall be very glad to supply the Senator with the information. I read from page 331 of the House hearings the justification for this item, offered by the Commissioner of Indian Affairs, as follows:

The Papago school population is estimated to be 1,220. It is thought that, including all nonreservation members of the tribe, the number is considerably larger, and the Government has never provided any home schools for this tribe except one day school, with a capacity of 40. A mission school with a capacity of 150 has during recent years been maintained and operated by the Government. This makes a total Government home school capacity of 190 pupils. There are several mission schools on or near the reservation, and quite a number of children attend nonreservation schools. However, it is estimated that between 800 and 1,000 Papago children of school age are entirely without school facilities.

The Papagos live in villages; therefore it will be feasible and advisable to provide school facilities for them by building day schools. This will make it possible to provide school facilities for all of these children at very much less expense than where the conditions make boarding schools necessary. The maintenance expense will likewise be very small comparatively. There are probably 12 to 15 Papago villages where good day schools can be maintained.

There is no previous estimate.

Proceeding to read further from the justification:

These Indians are a very worthy class of people and ask no assistance from the Government except that school facilities be provided. This item of \$50,000 should be included in the bill this year in order that the Papago children may not longer be permitted to grow up in ignorance.

Mr. SMOOT. What I asked the Senator was the amount of the appropriation. This is a direct appropriation of \$50,000, and it says:

This amount to be in addition to any other funds available for that purpose.

What other funds are available for that purpose, and how much?

Mr. ASHURST. At this time I am not able to say that there are any funds available, except in the general language used at the beginning of the section, where, referring to Arizona and New Mexico, it says, "for support and civilization." The Senator will remember that those words have been defined to be apt words, and the Commissioner of Indian Affairs, in his judgment, distributes this sum for civilization and support in accordance with the needs, requirements, and necessities of each particular tribe.

Mr. SMOOT. I suppose the amount here referred to is some lump-sum appropriation, and I thought perhaps the Senator knew just exactly the amount that would go to these particular Indians.

Mr. PAGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Vermont?

Mr. SMOOT. Certainly.

Mr. PAGE. The Senator from Utah is correct. He will find at the bottom of page 7:

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, \$1,500,000.

I wish to say to the Senator from Utah that this particular paragraph relating to the Papago Tribe was quite fully discussed by the Committee on Indian Affairs, and I believe the committee were absolutely unanimous in the view that this clause is a proper one.

Mr. SMOOT. I am not objecting to the appropriation for the purpose of educating the children of the Papago Tribe, but I was trying to get at whether this is an undue amount to appropriate, taking into consideration that they have a part of a fund appropriated already, namely, a million and a half dollars. If there are 150 children of that tribe, it would cost about \$325 per child. In addition to that, I wanted to learn, if possible, how much they get out of the lump sum, so as to see about how much it would cost per year to educate each child of the tribe.

Mr. ASHURST. While it might appear that it would be an excessive sum for this particular tribe of Indians, that is only an apparent disclosure. It is not really an excessive amount. The committee were of the opinion, as to the appropriation referred to at the top of page 8 of the bill—\$1,500,000—none of

that money would be used in cases where there was a specific appropriation made like the one now under discussion. It was also the opinion of the committee that this is not an excessive sum. A good deal of discussion was had in relation to the item, and it was resolved by the committee that it is not an excessive sum.

Mr. SMITH of Arizona. If my colleague will permit me—  
The PRESIDENT pro tempore. Does the Senator from Arizona yield to his colleague?

Mr. ASHURST. I yield.

Mr. SMITH of Arizona. The Papago Indians live on the Papago Reservation in Arizona, but they are scattered. Quite a number of them live on the reservation, and then quite a number are nomadic, wandering divisions of the tribe that will go off and seek for water and make a home for a season on some mountain or some place in the desert where they can find enough water near by to raise a small crop.

I apprehend that with this appropriation, in addition to the lump sum, they can get hardly enough by a proper division among all the Indians for the support of the Papagos. I imagine that some effort is being made to take care of these Indian villages that are scattered around, where they can easily have schools for a season and thus have some of the advantages that are given to the tribe.

Mr. SMOOT. I will say that I have not any objections to the amount from what already has been said. I will not object to the item.

Mr. ASHURST. I appreciate the force—

The PRESIDENT pro tempore. In the further consideration of this bill the Chair will give notice that there will not be a strict observance of the rule which requires a Senator to ask permission before he interrupts. These colloquies are enlightening and they amount to an exchange of information, and it would take more time to obtain consent than to get the information when it seems to be asked in good faith and not for the purpose of delay. So if the Chair does not interpose on every occasion it will not be due to the fact that he does not understand that in proper cases it is the duty of the Chair to do so. Of course, it will be limited to one Senator speaking at a time; the reporters must take down what Senators say. With that explanation of his conduct, the Chair will recognize the Senator from Arizona.

Mr. ASHURST. I may not have been considerate in regard to my interruptions, and I wish to apologize to the Chair. I wish, however, before I take my seat to ask Senators to observe the language on page 8, lines 16, 17, and 18, of the bill, in which it is specifically stated that no part of the appropriation of \$1,500,000 "shall be used for the support of Indian day and industrial schools where specific appropriation is made."

Mr. LA FOLLETTE. Mr. President, I think the Senator from Utah [Mr. SMOOT] misunderstood the statement of the Senator from Arizona [Mr. ASHURST] as to the number of children of school age in this tribe. If the statement was made by the Senator from Arizona as understood by the Senator from Utah and communicated to me by him, I want to correct it. The Papago school population is estimated at 1,220 and not 150.

Mr. ASHURST. Yes, sir; 1,220.

Mr. SMOOT. I may have misunderstood the Senator in what he said, but I understood him to say that 150 and 40 more would be 190. I say I would have no objection to the item even if there were 190 on the explanation that has been made.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 20, line 4, after the word "expended," to strike out "reimbursable to the United States by the Indians having tribal rights on said reservation and to remain a charge and lien upon the lands and funds belonging to said Indians until paid," so as to make the clause read:

For the construction of a bridge across the Moencopl Wash on the Western Navajo Indian Reservation, Ariz., \$6,000, or so much thereof as may be necessary, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 20, after line 19, to insert: The Secretary of the Interior is hereby authorized to set aside and reserve as a school farm for the Fort Yuma Indian School the west half of the northwest quarter and the west half of the southwest quarter of section 24, township 16 south, range 22 east, San Bernardino meridian.

The amendment was agreed to.

The next amendment was, at the top of page 21, to insert:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of \$25,000, and in no event more than one-third of the sum that may be necessary for the construction of a bridge across the Colorado River at or near Topock, in the State of Arizona, to be expended under the direction of



the Secretary of the Interior: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona and the State of California satisfactory guaranties of the payment, by the said States, of at least two-thirds of the cost of said bridge; and that the proper authorities of the said States assume full responsibility for, and will at all times maintain and repair said bridge and the approaches thereto: *And provided further*, That the bridge shall be built in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Mr. ASHURST. I move an amendment to the amendment. In line 10, where the words "State of California" occur, before the word "State," I move to insert the words "county of San Bernardino, in the," so as to read:

That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona and the county of San Bernardino, in the State of California, satisfactory guaranties of the payment—

And so forth.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 21, after line 19, to strike out:

That the Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the Fort Mohave Indian Reservation, in Arizona, with respect to the necessity of constructing a bridge across the Colorado River, near said reservation, and to cause surveys, plans, and reports to be made, together with an estimated limit of cost for the construction of a suitable bridge across said river, and also to ascertain from a council of the members of said tribe whether the Indians of said reservation are willing that the proportion of the cost of said bridge which the Secretary of the Interior may determine to be properly chargeable to them shall be reimbursable from any funds which are now or may hereafter be placed to the credit of said tribe in the Treasury, and submit his report thereon to Congress on the first Monday in December, 1914; and the sum of \$1,000, or so much thereof as may be necessary is hereby appropriated for the purpose herein authorized.

The amendment was agreed to.

The next amendment was, on page 22, after line 12, to insert:

For enlarging the irrigation system for the irrigation of Indian lands, for protective works to prevent damage to irrigable lands by floods, and for development of domestic water supply on the Papago Indian Reservation in Arizona, in accordance with the plans and specifications submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in conformity with a provision contained in section 1 of the Indian appropriation act for the fiscal year 1911, \$50,000, and to remain available until expended: *Provided*, That the total cost of this project shall not exceed \$150,000.

Mr. SMITH of Arizona. Mr. President, I wish to make a mere statement of the facts in this case. I think this particular item should go out, and I believe I can convince the Senate that a mistake was made by the committee.

If this item is permitted to remain in the bill, it will take away the water supply of the city of Tucson, a city of over 20,000 people. We get our water from an underflow. We have developed it by going deep and raising the water, and we are using that water for city purposes and also for irrigation. We started that long before the Papago Indians ever thought of getting any water for any purpose.

I have telegrams here that I will not detain the Senate to read from the mayor and from the chamber of commerce stating that the proposed scheme takes away the water from the city of Tucson. I have looked at the plans that they propose to use, and while they go higher up above the Indian reservation, where the mountains crowd the valley they cut across and take the whole underflow of the valley. It would leave a perfect desert around the city, where there are now 10,000 acres in cultivation, and it would take away the water supply of the town.

I have defeated this item two or three times before the committee. It got in this time, as I understand, on statements made that it did not interfere with the flow, but I assure the Senate that it does interfere with it, for I know the plan, and I know the ground as well as I know this Senate Chamber.

I move to strike out the item from the bill—that is, I ask the Senate to disagree to the amendment.

Mr. WILLIAMS. In connection with this amendment I desire to ask the Senator from Arizona a question. Has this work already been entered upon and has money already been expended under it?

Mr. ASHURST. No; the only money expended was the appropriation made to pay for the expense of ascertaining the feasibility and propriety of the project. The work has not been entered upon.

Mr. WILLIAMS. It seems to me when we irrigate these Indian lands the charge ought to be against the Indian fund, and not against the Treasury of the United States.

Mr. SMITH of Arizona. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arizona yield to his colleague?

Mr. ASHURST. I yield.

Mr. SMITH of Arizona. I am acquainted with this matter, and I have just explained it to the Senate. I ask the Senate to disagree to the amendment on the ground that the proposition would take all the water from the city of Tucson. It really amounts to taking the whole underground flow. I want the Senate to disagree to the amendment, and I would be very glad to have that done as early as possible.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, on page 23, line 10, after the word "Arizona," to strike out "\$20,000" and insert "\$35,600," so as to make the clause read:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona, \$35,600.

Mr. SMITH of Arizona. I do not like this amendment.

Mr. ASHURST. Let the item, beginning at line 6, on page 23, down to and including line 10, go over until I confer with my colleague.

The PRESIDENT pro tempore. The amendment will be passed over temporarily unless there is objection. The Chair hears none.

The next amendment was, on page 23, line 21, after the words "Navajo Reservation," to strike out "\$15,000" and insert "\$50,000," so as to make the clause read:

For continuing the development of a water supply for the Navajo Indians on the Navajo Reservation, \$50,000, to be immediately available and to remain available until expended, reimbursable out of any funds of said Indians now or hereafter available.

Mr. LANE. I reserve the right to offer an amendment to this amendment, if it can be reserved at this time.

The PRESIDENT pro tempore. The Senator from Oregon will state his amendment, and we will determine what can be done when we find out what it is.

Mr. LANE. There is an item which ought to be stricken out, I guess, although I am not entirely informed concerning it. It has to do with lands other than agricultural, and, in a way, would affect a large amount of mineral lands. I should like to have it go over until I can take the matter up with the chairman of the committee and see if he will not agree to some change in it.

The PRESIDENT pro tempore. If the Senator will indicate just what provision of the bill he desires to have passed over for the present, the Chair will submit his request to the Senate.

Mr. LANE. That is the last item which was read on page 23, lines 20 to 24, inclusive.

The PRESIDENT pro tempore. The Senator from Oregon asks that the provision indicated by him may be passed over temporarily. Is there objection? The Chair hears none. The reading of the bill will be resumed.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 24, to insert:

For the purchase of lands for the use and benefit of Indians under the jurisdiction of the superintendent of the Camp Verde Indian School, Ariz., \$20,000, to be immediately available and to remain available until expended. *Provided*, That the lands purchased for said Indians shall be held in trust and be subject to the provisions of the general allotment act of February 8, 1887 (24 Stat. L., 388), as amended.

The amendment was agreed to.

The next amendment was, on page 24, after line 9, to insert:

There is hereby appropriated the sum of \$50,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Colorado River and Yuma Reservations, the said sum to be expended in the purchase of seed, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924, and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury, and shall not be withdrawn by law.

The PRESIDENT pro tempore. Unless there is objection the amendment will be agreed to.

Mr. SMOOT. Mr. President, I hardly caught the full meaning of the amendment as read. I wish to ask the Senator having the bill in charge to explain the amendment.

Mr. ASHURST. Mr. President, I am aware that this is somewhat of a departure from previous methods employed in the

department. This has been characterized as a revolving fund. It was the subject of much discussion, thought, and investigation by the committee. The method has been considered at some length by the Indian Bureau, and it has been deemed to be a wise one. When Indian tribes have land, our experience discloses to us that the mere possession of land is not sufficient to develop them into persons who become self-supporting. This is to create a fund out of which appropriations may be made for the purpose of leveling their lands, plowing them, tilling them, raising crops, building houses, purchasing machinery, and purchasing cattle; that the fund appropriated shall become a lien on the land; and that when the fund is repaid, as provision is made in the act for the repayment, the land being in the meantime held as security, that that same fund which is repaid into the Treasury of the United States shall again be used for a similar purpose.

Mr. SMOOT. Mr. President, I have noticed, of course, that this money is to be paid to the Indians for certain enumerated purposes "under such regulations as the Secretary of the Interior may prescribe." I suppose those regulations relate to the security which the Government will take for the money advanced?

Mr. ASHURST. That would be one of the regulations. Now, relating to this particular item, I wish to read a short excerpt from the recommendation submitted to the committee by the Commissioner of Indian Affairs:

We are asking in this item for a reimbursable appropriation of \$50,000 for the Indians of the Colorado River and Yuma Reservations in Arizona and California. The Government has constructed irrigation projects for these Indians, and they have now at their disposal valuable irrigable lands, but they are without means to begin cultivating those lands. It requires money to level the land, and these Indians also need agricultural equipment. Every dollar of this money will be reimbursed to the Government, and it is simply a loan to these Indians based on good security, because they have valuable surplus lands, and the appropriation is simply to enable them to become self-supporting. In support of this item, I would like to submit the following justification:

*Statistics, Colorado River Reservation.*

Indian population.....	486
Acreege of reservation area.....	240,640
Acreege of agricultural land.....	100,160
Acreege of grazing land.....	85,000
Acreege allotted lands.....	4,860
Acreege under ditch.....	4,860
Acreege cultivated by Indians.....	638
Acreege irrigated.....	450
Live stock:	
Horses.....	210
Mares.....	225
Stallions, pony.....	31
Cows and heifers.....	143
Bulls.....	9
Steers.....	106

So the fund will be used for the purpose, not of dealing them out rations but to cope in a large way with this Indian problem—I might use those words in the nomenclature of Indian affairs, for the "Indian problem" is the great problem that is before us, as to how we shall develop the Indians into becoming self-supporting. This has been deemed, I will not say the best way, for the committee can not arrogate to itself all knowledge and wisdom, but it is a good way, the money being secured by the lands themselves.

Mr. SMOOT. The only fear I have respecting this provision is that unless many of the Indians are of a different character from white men, if the money is available to the Indian and he has to put up his land as security, I am afraid that in the end perhaps he will be liable to lose his land. I want to say to the Senator having the bill in charge that I believe the Indians ought to be assisted; I think that if conditions are such as stated by the Senator, it would be well for Congress to make the appropriations direct, and then see if they could not, by direct regulation and by putting one or two competent men there who are familiar with the methods of irrigating and cultivating land, help the Indians in their experiments. The Indian who does not particularly care for work would not make application for the money, but he might feel that if he could get the money he would get it and use it, perhaps, not all in the cultivation of his land, but partly for that purpose, and then he would perhaps find himself mortgaged, and it would be impossible for him at the end of the 5 years or 10 years, or whatever length of time it is, to pay. All I was thinking about was the protection of the Indians.

Mr. OWEN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. I do.

Mr. OWEN. I felt some doubt about whether this revolving fund would be repaid. In order to ascertain what reason we had for judging as to the future in regard to that I requested that a report be made upon such revolving funds as had here-

tofore been used, so as to see whether or not under their administration these funds were really in good faith paid back. I was much surprised and much gratified to find that the department had a most favorable experience with them; that the Indians had shown integrity in regard to these matters and industry, and had done very well indeed with regard to the repayment; so that from the history of the transactions in the department it appears that no reasonable doubt should be entertained that the money will actually be paid back in good faith and constitute a revolving fund that will serve other Indians in the same way, teaching them the lesson of self-support.

Mr. SMOOT. It is a splendid idea, Mr. President, if it can be successfully carried out.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. SMOOT. Certainly.

Mr. CLAPP. I do not think the Senator appreciates the plan that is adopted. I notice he referred to repayment at the end of 10 years. This provision does not contemplate a loan for 10 years; it contemplates that for 10 years the money that is paid back may be loaned to other Indians. The plan has been simply to loan them money for one year. The money does not go to the Indian at all. The agent buys the horses and seed, or whatever is to be purchased, and takes the Indian's note for the amount, the Indian making the payment.

This plan works to the advantage of the Indian, and I am going to speak of it because we have adopted it to some extent in this bill. In the first place, it makes it possible for the department, where an Indian requires assistance of this kind, to lend him a helping hand; and, in the second place, it teaches the Indian what the white man had to learn many generations ago—the importance of keeping his obligations; that when he borrows a dollar he must repay that dollar.

Last year, on the passage of the Indian appropriation bill, as will be seen on page 2097 of the CONGRESSIONAL RECORD, I submitted a summary of the work of the department up to that time under this provision. In one case I think every dollar was repaid the first year, but in the other cases there had not been such a prompt payment.

If it is properly managed, this method is the solution of the individualizing and development of the Indian by lending him this helping hand under the direction of the agent. The money does not go to the Indian; he can not squander it. The only danger is that the agent might purchase things that possibly might not be necessary, but we have got to take some chance in everything. The agent is right there with the Indian in the fall, and when the harvest comes he sees to it that the Indian repays the money. The provision is designed to individualize the Indian, to help the Indian, and, above all, to teach the Indian the necessity of business methods.

I will say, frankly, we have provided considerable sums in this bill to be used along that line. We did it because of the excellent success that has attended the same experiment in preceding years. As I have said, a summary of what has been accomplished will be found on page 2097 of the CONGRESSIONAL RECORD, part 3, volume 50, Sixty-third Congress, first session.

Mr. LANE. Mr. President, I should like to say, for the further information of Senators, that there is another condition which has brought about this method of appropriating money, and that is this: All along in the history of the Indian in the past there has been appropriated by Congress, out of funds belonging to the Government and out of funds which were reimbursable from the Indian's property, hundreds of thousands of dollars for his support and civilization. We all know that the Indian has made a failure as a farmer. For some reason he has not advanced as the white man has in that line, and it has been a problem as to what to do for him. In investigating the matter the Indian Committee and the commission appointed to look into Indian affairs, has found this condition to exist—and it exists at this time all over the United States—and that is that the Indian has been allotted in severalty lands to which in some cases water has been brought for irrigation purposes at his expense. In this way he has had turned over to him tracts amounting to from 40 to 160 acres, and in some cases the terms have been that if the Indian did not utilize the water and cultivate the land within a certain specified period of time, in one instance not to exceed two years, he forfeited his water right and any advantage he might receive from the land.

What else did we do for him? We did not give him a penny with which to buy a plow, or a harrow, or a grubbing hoe, or anything at all with which to work the land. We hired farmers to go out and teach him how to farm, but we furnished him nothing with which to farm. He was left with his bare hands. The white man could not make a success under such circumstances. When irrigable land is being broken to cultivation and water is put upon it, it has been found that the white man,

should safeguard those rights. We should submit proposed legislation to the Indian and allow him to say whether he wants this or that thing done. But we do not do it. It is wrong. I think we ought to regard ourselves—and I am sure the Senator from Mississippi does—as the guardian of the Indian. We owe him a duty, and we can not discharge that duty unless we stand here and legislate for him in such a way as to protect him in the best possible manner.

I wish to urge upon the Senator from Mississippi and the Senator from Alabama that they study this bill as we proceed with it and see if we have not in many cases legislated in such a way that the Indian is not fully protected. That constitutes mainly such objection as I have to the bill. The bill as a whole is good. It has been very carefully wrought out by the Committee on Indian Affairs. There were not as many members of the committee present during its consideration as I think ought to have been on so important a bill, but I think that those who were there tried to give their best thought to the bill.

Mr. CLAPP. Mr. President, I wish to address an answer to the Senator from Mississippi, but I call attention first to one suggestion of the Senator from Vermont. In this bill we have inserted a provision, certainly as to Minnesota, that no appropriation from an Indian fund in excess of \$5,000 shall become effective until submitted to a council of the Indians. This, of course, is a matter of progress. It was not done formerly.

I will state the reason why we do not use the Indian's money under this proposed plan. We had a provision in the bill, which went out, I think, on a point of order, that where a tribe had a fund or an Indian had money to his credit—it would almost universally be a tribal fund—the department might estimate the amount that would probably come to each Indian, and within that estimate the department could advance to the Indian money to be used for these purposes.

This provision contemplates loaning money to an Indian who has no money; or if he has money, it is not his money that is loaned. We did not feel that we would be justified in taking money from an Indian fund and loaning it to an individual Indian, because it must be confessed that there is a possibility here of the loss of the loan, and we as a Government should take that risk upon ourselves. If we are going to loan this money to Indians, we should loan our money and not loan some other Indian's money to an Indian other than the one to whom it belongs.

Of course the last inquiry of the Senator is a most pertinent one, and yet there is a vast difference, it seems to me, between one lending this helping hand to Indians and to white people. I am lending this helping hand to the general, broad view of the Senator rather in sympathy with the general, broad view of the Senator from Mississippi against the idea of the Government being paternal. I am pretty nearly ready to subscribe to Mr. Tilden's great maxim, that that which the individual can do he should do, and that which the State can do it should do. But these Indians occupy a peculiar relation to us. Up to a short time ago we but very few of them knew anything at all of civilization. We used to make treaties with them, where we would solemnly agree, in the old poetic language of the treaty, so long as grass grew and wind blew, that we never would invade that reservation for settlement by the white man; but, of course, the onrush of the American people to the West resulted in the ignoring of those treaties. Time and again reservations were diminished; time and again the Indians were removed off to distant reservations, until there came a time when it seemed as though the wise thing to do was to divide the reservations and make an allotment to each Indian of 60 or 160 acres, or different quantities, according to the character of the land and the climate where the allotments were made.

As a result, that began to individualize the Indians. Now you have an Indian no longer in the possession of the old hunting ground, where he could hunt and trap and fish and take care of himself and family. You have thrown him suddenly into the environment of the individual or citizen without any training, without any assistance, and that we pleaded as a justification for holding out, through the Government, a helping hand to the Indian, when we would not, of course, recognize that principle generally in government.

Mr. WILLIAMS. Mr. President, I, of course, recognize the fact that we have assumed toward the Indian the relationship of guardian and ward, and that has been going on since the beginning of the history of the United States. In fact, it started before that in some of the older States. But I am a little afraid that this is a precedent which may some day return to plague us. One never knows how small a thing may be pointed back to at some time in the future.

This money comes out of the United States Treasury. It is the money collected by taxing the people of the United States. Whether the Indian be a ward or not, a guardian in managing

a ward's affairs pays out of the ward's fund; he does not pay out of somebody else's funds. If at some time in a time of distress white men should come up to the Congress of the United States and say, "We do not ask you to give us money, but we ask you to give us a mule, we ask you to give us a horse, we ask you to give us a plow, we ask you to give us a harrow, we ask you to give us what is necessary to cultivate land"—

Mr. CLARKE of Arkansas. What about the "40 acres and a mule" that we use to hear down in Mississippi?

Mr. WILLIAMS. We reply to them, "We can not do that; we can not take the money of the people collected by taxation and give it to you for the purpose of enabling you to make a success with your farm. If we begin that once we will have to give saws and hammers and adzes and planes to the carpenter; we will have to give anvils and other things to the blacksmith; we will have to carry it all through our society." You go on and tell such a man how that is wrong, that it violates every principle. You tell him that there was a time lately after the war when that sort of cry about 40 acres and a mule, as has been suggested by the Senator from Arkansas, was in the air. You go back still further in the history of the world and tell him how the Roman people were absolutely pauperized and ceased to be the great people of Rome and became a mere howling populace by the free distribution of corn on the part of the government, and how it is the duty of the citizen to support the Government and not the duty of the Government to support the citizen. After you are all through with it, after you have made your argument in the best way that you can, impregnable as it is, based upon sound governmental as well as sound ethical principles and sound social principles, he turns around to you and says, "Yes, but I find that at a certain time you did do this identical thing for the Indian; you took the money out of the Treasury; and the Indian did not put any of it there even, and I have put some in." Now, what is the answer to be made to him?

Mr. OWEN. Mr. President—

Mr. WILLIAMS. There is absolutely none.

Mr. CLAPP. I think there is.

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

Mr. WILLIAMS. Yes.

Mr. OWEN. Let me appeal to the Senator from Mississippi and call the Senator's attention to the fact that these poor, dependent Indian people are regarded as the wards of the United States.

Mr. WILLIAMS. I just said that.

Mr. OWEN. That puts them in a different class from the others.

Mr. WILLIAMS. That is what I explained also. When I am a man's guardian I take care of him out of the estate to which the ward has a right and a title.

Mr. OWEN. Suppose that the ward had no estate?

Mr. WILLIAMS. The American people have robbed the Indians from the beginning of time, and they have committed torts against them that constitute a page of shame.

Mr. OWEN. Does not that justify some retributive justice?

Mr. WILLIAMS. That would justify going to work and investigating and finding out and making an indemnity, not in the shape of a loan to the Indians, but an indemnity to the Indians themselves. For example, there are Indians in my own State who have been treated with a degree of injustice that cries to heaven. I have been crying to heaven for them upon this floor, and there is no justice thus far. But that does not come down to this point. Here is an individual Indian. It is not the Indians tribally; it is not our Government making restitution to the Indians generally, as I doubt not it might well do; but it is just saying to an individual Indian, "I will advance you this much."

Mr. LANE. I should like to make a suggestion to the Senator that he should take into consideration the fact that the Government has expended a large sum of money, which has been made a charge upon Indian lands in some cases, and then has given the Indian a limited period in which to make use of that land and not a cent or a tool to do it with.

Mr. WILLIAMS. I understand. I heard the Senator a moment ago. That is absolutely an iniquity; there is no doubt about that. But to say to a man, "Here is so much land that you may have; I will give you two years to make the first payment in," when you know at the very time that the man is utterly powerless to exploit the land or to use it in any way, is holding out apples to his eyes and giving him ashes upon his tongue.

But all that is beside this question. I am not arguing this from the Indian standpoint; I am arguing it from the Govern-

ment standpoint. It is a poisoned chalice that I am afraid will be returned to our own lips at some other time by somebody else. We are traveling along rapidly toward State socialism. Every indication of the time is in that direction. That is the universal trend.

Mr. CLAPP. Mr. President—

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

Mr. WILLIAMS. Yes.

Mr. CLAPP. Of course, I appreciate the drift of the Senator's argument; every student of the times realizes the trend; but here, it seems to me, there is a plain line of demarcation. The ordinary citizen is not the ward of the Government; the Government is the ward of the citizen; but under the relation we sustain to the Indian the condition is reversed, and the Indian is the ward under any theory of Government that we might attempt to evolve.

Mr. WILLIAMS. I appreciate that.

Mr. CLAPP. That being true, there being that plain line of demarcation it seems to me, whenever the time comes to meet this incoming wave, anyone can plant himself upon that line of demarcation.

Mr. WILLIAMS. In answer to that I will say I do not think the reply meets the objection. If I were a guardian of a lot of children I would not consider that it justified me in taking my own children's money to help them. I might take my own money as a mere matter of generosity. This money in the United States Treasury is not the money of the Indians; it is the money of the children of the Republic.

I want to do the very thing that the Senator wants to do, and I think maybe it can be done in some other way. I think, for example, if you were to make these Indians of the Colorado River and Yuma Reservations an appropriation of so many dollars to the tribe, to be used in this way, and put it upon the ground of a restitution from this Government to the Indians, not to a particular Indian, and then if you were to allow the individual Indians to draw this money out of what had then become a tribal fund, you avoid the precedent; you fix it so that a precedent can not be pleaded. You know very well we have owed those Indians more than that; we have taken more than that away from them.

Mr. WHITE. Mr. President—

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

Mr. WILLIAMS. I yield to the Senator from Alabama.

Mr. WHITE. Is not that a mere means of accomplishing the same end?

Mr. WILLIAMS. Absolutely, and avoiding the precedent.

Mr. WHITE. Have we not already the precedent? These Indians are esteemed and held as the wards of the Nation. They have always been held that way, and, like a great many other wards, they have been robbed.

Mr. WILLIAMS. Yes; they have been.

Mr. WHITE. Now, then, if they are the wards of the Nation, should they not be treated as we treat the wards of the State and the Nation, and do we not treat the wards of the State and the Nation in just this way when we appropriate from the public treasuries money to educate the children of the State and Nation?

Mr. WILLIAMS. Oh, no. In that case the man who pays the money receives the benefit. I shall not vote against the amendment, Mr. President, finally, but I merely wanted to warn Congress against precedents of this description.

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

The amendment was agreed to.

Mr. ASHURST. Mr. President, it was my intention to make a somewhat short reply to the arguments which have been made. I felt that I ought to say something. But so much was said, and so well said, by other Senators on the subject, especially by the Senator from Minnesota [Mr. CLAPP], that I see no occasion for me to make any further explanation. However, I do want to say that the Senator from Arkansas [Mr. ROBINSON], the Senator from Minnesota [Mr. CLAPP], and the Senator from Michigan [Mr. TOWSEND], and other Senators gave especial attention for months to this question of revolving appropriations.

Briefly, in reply to the Senator from Alabama [Mr. WHITE], who asked if the committee considered this item, I wish to say that not only had that policy been considered by the committee diligently for months but the great policy as to how to deal with the question had been considered for years.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, on page 25, after line 9, to insert: That so much of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 85), as makes reimbursable out of the tribal funds of the Indians of the San Carlos and Fort Apache Indian Reservations an appropriation for the construction of two bridges on the San Carlos Indian Reservation in Arizona be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, on page 25, after line 16, to insert: For investigation recommended by the Board of Engineer Officers of the United States Army, as set forth in paragraph 217 of their report to the Secretary of War on February 14, 1914, House Document No. 791, Sixty-third Congress, second session, and report as to the supply of the legally available water, acreage available for irrigation and titles thereto, the maximum and minimum estimated cost of the San Carlos irrigation project, including dam and necessary canals, ditches, and laterals, with recommendations and reasons therefor and the probable cost of adjudicating the water rights along the Gila River necessary thereto, and to take the steps necessary to prevent the vesting of any water rights in addition to those, if any, now existing until further action by Congress, \$50,000.

Mr. LANE. I ask the chairman of the committee if there is any time fixed for this report to be made and how long he thinks it will take? It seems that work has been going on upon this project now for two years, and in the meantime the settlers and the Indians have become discouraged and are being forced to the wall. Should there not be fixed a definite date for the report to be brought in by this board?

Mr. ASHURST. I entirely agree with the suggestion of the Senator from Oregon. I hope he will move an amendment to the amendment to that effect.

Mr. LANE. I will ask that the amendment may go over until I can consult with the Senator.

Mr. SMOOT. I, too, ask that the amendment may go over.

The PRESIDING OFFICER. Without objection, the amendment will be passed over for the time being.

The next amendment was, under the head of "California," in section 3, page 26, line 9, after the word "employees," to strike out "\$42,000" and insert "\$50,000," so as to make the clause read:

For support and civilization of Indians in California, including pay of employees, \$50,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 12, after the word "Indians," to strike out "\$10,000" and insert "\$20,000," so as to make the clause read:

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, \$20,000, to be immediately available and to remain available until expended, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, on page 26, line 17, before the words "Indian pupils," to strike out "twenty-five" and insert "fifty"; in line 18, after the word "superintendent," to strike out "\$104,000" and insert "\$109,400"; in line 19, after the word "improvements," to strike out "\$10,000" and insert "\$20,000"; and in line 20, after the words "in all," to strike out "\$114,000" and insert "\$129,400," so as to make the clause read:

For support and education of 650 Indian pupils at the Sherman Institute, Riverside, Cal., including pay of superintendent, \$109,400; for general repairs and improvements, \$20,000; in all, \$129,400.

The amendment was agreed to.

The next amendment was, on page 27, line 1, after the word "hundred," to insert "and twenty-five," and in line 2, after the word "superintendent," to strike out "\$16,400; for repairs and improvements, \$5,600; in all, \$20,000" and insert "and for repairs and improvements, \$25,000," so as to make the clause read:

For support and education of 125 Indian pupils at the Fort Bidwell Indian School, Cal., including pay of superintendent, and for repairs and improvements, \$25,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 9, to insert:

The Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$5,000 to Mrs. May Stanley, widow of Will H. Stanley, late superintendent of the Soloda Indian School in California, who lost his life in the discharge of his duty. Also to pay for medical and other necessary expenses, including funeral and administration expenses incurred in connection with the death of said Will H. Stanley and the shooting of Selso Serrano, Indian policeman, \$1,000, or so much thereof as may be necessary.

Mr. SMOOT. I wish to ask the Senator from Arizona if a bill for this same item has not passed the Senate, and whether it was a House bill or a Senate bill?

Mr. CLAPP. I can answer the question. It was a Senate bill, not a House bill.

Mr. SMOOT. Does the Senator know what became of it in the House?

Mr. CLAPP. It went the way of many another bill.



The PRESIDENT pro tempore. The Senator from Iowa will be good enough to state the proposition again, so that the Chair may understand it.

Mr. KENYON. I will state the point of order I make. I make the point of order on the amendment commencing at line 12, page 61, down to and including the word "repealed," in line 4, page 62. I make the point of order that it is new legislation attached to an appropriation bill. I call the attention of the Chair to the fact that the entire amendment proceeds to line 10, on page 62. The question I suggest is whether the point of order may be made to a part of the amendment, or must it be made to all the amendment?

The PRESIDENT pro tempore. It is separable. It is distinct, so that it can be separated for a vote upon request. The Chair would hold that that could be made.

Mr. ASHURST. I regret that the distinguished Senator from Iowa should make a point of order against the committee amendment on page 61, down to line 11 on page 62.

Mr. KENYON. No; it is to and including the word "repealed" on line 4.

Mr. ASHURST. I will merely take time enough to say that this item alone was the subject of nearly two weeks' discussion by the committee. Tomes of testimony were taken. If the distinguished Senator from Iowa understood how carefully the committee tried to guard the rights of the Indians and how essential this legislation is to protect the Indians, the Senator would be the last one to think of making a point of order upon it.

Mr. ROBINSON. Will the Senator from Iowa yield to me for a brief statement?

Mr. KENYON. I will.

The PRESIDENT pro tempore. The point of order is not subject to debate except at the request of the Chair, but the Chair will be glad to hear his colleague.

Mr. ROBINSON. I do not wish to speak on the point of order. I wish to address the Senate for just a moment on the merits.

Mr. KENYON. I made the suggestion for another Senator who desires to raise the question. If the amendment can be passed until a later stage in the consideration of the bill, we can then return to it.

Mr. ROBINSON. I have no objection.

The PRESIDENT pro tempore. A request of that kind will be submitted to the Senate. The Senator from Iowa asks that this amendment may be passed over for the present. Unless there is objection, such will be the order. The Chair hears none. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment was, on page 62, after line 18, to insert:

That the Commissioner of Indian Affairs be, and he is hereby, authorized to contract for water rights for the irrigation of 600 acres of land, more or less, in the Fort Sill Indian School Reservation in the State of Oklahoma, within the proposed Lawton reclamation project, for the irrigation of not to exceed 2,500 acres of Indian and private lands, upon the same terms and conditions as those prescribed for the acquisition of water rights for other lands to be irrigated by said project: *Provided*, That operation and maintenance charges shall not be assessed against said Indian land prior to completion of the lateral system so as to provide for actual delivery of water thereto, and the project shall include lateral construction for the Indian lands down to each legal subdivision thereof equal in area to the size of the farm unit for lands in private ownership within said project.

Mr. SMOOT. I think there ought to be some explanation of this amendment, particularly the part of the amendment beginning in line 23, following the word "Oklahoma," wherein it says:

Within the proposed Lawton reclamation project, for the irrigation of not to exceed 2,500 acres of Indian and private lands.

Mr. ASHURST. I will refer to the letter of the department as soon as I have it at hand, if the Senator will pardon me.

Mr. SMOOT. The Senator will notice that the Commissioner of Indian Affairs is "authorized to contract for water rights for the irrigation of 600 acres of land, more or less." That is found at the beginning, in lines 20 and 21, on page 62.

Mr. ASHURST. The words "more or less" are well defined in law. That would be within a reasonable limitation of 600 acres; but there is no objection to striking out the words "more or less."

Mr. SMOOT. The Senator interrupted me or I would have gone on and told him what the point is. After the word "Oklahoma," in line 22, we find the words:

Within the proposed Lawton reclamation project for the irrigation of not to exceed 2,500 acres of Indian and private lands.

I should like—

Mr. OWEN. That might go out without any objection, I should think.

Mr. SMOOT. If the Senator from Arizona has the letter he spoke of, I should like to have it read, because I can not see the connection between the two.

Mr. OWEN. Those words might as well go out.

Mr. ASHURST. While there would be no objection to their going out, I will say that they are very proper here. The letter will be obtained at the earliest possible moment, and when that letter is read the Senator will perceive, I think, that it is a very proper amendment.

Mr. SMOOT. I do not see why we should authorize the Commissioner of Indian Affairs to contract for water rights for the irrigation of 600 acres of land in this reclamation project and then provide for the irrigation of not to exceed 2,500 acres of Indian and private lands. What right have we to say how many acres the project shall water or what the area shall be? I suppose that has already been determined. But I shall wait until the Senator has the letter.

Mr. ASHURST. Let the amendment be passed over until I get the letter.

Mr. SMOOT. I ask that it may go over.

The PRESIDENT pro tempore. Unless there is objection, the item will be passed over.

The next amendment was, on page 63, after line 9, to insert:

For the purchase of certain articles of furniture originally bought from personal funds by Mr. Gabe Parker while superintendent of the Armstrong Academy, Oklahoma, and since used by that school, \$286, to be paid for from Choctaw funds.

The amendment was agreed to.

The next amendment was, on page 63, after line 14, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Women's Board of Domestic Missions, Reformed Church in America, the sum of \$10,000 for mission and school buildings built by them on the Fort Sill Military Reserve, Okla., for the use of the Apache Indians and rendered useless on account of the removal of said Indians to the Mescalero Indian Reservation in New Mexico.

Mr. SMOOT. There may be some good reason for an amendment of this kind to an appropriation bill, but I do not understand it. If there is any claim against the Government, it seems to me it ought to be made in the shape of a claim and go before the Claims Committee and be passed upon; and if there is any justice in the claim, we ought to pay it; but to bring in on an appropriation bill here a provision of this kind, it seems to me, is out of place. I say that with due deference to the judgment of the committee. I should like to ask the Senator from Arizona if there is any reason why this personal claim should be inserted in the appropriation bill. The Senator knows we have a rule against items of this kind.

Mr. ASHURST. I will advert to page 548, volume 2, of the hearings before the Committee on Indian Affairs:

RELIEF OF THE WOMAN'S BOARD OF DOMESTIC MISSIONS, REFORMED CHURCH OF AMERICA.

Statement of Mr. Meritt, assistant commissioner:

Mr. MERITT. We have another item that might well go in this bill. It was introduced in the House by Representative FERRIS and has received the favorable recommendation of the department. It is a bill for the relief of the Woman's Board of Domestic Missions, Reformed Church, in America. The item is as follows:

Then the item was read.

The department submitted the following report in regard to this matter. This is a department letter, which is dated March 18, 1914—

Senator CLAPP. I do not think it is necessary to read that to the committee. I move that the item be allowed.

It seemed to the committee, without further reading, that it was a just and proper claim. As to the propriety of putting it on this bill Senators may have a difference of opinion. It seemed to the committee just and proper and no objection was offered. It was discussed at some length.

I will read further from the statement of the assistant commissioner:

Mr. MERITT. I might say that this church organization has been doing missionary work among the Fort Sill Indians for a number of years. They have constructed certain buildings there, and because of the fact that the Indians have been removed from the reservation those buildings are no longer of any use to this mission. This Fort Sill property has been turned over to the War Department. This church wishes to reinvest the money derived from these mission buildings for mission-work purposes at Mescalero Reservation, N. Mex.

Mr. CLAPP. If the Senator from Utah will pardon me—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Gladly, Mr. President.

Mr. CLAPP. There is a good deal of force in what the Senator says, but the committee regarded it somewhat in the light of claims where reservations are abandoned and eliminated as reservations and different denominations have put buildings upon the ground. We usually provide in the Indian appropriation bill for granting a small amount of land—40 or 80 acres, it may be—to the particular denomination that put the building there.

Mr. SMOOT. I understand that.

Mr. CLAPP. Of course, strictly speaking, probably all such matters ought to go to the Committee on Claims, but this was so nearly analogous to that class of cases that the committee having all the information before it and the commissioner appearing before the committee, we thought that perhaps there would be no serious objection to dealing with it in the bill instead of sending it to the Committee on Claims.

Mr. SMOOT. Mr. President, I believe the Senator will admit that this is rather a dangerous precedent to set. If we are going to pay for every church building on every reservation that may be abandoned hereafter, well and good; we could pay for this; but it does seem to me that if we pass this item and compel the Government to pay \$10,000 for this school building it will be looked upon in the future as a precedent and will always be pointed to as a thing that the Government should do.

Mr. CLAPP. I was not directing my remarks so much to the wisdom of paying for the property; I was, rather, justifying the action of the committee in dealing with it instead of sending it to the Committee on Claims, it being, although the reverse of the operation, somewhat in the nature of recognizing a certain claim where they put buildings on reservations and granted them a small quantity of land with it. That goes rather to the merits of the case. Of course, it is for the Senate to decide the question.

Mr. SMOOT. If this item was not for a church, I would not hesitate a minute to make a point of order against it. It is not proper and it is not right to put a claim against the Government on an appropriation bill.

Mr. OWEN. Will the Senator pardon me for just a moment?

Mr. SMOOT. Certainly.

Mr. OWEN. Of course the Senator raises no question about the merits of it, but only as to its place on this bill?

Mr. SMOOT. I really do not know whether there is merit in it or not.

Mr. OWEN. It has been reported on favorably by the department and has that justification. The facts are that after this missionary board established these buildings upon an Indian reservation the Government, without consulting them, moved the Indians away. It was done after these people had put the buildings there for missionary purposes among the Indians. These women desire to transfer the buildings to the Mesalero Agency, where the Indians have been sent by the department. The Government has simply removed the people who were being served by this missionary society, and since it deals with an Indian reservation the Commissioner of Indian Affairs took it up with the Committee on Indian Affairs for that reason. That is all there is about it.

Mr. CRAWFORD. Mr. President—

Mr. SMOOT. I yield to the Senator from South Dakota.

Mr. CRAWFORD. There are a number of cases—I remember we had them several times in the Committee on Claims—where private citizens went on military reservations and put up a building for a store, a photograph gallery, or something of that kind, and did it largely at their own risk, and afterwards the Government abandoned the fort. Unless the Government in some way appropriated that property and used the material or derived some benefit from it by appropriation, I know we declined to grant the claimant anything for his property.

Mr. OWEN. I hope the Senator—

Mr. CRAWFORD. If the Senator will just let me finish the thought, it seems to me a little remarkable. Even with a church they are sometimes enthusiastic and a little visionary, and they will establish schools and different things where they have not used very good judgment about it, and sometimes commit serious errors in expending more money than they ought to spend for buildings, making them too expensive and too large. If when some accidental change occurs the Government is to take over the property and pay for it, where it has had no responsibility and made no use of it, and does not have any use for it, I think it is going too far, whether it is church property or some other property. It does not look to me as being at all a proper use to make of the Government funds.

The PRESIDENT pro tempore. Does the Senator make a point of order?

Mr. CRAWFORD. The Senator from Utah has the floor. I should be inclined to do so unless he makes the point.

Mr. SMOOT. I wish to say to the Senator that I look forward to the time when these Indian reservations will all be abandoned; and if we undertake now to pay \$10,000 for a church that was established upon this particular reservation—

Mr. OWEN. It is a school.

Mr. SMOOT. Well, the principle is the same. If we undertake to pay \$10,000 for a school that has been established on

this Indian reservation because of the fact that it has been abandoned, it will follow, as day follows night—

Mr. OWEN. I do not think the Senator can say it was abandoned when the Government moved the Indians from the place where those people had erected a school. They did not abandon it; the Government took the Indians away.

Mr. SMOOT. That is true, Mr. President; but did the Government ask them to come there and establish the school?

Mr. OWEN. The Government has always invited missionaries to undertake to teach civilization and Christianity to the Indians.

Mr. SMOOT. And very properly, too.

Mr. OWEN. I do not think they ought to be put on a level with those who are there conducting stores for profit. They are conducting it without any profit, doing it purely for an altruistic purpose. It is their purpose and desire to help the Indians, and they receive no recompense for it. Because it dealt with an Indian reservation it was stated by the Commissioner of Indian Affairs to the committee that it should be placed in this bill, which I think is orderly enough.

Mr. SMOOT. I want also to state, as has been so well stated by the Senator from South Dakota, that in the Claims Committee there have been dozens of claims made for buildings that have been established upon military reservations, and the committee has refused at all times to report one of those bills. They have had not only stores but different buildings on military reservations, some for religious purposes, and the Claims Committee of the Senate and also of the House has universally decided not to pay such claims.

Mr. ASHURST. Will the Senator yield to me a moment?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Arizona?

Mr. SMOOT. I do.

Mr. ASHURST. I think the Senate should also be in possession of this information. It will be observed from the reading of the amendment, on line 18, page 63, that it is not only a church but school buildings. The War Department now has charge and possession of these buildings, and this item, as the hearings disclosed, has not only been approved by the Interior Department, but by the War Department as well. That was, of course, persuasive on the committee.

Mr. SMOOT. I have noticed wherever there has been a reservation abandoned in any part of the country it will not be more than one or two years before there has been a bill introduced in Congress giving the buildings upon the reservation for some State purpose, and no objection has ever been made. The Government of the United States has willingly given them for State purposes. The Government, I take it for granted, will never receive any benefit from these buildings. I do not think the Government will ever get a cent out of them, as far as that is concerned.

Mr. President, I know the item should not be here, but, as I stated, I am not going now to make a point of order against it. The PRESIDENT pro tempore. The Senator from Utah declines to make a point of order. The question is on the adoption of the amendment.

Mr. SUTHERLAND. I should like to ask a question about it. Where will the title to these buildings rest after we make this appropriation? Is it intended that the title shall vest in the Government of the United States?

Mr. ASHURST. In the Government of the United States.

Mr. SUTHERLAND. Does the Government of the United States own the land upon which these buildings were constructed?

Mr. ASHURST. The buildings are upon a military reservation belonging to the United States of America.

Mr. SUTHERLAND. The church or the mission had no title whatever to the land?

Mr. OWEN. No.

Mr. ASHURST. That is my understanding.

Mr. SUTHERLAND. Should there not be some provision in the amendment providing that the title of the buildings should pass?

Mr. ASHURST. That would be a very salutary provision, as far as I can see.

Mr. SUTHERLAND. They were put there under the license of the Government, I take it. This is simply an appropriation, and there is no transfer of title apparently. I simply suggest that to the Senator.

Mr. ASHURST. That is a good suggestion, and will be given attention.

The PRESIDENT pro tempore. Unless there is objection to the amendment, it will be agreed to. The Chair hears none, and it is agreed to.

Mr. KENYON. I should like to ask the Senator if this amount of \$10,000 comes out of the Indian fund or out of the Treasury of the United States.

Mr. ASHURST. It is a gratuity appropriation. It comes out of the Treasury of the United States.

I ask the attention of the Senator from Utah [Mr. SMOOT]. I wish to recur to the Fort Sill matter, which begins on line 19, page 62. Referring to that item, I have now a few data submitted by the Indian Bureau, which I will ask the Secretary to read.

The PRESIDENT pro tempore. Unless there is objection, the Secretary will read.

The Secretary read as follows:

LAWTON PROJECT,  
Fort Sill, May 29, 1914.

The proposed legislation is intended to authorize the inclusion of the lands of the Indian school reserve in the Lawton project.

On April 13, 1914, the chief engineer addressed a report to the commissioner, in which he considers the project from the points of engineering feasibility, water supply, needs of irrigation, requirements of Indian lands, legal condition, and human element.

The city of Lawton constructed a dam on Medicine Bluff Creek for the purpose of supplying water for domestic, manufacturing, and other city purposes. This dam lies about 12 miles from the city and has a present capacity of about 14,000 acre-feet. This provides considerably more water than is required by the city and enough to irrigate from 2,500 to 3,000 acres. About 600 acres of Indian land are so located as to be irrigable from the proposed system, and the legislation proposed authorizes the commissioner to contract for water rights for this amount; operation and maintenance charges are not to be assessed against Indian lands prior to completion of the lateral system.

The proposition is believed to be a favorable one, and was favorably reported to the Secretary under date of April 29, 1914, and to Senator ASHURST on the same date.

In view of the fact that no payments are to be required of land-owners for construction of the reservoir, in which storage capacity for this project has been donated by the city of Lawton, and that the payments for the diversion and distribution system will not be due until after completion thereof and promulgation of the customary public notices, no present appropriation is contemplated. The reports indicate the feasibility of the project, provided the Indian lands may be included and bear their proportionate share of the cost. It is not desired that any of the Indian lands be disposed of, but that they be reserved for the use and benefit of the Indian school and whatever other enterprises may be on the reservation.

Mr. SMOOT. I thank the Senator for the information, and based upon that—

The PRESIDENT pro tempore. Does the Senator request that that item be taken up at this time?

Mr. SMOOT. The chairman of the committee requested it.

Mr. ASHURST. I made that request.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The Senator will proceed.

Mr. SMOOT. Upon the information contained in the letter, I move to amend the amendment by striking out the following words in lines 23, 24, and 25, on page 62:

For the irrigation of not to exceed 2,500 acres of Indian and private lands.

So that it would read:

That the Commissioner of Indian Affairs be, and he is hereby, authorized to contract for water rights for the irrigation of 600 acres of land, more or less, in the Fort Sill Indian School reservation in the State of Oklahoma, within the proposed Lawton reclamation project, upon the same terms and conditions as those prescribed for the acquisition of water rights for other lands to be irrigated by said project.

Mr. OWEN. That is all right.

Mr. ASHURST. So far as I have authority to do it, the committee approves of the adoption of the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, on page 63, after line 22, to insert:

That the Secretary of the Interior is hereby authorized to expend the sum of \$16,500 from Chickasaw tribal funds for the purchase of the property known as Hargrove College or Ardmore College, situated at Ardmore, Okla., to be reserved and used as a boarding school for the Chickasaw Nation.

Mr. CRAWFORD. I ask the chairman of the committee if there is any report on that proposition? I should like to hear what has been said in regard to it.

Mr. ASHURST. I refer to page 550, volume 2, of the hearings before the Senate committee, under the head of "Hargrove or Ardmore College, Oklahoma," where this occurs:

Mr. MERRI. The commissioner asked me to request that this item be incorporated in the bill:

"The Secretary of the Interior is hereby authorized to expend the sum of \$16,500 from the Cherokee tribal funds for the purchase of the property known as Hargrove College or Ardmore College, situated at Ardmore, Okla., to be reserved and used as a boarding school for the Chickasaw Nation."

I have the following justification for this item:

"Accompanying this is a proposed item authorizing the Secretary of the Interior to expend the sum of \$16,500 of Chickasaw tribal funds for the purchase of the Hargrove College property at Ardmore, Okla.

It is intended to continue at this place the tribal school heretofore known as Bloomfield Seminary. Bloomfield Seminary has been at Hendrix, situated upon a tract of land reserved for school purposes by act of July 1, 1902 (32 Stat. L., 641). Recently the main building at Bloomfield was destroyed by fire. Insurance thereon will probably be collected to the amount of approximately \$15,000.

"The matter of the purchase of the Hargrove property, to be used in lieu of the old property, has been carefully investigated and is a very desirable proposition, both financially and for other reasons. The buildings are substantial and can be put in first-class condition by the expenditure of a small amount for plumbing and incidental repairs. If this purchase can be consummated, the Bloomfield property will be sold and the proceeds deposited to the credit of the tribes. It will cost the service at least \$16,500 to replace the main building at Bloomfield if it be compelled to continue the school there."

The assistant commissioner continues:

The Bloomfield buildings were recently destroyed by fire, as stated in the justification, and the commissioner would like to have this item incorporated in the bill.

The PRESIDENT pro tempore. Unless there is objection, the amendment will be agreed to. The Chair hears none, and it is so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 64, after line 3, to insert:

That the Secretary of the Treasury is hereby authorized to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$5,000 to Mrs. Robert Leo Bowman, widow of Robert Leo Bowman, late deputy special officer for the suppression of the liquor traffic among Indians, who was killed while in the performance of his duty.

Mr. CRAWFORD. Mr. President, I do not care to be constantly interfering with these items, but there is a matter which, it seems to me, ought to go in the list with that class of employees' claims which are provided for by statute under which the Committee on Claims is acting very frequently, upon which it makes reports to the Senate, and upon which appropriations are based, under the statute which provides for compensation for personal injuries and deaths in cases of employees, regulated by the salary received. I should like to know why a claim for a death loss is put in this bill without being referred to the regular Committee on Claims, which entirely ignores the provisions of that statute and comes in here without any action such as usually is taken in these cases? It is not fair for a claim to come before the Committee on Claims and a widow to receive on account of the death of her husband one year's salary which her husband was earning, which may have been only \$1,200 a year, under that statute, and then put a claim in here for \$5,000 for the death of a special deputy. I do not know how long he was special deputy; I do not know what salary or compensation he got or who employed him or what the particular nature of his service was, and yet in this appropriation bill is a lump sum of \$5,000 to his widow. I should like to have some information in regard to the claim and as to the reason for putting claims of this kind into a general Indian appropriation bill.

Mr. ASHURST. Mr. President, I can well appreciate the desire of the Senator from South Dakota to keep the Indian appropriation bill and all other appropriation bills free from claims. That is proper; but I will say that this belongs to a distinct class of claims, it occupies a peculiar relation.

Here is a claim which grows out of these facts: The man was murdered while in the actual discharge of his duty in enforcing the laws prohibiting the sale of intoxicating liquors to the Indians. He was shot and seriously and mortally injured. He lingered some time, and then died. In view of the fact that he was in the actual discharge of his duties with respect to the laws prohibiting traffic in intoxicating liquor among the Indians, the committee was of the opinion that it was a just and proper claim, and that the Committee on Indian Affairs, while it attempted in every possible way to prevent the placing of claims on the bill, felt that this occupied a peculiar position, as I said before, and was entitled to be put on the bill.

Mr. CRAWFORD and Mr. WHITE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arizona is entitled to the floor.

Mr. ASHURST. I yield to the Senator from South Dakota.

Mr. CRAWFORD. I think in every case where the Committee on Claims has recognized a personal-injury claim, a claim for damages growing out of the death of an employee, the accident or the damage must have occurred while the person was engaged in the line of duty at the time it occurred. This is no exception in that respect; such claims are all of that character. In those cases we follow a certain rule, which might give the widow of a deceased employee only one-fifth of what is proposed to be paid here to the widow of this man. It is not fair. If we are going to depart from that rule in one case, we ought to abandon it entirely, and let each case go it alone. How much compensation was this man getting?



Mr. ASHURST. He was getting \$100 per month.  
 Mr. CRAWFORD. Very well. Then his salary amounted to \$1,200 a year. If his death had occurred down here in the gun factory or had happened to an operative on the Isthmus of Panama or in one of the Government buildings, the widow would get \$1,200. Here is this man who was engaged in enforcing the laws in the liquor traffic among the Indians, and it is proposed to give his widow a lump sum of \$5,000. It is not fair to put an item like that into this bill granting \$5,000 in this case, and to follow the statute in other cases.

Mr. CLAPP. Mr. President, will the Senator from South Dakota pardon an interruption?

Mr. CRAWFORD. Certainly.

Mr. CLAPP. The fact that led the committee to give this consideration to this matter was that where a man is injured through the carelessness of others in the breaking of machinery, in explosions and such accidents, there may possibly be an element of negligence on his part, and always the negligence of some one which results in the accident which leads to the killing. In this case it was not negligence, but it was the overt, positive, premeditated act of those against whom he was trying to enforce the law. So there could be no possible question of his negligence.

Mr. CRAWFORD. If the Senator will permit me there, then there was absolutely no element of negligence so far as the Government is chargeable with it.

Mr. CLAPP. Not at all. It is upon the same principle that we make contributions to men who lose their lives in the service of the country; of course, upon a broader field, perhaps a more patriotic field; but there is that difference between a case where a man is killed by those who are resisting the enforcement of the law and where a man is killed by accident that is attributable, perhaps, in some cases in a greater or less degree to the negligence of some one.

Mr. CRAWFORD. Well, Mr. President—

Mr. CLAPP. Just one moment more, if I am not trespassing on the Senator's good nature—

Mr. CRAWFORD. Not at all.

Mr. CLAPP. This grew out of the performance of his duty by this man in the Indian Service, in a matter that was peculiarly within the purview of the Indian Office, with which, of course, primarily the Committee on Indian Affairs deals. The committee felt that they might put that item upon the bill, although, of course, ordinary claims, unless they be claims against the Indian funds, should go to the Committee on Claims. If the Senator feels that this is too much, I hope, instead of making a point of order against the amendment, he will seek to have the amendment modified to meet his views, for the Senator knows that it is just about useless to talk of this woman getting anything at all unless she gets it on this bill.

Mr. WHITE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Alabama?

Mr. CRAWFORD. Just a moment, if the Senator will pardon me—

Mr. WHITE. I simply want to ask the Senator from Minnesota a question.

Mr. CRAWFORD. I yield to the Senator from Alabama.

Mr. WHITE. Does this claim differ from the case of any other marshal or deputy marshal who was killed in the enforcement of the law?

Mr. CLAPP. Not at all, except, perhaps, in the circumstances of the killing. The service was the same. He was there enforcing the law.

Mr. WHITE. Then, would not this be showing favoritism to the widow of this officer who lost his life in the discharge of his duty as against the compensation which we allow to the widows of other officers who have lost their lives in the discharge of their duties?

Mr. CLAPP. Since I have been in the Senate, I think in every instance where a man has been killed in the discharge of his duty in enforcing the laws in the Indian country, we have made provision for his widow and children on Indian appropriation bills, and we have usually fixed the sum at \$5,000.

The Committee on Claims, of which the Senator from South Dakota [Mr. CRAWFORD] was formerly chairman, established a rule or perhaps secured the enactment of a statute—

Mr. CRAWFORD. It is a statute.

Mr. CLAPP. That widows shall only receive the equivalent of one year's wages or salary, whichever you may call it, of their husbands. This would not be an unusual thing, so far as making some reparation is concerned. The only question is, first, whether the item should be in the Indian appropriation bill, and, secondly, as to the amount that should be appropriated.

Mr. CRAWFORD. Mr. President, my feeling about this is simply one of being somewhere near fair in the treatment of

all claimants. The Government has never undertaken to put itself in the position of the ordinary employer of labor, liable for negligence, as a railroad company is liable for negligence, in the case of its employees. It would open a pretty wide door if the Government should undertake to assume a liability like that, and the Government has never done so. The States have never done so; counties have never done so; and there is not a rule of law anywhere that fixes a liability upon sovereignty for damages of that character.

The attitude of the Government has been fixed by statute, and since that statute was passed claims are settled under it without coming to Congress at all. Claims for damages occurring before that act was passed have come to Congress, been referred to the Committee on Claims, been investigated, reported upon, and appropriations made allowing relief, exactly the same as if they had occurred subsequent to the enactment of that statute. Hundreds of cases from the Isthmus of Panama, involving engineers, brakemen, and trainmen employed in connection with the construction of the Panama Canal, where accidents occurred before the enactment of the statute, have been paid by appropriations upon the same basis as they would have been adjusted had they occurred after the enactment of that statute. Such cases have come from every direction.

In this case, if this man was getting \$1,200 a year, under that statute his widow would get \$1,200; and over and over again—

Mr. CLAPP. May I ask the Senator a question there?

Mr. CRAWFORD. Certainly.

Mr. CLAPP. I am not familiar with that statute, but, as I understand, under that statute the claimants do not have to ask Congress or any court for relief.

Mr. CRAWFORD. The heads of the departments can adjust the claims.

Mr. CLAPP. Yes, and consequently a general, broad limitation was put in the statute; but that does not apply to Congress in dealing with individual cases. I can understand that if Congress is going to issue a license ad libitum, under certain rules of course, for the settlement of claims for injury or death, leaving nothing for Congress to do, but simply turning the case over to the departments, it might very well establish a lower level of compensation for damages than it would in individual cases.

Mr. President, I never heard of this man. We are taking a good deal of time in what may seem a small matter; yet it is a vital matter to the widow, of course, and I simply desire to ask the Senator, in case he can not agree to let the amendment go as it has been reported, instead of making a point of order against it to seek to amend the amendment by providing an amount that he thinks is fair and proper.

Mr. CRAWFORD. I will say to the Senator that I appreciate as keenly as anyone can—because of the opportunity I have had to witness hardships in similar cases—the cruelty of a long delay. Where dependent members of a family have a claim of this character, if they are to get relief at all, they ought to be afforded prompt relief; and I have no feeling or desire to do anything here that will delay giving this woman some relief, but I do insist that if we are going to make exceptions, as we are proposing to do in this case by paying one widow for the loss of her husband \$5,000, we ought to repeal the statute and get away from the practice of paying other poor women with dependent children, where the head of the family was receiving \$100 a month or \$600 a year of \$1,500 a year, a sum equal simply to one year's compensation. We have treated that statute as binding, and we have been following it; and now here comes a woman, whose husband lost his life through absolutely no negligence on the part of the Government, who was in the same position as a deputy marshal who might, in undertaking to make an arrest, be shot down. If we are going to take cases of this kind and appropriate \$5,000 in a lump sum to the widow we are being outrageously unfair to other claimants, and on that account I protest against the allowance of this sum in this way in this bill. I do not like to cut it out absolutely.

Mr. OWEN. I should like to suggest to the Senator that the particular kind of service in which this man was engaged is extrahazardous. A good many men have been killed in the service while engaged in suppressing the liquor traffic on Indian reservations.

Mr. CRAWFORD. I will say to the Senator that, while that is true, every deputy marshal and every marshal and every engineer who is riding in his cab is also taking his life in his hands. This man was not any better than they are, and we pay their widows, in case they are killed, one year's compensation, but propose to give this widow \$5,000.

Mr. OWEN. I was only making that suggestion to the Senator to indicate the reasonableness of giving some inducement to men to render that service which is an extrahazardous service.

Mr. CRAWFORD. I am going to do this—and I am not going to do it with this particular case in view, but I am going to do it in order to emphasize the fact that we are outrageously unfair in these cases. I am going to make a point of order against the amendment unless the amount is cut down to \$2,000.

Mr. OWEN. Then I will move that it be cut down to \$2,000.

Mr. CLAPP. I suggest that the Senator from South Dakota, instead of putting it in the alternative, move, first, to amend by striking out \$5,000 and inserting \$2,000, and if it is not amended the point of order can be made.

Mr. CRAWFORD. In one way I do not like to do that.

Mr. OWEN. Then I will make the motion.

Mr. CLAPP. I move to amend the amendment by striking out "\$5,000" and inserting "\$2,000."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the amendment reported by the committee on page 64, line 6, after the words "sum of," it is proposed to strike out "\$5,000" and to insert "\$2,000."

Mr. JONES. Mr. President, I am not going to oppose this amendment; I merely want to emphasize what the Senator from South Dakota [Mr. CRAWFORD] has said with reference to the enforcement of the rule laid down by the law and which the Committee on Claims has been following. The Senator from Minnesota [Mr. CLAPP] says that Congress has granted carte blanche to settle such claims, and that is true; but when claimants come to the committee the committee holds them to that law and does not grant them any other relief. For instance, I have the cases of two men who were killed at the navy yard at Bremerton, Wash. According to the report of the department, the accident by which they lost their lives was the result of the negligence of the Government. The widows of those men each got a year's pay. They then came to the committee, but the committee said, "We will not allow them anything at all."

Mr. CLAPP. Will the Senator pardon an inquiry?

Mr. JONES. Certainly.

Mr. CLAPP. I had supposed that the statute simply applied where a case was adjusted by a department. In such case, as a general shield of protection, we fixed the amount at a year's salary; but if you give the widow of a man who was killed under circumstances where she would be entitled to recover greater damages if the action were against private parties only \$1,200, or a year's salary, you establish a lower rate of recovery than any State of this Union.

Mr. JONES. I think that is right; that is what the committee does, and that is what Congress is doing all the time. The claims of these parties were rejected. I think the rule established, taking it as a hard and fast rule, is unfair and unjust. We ought to treat these cases in Congress, as nearly as we can, alike. I do not think that \$2,000 is anything too much in this case; and yet I think that where a man loses his life by the negligence of the Government his widow is more entitled to a larger compensation from the Government than is the widow in this case, because this man assumed the risk of his employment, and that, no doubt, was taken into consideration when his salary was fixed. There was no negligence on the part of the Government, and he knew he was likely to engender hatred and ill will and to suffer in consequence. Here are two cases that I have just mentioned where, according to the report of the Navy Department, the men lost their lives through the negligence of the Government itself and through no negligence on their part. One of them, I think, was getting \$2.50 a day; and yet all the committee says is, "This widow having gotten the amount allowed her by the statute, we can allow her nothing more." As the Senator from South Dakota says, I do think Congress ought to use more discrimination in these matters and try to treat these people as nearly alike as possible.

Mr. SUTHERLAND. Mr. President, claims of this character, which are constantly passing, emphasize the necessity of having a general compensation law. The Government of the United States ought to pay its employees who are injured and pay the dependents of those who are killed in its service precisely the same as various State governments compel private employers to pay. The difficulty with passing items of this kind is that they beget legislation by emotion instead of in accordance with any sort of a fixed rule. I remember a short time ago we had a claim up here of some poor girl who had sustained an injury, and the committee brought in a bill appropriating some \$3,500 or \$4,000, as I recall, but the emotions of Senators were stirred up by the appeals made on the floor and the amount was increased to six or seven thousand dollars.

Then an emotional appeal was made in the other House in that case, and the amount was increased still more—I have forgotten the final amount which was appropriated. I think

that we ought not to make appropriations of this character at all. I think we ought to pass a general law, under which whenever an injury is sustained or whenever an employee is killed a certain definite sum shall be paid, so that we shall not be paying \$1,200 in one case, \$5,000 in another case, and \$10,000 in another case. Under the law to which the Senator calls attention, as I understand, this widow would receive \$1,200. That is wholly inadequate. She ought to receive, and every widow in a case of this kind ought to receive, compensation far in excess of that; but so long as we have a statute of that kind under which the great majority of dependents are compelled to accept compensation, we ought not to make a special appropriation in one particular case.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Minnesota [Mr. CLAPP] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 64, after line 9, to insert:

That the Secretary of the Interior is hereby authorized and directed to sell to the State of Oklahoma for military purposes the following tract of land situated in Pittsburg County, Okla., to wit: The east half of the east half of the east half of the west half of section 9, the east half of section 9, the west half of section 10, the west half of the east half of the west half of section 10, the west half of the east half of the east half of the west half of section 10, township 5 north, range 14 east of the Indian base and meridian, being 640 acres, more or less, according to the Government survey thereof; *Provided, however,* That the said land shall be sold for cash at the appraised price fixed thereupon by the appraisers appointed by the President under authority of the act of Congress approved February 19, 1912, entitled "An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes;" *And provided further,* That the coal or asphalt on or under said lands is hereby reserved, and the Secretary of the Interior is instructed to expressly reserve the same in preparing the conveyance thereof; *And provided further,* That this authorization shall lapse and expire by operation of law unless the said appraised price of said land shall be tendered to the Secretary of the Interior in behalf of the State of Oklahoma within six months from the date of the approval of this act by the President.

Mr. PAGE. Mr. President, I should like to ask either of the Senators from Oklahoma if this amendment should not somewhere show that we are legislating about Indian lands. There is nothing in the amendment to show that, although it is to be presumed, this being an Indian appropriation bill, that it does. Should it not so state, however?

Mr. OWEN. It states that on page 65, line 1, where reference is made to the act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations. It is Indian land, of course, under that.

Mr. PAGE. This amendment simply says that the land "shall be sold for cash at the appraised price fixed thereupon by the appraisers appointed by the President" under the authority of the act.

Mr. OWEN. That is the act dealing with the segregated coal and asphalt Indian lands.

Mr. PAGE. But should it not be a little more specific and say where the money received for these lands shall go? Is there under the law a place where it would go without any specification in the amendment?

Mr. OWEN. It would go without saying; yes. This being the Indians' land, it would go to the Indians' credit.

Mr. PAGE. I have no doubt that a point of order would lie against this amendment, but I do not wish to make it.

Mr. OWEN. Any amendment the Senator may suggest upon that line will be acceptable. I do not think it is really necessary, however.

Mr. PAGE. I wish to say that so far as the State of Oklahoma is concerned this bill contains a great deal of general legislation. There is some of it that, I think, I should very seriously oppose under any conditions, and I do not know but I shall have to interpose points of order later.

Mr. OWEN. I agree with the Senator that that is true; but it is also true that the Indian appropriation bill has been used as a vehicle for legislating for that part of the country because we have such a large number there, and it is so difficult to pass independent bills. The Senator, of course, is familiar with that practice.

Mr. PAGE. To what tribe does this land belong?

Mr. OWEN. The Choctaws and Chickasaws.

Mr. PAGE. The Senator says the appropriation bill has been oftentimes used as a vehicle for legislation of this kind?

Mr. OWEN. Yes.

Mr. PAGE. The Senator will remember that we had a long hearing as to the distribution of certain money which belonged to the Indians. I believe the amount was \$800. It is in the bill somewhere.

Mr. OWEN. Yes.

Mr. PAGE. If I remember correctly—and if I am incorrect, I hope the Senator will correct me—the claim was made that if hereafter we were obliged to add to the enrollment the names of as many Indians as it was insisted should be enrolled, there would not be \$800 each to be distributed.

Mr. OWEN. I will say to the Senator that that related to another tribe entirely—the Creek Tribe.

Mr. PAGE. All of this legislation, it seems to me, is important. So far as I am concerned, I have, at least, tried to do my duty about it, but I have not been quite satisfied that it ought to pass. It may be right and it may be wrong, but I have not seen evidence convincing me as to the wisdom of all of this legislation. Is there not so much of it, and is it not so important, that the provisions of this bill for the State of Oklahoma ought to be put in one general bill and considered outside of the Indian appropriation bill?

Mr. OWEN. Of course the Senator knows that that is impossible. This item simply permits the State of Oklahoma to acquire, for military purposes, a piece of this land at the appraised value. There is nothing extraordinary about it. There is nothing involved about it.

Mr. PAGE. I said that as to this item, although I was quite clear that it was open to a point of order, I would not make it; but in running through the bill it seems to me I have found so much general legislation—

Mr. OWEN. Oh, well, it is true, as the Senator says, that we are obliged to rely upon the Indian appropriation bill for such items as are not objected to. If they are objected to, they go out.

Mr. PAGE. I make no point of order as to this item.

Mr. OWEN. Anyone can strike them out, I take it.

Mr. ASHURST. Referring to this amendment, in line 12, page 64, after the word "the," I move to insert the words "surface of the," so as to read:

For military purposes, the surface of the following tract of land.

The amendment to the amendment was agreed to.

Mr. WHITE. Mr. President, I should like to suggest an amendment there. I move to insert, after the words "coal and asphalt," the words "and other minerals."

Mr. ASHURST. There is no objection to that.

Mr. OWEN. It is only coal and asphalt lands that are reserved.

Mr. CLAPP. Those words are used in describing the title of the act on page 65, line 2.

Mr. OWEN. It applies only to the coal and asphalt lands of the Choctaws and Chickasaws.

The PRESIDENT pro tempore. What disposition does the Senator desire to make of his amendment? Does he abandon it?

Mr. WHITE. Yes; since I have acquired from members of the committee information that I did not possess before.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended on motion of the Senator from Arizona.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 65, after line 11, to insert:

That the Secretary of the Treasury is hereby authorized to pay out of any moneys in the Treasury not otherwise appropriated the sum of \$65.50 to William Volz, in settlement of his account for horse hire furnished the agency physician at Oraibi, June 23 to October 21, 1905.

The amendment was agreed to.

The next amendment was under the subhead "Five Civilized Tribes," in section 17, on page 65, line 21, after the word "employees," to strike out "\$150,000" and insert "\$200,000," and, in the same line, after the word "That," to insert "effective July 1, 1914," so as to make the clause read:

Sec. 17. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, \$200,000; *Provided*, That, effective July 1, 1914, the offices of the Commissioner of the Five Civilized Tribes and superintendent of Union Agency, in Oklahoma, be, and the same are hereby, abolished, and in lieu thereof there shall be appointed by the President by and with the advice and consent of the Senate a superintendent for the Five Civilized Tribes, with his office located in the State of Oklahoma, at a salary of \$5,000 per annum, and said superintendent shall exercise the authority and perform the duties now exercised by the Commissioner to the Five Civilized Tribes and the superintendent of the Union Agency, with authority to reorganize the department and to eliminate all unnecessary clerks, subject to the approval of the Secretary of the Interior.

Mr. TOWNSEND. Mr. President, if my understanding is correct, the adoption of this amendment does not carry with it the section, and amendments to the bill other than the committee amendments will be in order later.

The PRESIDENT pro tempore. The Senator can move to amend at this time the amendment of the committee.

Mr. TOWNSEND. I do not care to amend the amendment.

The PRESIDENT pro tempore. Amendments offered by individual Senators will be entertained after the committee amendments have been disposed of.

The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 66, after line 15, to insert:

That the principal chief of the Cherokee Nation, with the approval of the Secretary of the Interior, is hereby authorized to convey to the Dwight Mission School, on Sallisaw Creek, Okla., 26 acres of land heretofore set aside in accordance with the provisions of section 24 of the Cherokee agreement approved July 1, 1902 (32 Stats. L., pp. 716, 720), for the use of such school for missionary and educational purposes, and now being occupied and used by the said Dwight Mission School, and the Secretary of the Interior is authorized to accept in payment therefor \$10 per acre.

The amendment was agreed to.

The next amendment was, on page 67, after line 2, to insert:

That full legal and equitable jurisdiction, without regard to lapse of time, is hereby conferred upon the Court of Claims to hear, determine, and adjudicate, as justice and equity shall require, all claims against the Cherokee Nation by the estate of John W. West, deceased, or by the heirs or any heir of said estate, and particularly the claim of the said estate and the heirs thereof against the said Cherokee Nation for the deprivation of the said John W. West, deceased, his estate and his heirs, of the beneficial use of certain property, wherein it is alleged that the said John W. West was interested; and any judgment rendered under this act against said nation shall be paid to the administrator of the estate of John W. West, deceased, out of any funds standing to the credit of said nation, and the amount necessary to pay any such judgment is hereby appropriated out of any money of the Cherokee Nation under control of, or held in trust by, the United States. Suit shall be begun, within 30 days after the approval of this act, by petition filed by the administrator of the estate, and service thereof shall be made on the principal chief of the Cherokee Nation, who shall appear by attorney, within 20 days after service of said suit is made upon him, and defend said suit on behalf of the nation; the record heretofore made in the case, together with any material evidence on file with the Department of the Interior pertaining to said claim, shall be considered by the court, and the Secretary of the Interior is directed to transmit to said court all such records in his department.

Mr. GORE. I make a point of order against the amendment. It is general legislation. It undertakes to confer jurisdiction upon the Court of Claims in a case where it does not have jurisdiction.

Mr. STERLING. Mr. President, I trust the Senator from Oklahoma will withhold his point of order on this amendment for a time, until I can call the attention of Senators to some matters connected with it.

Mr. GORE. Mr. President, I have no objection to passing the amendment for the present. I can not agree to withhold the point of order, however. I ask that it may be passed for the present.

The PRESIDENT pro tempore. The Senator from Oklahoma states that he will not withhold the point of order, but that he will suspend his remarks at this time in order that the Senator from South Dakota may make a statement concerning it. The Senator may proceed.

Mr. GORE. Mr. President, I meant to pass the consideration of the amendment for the present.

The PRESIDENT pro tempore. Does the Senator from Oklahoma present unconditionally a point of order against the amendment?

Mr. GORE. If there is no other recourse, I do.

The PRESIDENT pro tempore. The Chair will hear the Senator from South Dakota. The point of order is not debatable, but the Chair has discretion to hear him.

Mr. STERLING. I wish to say that the basis of this proposed legislation is an award made in 1883, whereby the heirs of John W. West, deceased, were to be paid the sum of \$5,000, with such interest thereon as should be deemed just and equitable. That award was made in pursuance of a treaty between the United States Government and the Cherokee Nation, whereby certain damages claimed by the heirs of John W. West were to be determined. The arbitrators were a representative selected by the Cherokee Nation and a representative of the United States, selected by the Secretary of the Interior.

The award was approved by the Secretary of the Interior; it was afterwards contested; but on a full hearing before Secretary of the Interior Teller the award was affirmed. A rehearing on the award for the payment of \$5,000 with interest was afterwards had before Secretary Lamar, and the previous decision was reaffirmed. This was in 1886. So the award determined in 1883 has been reaffirmed by two successive decisions of Secretaries of the Interior; and according to this award the Government of the United States has been owing, since the time of the award, anyhow, to the heirs of John W. West the sum of \$5,000 with interest.

This legislation has been before Congress for many years. It was before every Congress between the Forty-eighth and the Fifty-fourth Congress inclusive of those two Congresses. It has been reported on favorably by House committees four different times. A bill making a direct appropriation for the payment of the award has passed the Senate five times. It seems to me it has been determined here often enough that the United States owes this just debt, and surely the least Congress can do is, as provided by the proposed legislation, to let the Court of Claims determine the justice and the equity of the matter.

I wish to call attention to the report of the House committee on this bill, made in January, 1913, and to a few statements contained in that report. The House committee says:

This judgment or award, final and conclusive under the treaty and binding upon all parties, has never been paid. The doctrine of *res adjudicata* clearly applies to this award, whether considered from a judicial, executive, or legislative point of view. That doctrine amounts simply to this, that a cause of action once finally determined between the parties on the merits by a competent tribunal can not afterwards be litigated by a new proceeding either before the same or any other tribunal (100 Mass., 409); it is a general principle that a decision by a court of competent jurisdiction of matters put in issue by the pleadings is binding and conclusive upon all other courts of concurrent power and between the parties and their privies (168 U. S., 48); and it is a principle of public policy as well as a matter of private right (34 N. J. Eq., 535).

The rate of interest fixed in the bill, namely, 5 per cent per annum, is the same rate allowed the Cherokee Nation on its claims against the United States Government, arising in part out of the same treaty, by the Supreme Court of the United States in *Cherokee Nation v. United States* (202 U. S., 101), wherein the court allowed interest from the date the Government took the property of the Cherokee Nation.

The United States was a party to the treaty. It guaranteed fulfillment of the treaty provisions. The commission was appointed pursuant to the terms of the treaty. The award was regularly made. By the terms of the treaty it was a finality. The Government of the United States can not now shirk its responsibility, particularly as two Secretaries of the Interior—the officer of this Government whose duty it is to supervise such matters, and men whose legal ability and fairness all men must concede—examined into the award with care and approved it in all respects. The Government of the United States is in honor bound to see that this award is paid.

I wish to say that I myself, before presenting a bill for an appropriation to pay this award, something more than a year ago, investigated the evidence thoroughly, and from the investigation made I think the findings of the Secretaries of the Interior fully justified.

The report further says:

There has been no negligence on the part of the claimants in prosecuting their claim. They are not in fault. The delay in the payment of the award has been due to the failure of the House of Representatives to concur in legislation directing its payment, which has frequently come before it for action. On account of the long delay, for which Congress alone is responsible, your committee urges action at this session in order that the beneficiaries—Cherokee Indians—who have already waited for justice at our hands for many years, may no longer be subjected to the injustice which they have so long endured.

Mr. President, this matter ought not to be required to go to the Court of Claims. It ought to be settled, after this long delay and after this long course of injustice on the part of the United States, as against these heirs. It ought to be settled by a direct appropriation of so much money to pay the claim. The committee, however, has seen fit to provide for its reference to the Court of Claims, and it seems to me that is the very least we can do.

I hope the point of order will not be insisted upon.

Mr. GORE. Mr. President, I entirely agree with the Senator that this claim has been presented to Congress time and time again. The Chair has heard me discuss this proposition, I think, every session since I came to the Senate, and undoubtedly to his heart's discontent.

The original treaty under which this claim is sought to be presented provided that claims on the part of Western Cherokees could be presented. John W. West was an Eastern Cherokee. His brother, Buford West, was a Western Cherokee. John W. West never had any right even to start to present a claim of this character. He was disqualified under the express terms of the treaty. It granted permission to Western Cherokees to present claims. John W. West was an Eastern Cherokee. He never had any right in court or in Congress. This is one of those persistent claims that drags itself into the Senate whenever the Indian appropriation bill comes up for consideration.

The pending amendment undertakes to confer jurisdiction upon the Court of Claims to determine the rights in the premises. I have made a thorough investigation of the matter, and I do not think John W. West has any rights. I do not think he has any right to be heard, because the treaty was unequivocal in its terms.

Mr. STERLING. Permit me to say that these questions were raised before the commission appointed to arbitrate and make

an award, and were again urged before the Secretaries of the Interior. It seems to me that ought to be decisive.

Mr. GORE. Mr. President, I ought to have said that John W. West's descendants qualified and drew their portion of the money as Eastern Cherokees.

The PRESIDENT pro tempore. The Senator from South Dakota makes a much stronger case in his argument than is made by the amendment. The amendment treats this as an unliquidated demand, and proposes to confer jurisdiction upon the Court of Claims to adjudicate the fact of liability and the extent of it. The amendment also waives the statute of limitations in this instance, and is obviously subject to the point of order that it is general legislation and a provision for the payment of an unliquidated private claim, as well, in violation of clause 4 of Rule XVI. If the claimant had proceeded upon his original award made under the authority of the existing statute in presenting his claim against this particular tribe of Indians, whose funds are held and controlled by the United States, the matter might present a different aspect and raise a different question.

Subdivision 4 of Rule XVI says:

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

In the form in which it appears in the bill the amendment is subject to a point of order.

Mr. STERLING. I simply wish to suggest, before the President pro tempore rules, that the bill contemplates an appropriation for the payment of any judgment that may be rendered by the Court of Claims.

The PRESIDENT pro tempore. That is the very point. The claimant abandons the adjudicated claim and turns it over to the court to decide upon the equities of the matter, whether or not the first adjudication was right. He asserts his claim at large, as the lawyers say, reopens the whole thing, and makes a mere claim out of what otherwise would be an adjudication.

In the form in which it appears in the bill the item is subject to a point of order, and the point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 68, line 10, after the word "improvements," to strike out "\$7,000" and insert "\$15,000," and in line 11, after "\$15,000," to strike out "in all, \$42,000," and insert "in all, \$50,000: *Provided*, That any unexpended funds heretofore appropriated for this school for the fiscal year 1914 may be used during said year for the purchase of additional land, not to exceed 80 acres, repairs, and improvements," so as to make the clause read:

For the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tablequah, Okla., for the orphan Indian children of the Five Civilized Tribes belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, \$35,000; for repairs and improvements, \$15,000; in all, \$50,000: *Provided*, That any unexpended funds heretofore appropriated for this school for the fiscal year 1914 may be used during said year for the purchase of additional land, not to exceed 80 acres, repairs, and improvements.

Mr. SMOOT. Mr. President, I should like to ask the Senator what additional land is necessary? Where is the 80 additional acres of land located that they speak of purchasing?

Mr. OWEN. It is right near the school. They have only 40 acres, I believe, and they want to get 80 acres more, so as to have gardens adjacent to the school. It is outside of the 40 acres reserved.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ASHURST. On line 16, page 68, after the figures "\$275,000," obviously there is an error in the bill. The words "is hereby appropriated" should be inserted, so that it will read:

The sum of \$275,000 is hereby appropriated—

And so forth. I move that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On line 16, after the numerals "\$275,000," it is proposed to insert "is hereby appropriated."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 68, line 19, after the word "Chickasaw," to insert "Quapaw," so as to make the clause read:

The sum of \$275,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, Quapaw, and Seminole Nations in Oklahoma, during the fiscal year ending June 30, 1915: *Provided*, That this appropriation shall not

be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Mr. GORE. I move—and I assume the Senator from Arizona will accept the amendment—that the word "Quapaw," in line 19, page 68, be stricken out, and that after the word "Nations," in line 20, the words "and the Quapaw Agency" be inserted.

The words "Quapaw Nation" do not describe the community in question. The official designation is "Quapaw Agency."

The PRESIDENT pro tempore. The question, first, is on the amendment proposed by the committee.

The amendment was rejected.

The PRESIDENT pro tempore. The Secretary will now state the amendment proposed by the Senator from Oklahoma.

The SECRETARY. After the words "Seminole Nations," in line 20, page 68, it is proposed to insert "and the Quapaw Agency."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was at the top of page 69, to insert:

That section 9 of the act of May 27, 1908 (35 Stat. L., p. 312), be, and the same is hereby, amended as follows: By adding, after the word "allottee" in line 6 of said section, the following: "Provided, That no sale of inherited lands by heirs who are full-blood Indians shall be approved by the judge of the county court without giving at least three weeks' notice in some newspaper of general circulation published and printed in the county in which said land is situated that an application for such sale is pending, a copy of which notice shall be sent by registered mail at least three weeks before such sale is made to the United States Indian superintendent at Muskogee: *Provided further*, That upon the day fixed for such sale the judge of the county court may, in his discretion, accept the highest bid offered for such land and approve a conveyance by the heirs to such purchaser, or refuse to accept any bid offered: *Provided further*, That upon the approval of any sale of inherited land by full-blood heirs the judge of the county court shall require the purchase price to be paid into court or to the United States Indian superintendent, and such officers shall jointly supervise and control the proceeds derived from such sale of such land and shall pay the same to the heirs in such amounts, at such times, and under such rules and regulations as they may prescribe: *Provided further*, That the judge of the county court and the United States Indian superintendent shall have power and authority to expend such funds in the improvement of the lands of such heirs, in the purchase of stock or farming implements, or for such other use or purpose as they deem most beneficial to such heirs."

Mr. OWEN. Mr. President, I find that there is serious objection on the part of the people of Oklahoma to that item. I moved it myself in the first place in the committee, and, with the consent of the chairman, I make a point of order against it.

The PRESIDENT pro tempore. What matter does the Senator intend to include in his point of order?

Mr. OWEN. The matter beginning on line 1, page 69, and going down to and including line 5 on page 70.

The PRESIDENT pro tempore. Does the chairman of the committee desire to be heard on the point of order?

Mr. ASHURST. I do not, Mr. President.

The PRESIDENT pro tempore. On what ground does the Senator make the point of order?

Mr. OWEN. On the ground that it is general legislation.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. SMOOT. I should like to ask the Senator having the bill in charge if that provision has met the approval of the Commissioner of Indian Affairs.

Mr. OWEN. It has.

Mr. ASHURST. It has, Mr. President.

Mr. OWEN. I move to strike out the word "also," in line 25, and to insert "hereby."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, page 70, line 25, before the word "appropriated," strike out "also" and insert "hereby."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 71, line 11, after the word "property," to insert "including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 U. S. Stat. L., p. 67), and of the improvements thereon: *Provided*, That \$10,000 of the amount above appropriated shall be immediately available," so as to read:

That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding \$40,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 U. S. Stat. L., p. 67), and of the improvements

thereon: *Provided*, That \$10,000 of the amount above appropriated shall be immediately available: *Provided further*, That not to exceed \$10,000 of such amount may be used in connection with the collection of rents of unallotted lands and tribal buildings.

Mr. PAGE. Commencing on page 72, line 12, that is legislation which I do not think ought to be enacted at this time.

The PRESIDENT pro tempore. We have not reached that yet. We have not passed upon the particular amendment before the Senate.

Mr. PAGE. I wish to give notice now that after that amendment has been read I shall raise a point of order, and I should like to have the Chair give especial attention to the reading so as to decide on the point of order when the Secretary has concluded the reading of the amendment, commencing at line 11, on page 72, and concluding at line 26, on page 75.

The PRESIDENT pro tempore. The question is on agreeing to the amendment inserting line 12 to line 19 on page 71.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The next amendment was, on page 72, after line 10, to insert:

That the Commissioner of Indian Affairs is hereby authorized and directed to consider and determine the claims to enrollment as citizens of the Creek (Muskogee) Nation of Indians of the 64 persons whose names are contained in the list prepared by W. C. Pollock, assistant attorney for the Interior Department, bearing date of January 15, 1912, and which names appear in Senate Document No. 1139, Sixty-second Congress, third session, at pages 45 to 52, inclusive; and the said Commissioner of Indian Affairs is directed to enroll all such persons as he may adjudge to be citizens of the Creek Nation, and when so enrolled there shall be paid to each and every such person, out of any funds in the Treasury of the United States to the credit of the Creek Nation, the sum of \$800 in lieu of an allotment of land, said payment to be subject to such restrictions, rules, and regulations as he may prescribe, and hereafter such enrolled citizens shall share alike with all other citizens of the said nation in the distribution of tribal funds, and shall be entitled to all other benefits accruing to the members of said tribe.

The Secretary of the Interior is hereby authorized to enroll on the proper respective rolls of the Five Civilized Tribes, as indicated, the persons enumerated in Senate Document No. 478, Sixty-third Congress, second session.

That to carry into effect the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901 (31 Stat., p. 861), and the supplemental agreement of June 30, 1902 (32 Stat., p. 500), and other laws and treaties providing for a minimum allotment to each Creek citizen whose name has been placed on the roll by the Government of the United States under authority of said agreements and laws, of the standard value of \$1,040; and in order that the claim of said citizens of the Creek Nation who have received allotments in land and money of a less value than the standard allotment of 160 acres of the standard value of \$1,040 might be determined and finally adjudicated, jurisdiction is hereby conferred, upon the Court of Claims, with right of appeal as in other cases, to hear, determine, and render final judgment against the United States for such amount, if any, as may be found due by the United States, and as may be necessary to equalize all of such allotments to the treaty standard value of allotments of \$1,040; also to hear, determine, and render final judgment, with right of appeal as herein provided, in the matter of the claim of the Muskogee (Creek) Nation against the United States based on alleged errors in the survey of the boundary of said nation, and any other Creek lands in townships 11 and 12 north, range 6 east, and that may have been erroneously taken and disposed of by the United States without compensation therefor; and the actions herein authorized may be brought in the name of the Muskogee (Creek) Nation and against the United States. Said suits shall be begun by petitions filed within six months after the approval of this act, which petitions shall be verified by the principal chief of said nation or the national attorney for said nation, and said suit or suits shall be prosecuted by the national attorney for the Creek Nation and by attorney or attorneys, if any, employed by said nation or tribe, or its duly authorized representatives or individual members of said tribe, to prosecute said claims: *Provided*, That no attorney shall be authorized to represent said nation, or individual members of said nation, by reason of any contract or agreement made with the tribe or members thereof unless such contract of employment shall have been, subsequent to the passage of this act, approved by the Commissioner of Indian Affairs and the Secretary of the Interior: *And provided further*, That in the event of the employment of additional attorneys, as herein set out, the said attorney or attorneys shall not be paid out of any funds now to the credit of the Creek Nation, but his or their fee shall be fixed by the Commissioner of Indian Affairs and the Secretary of the Interior after final judgment, but in no event to exceed \$15,000 in each case and in event of a recovery, and shall then be taxed and paid as other costs of the actions in which such attorney or attorneys may be authorized to appear.

The money accruing under any judgment or judgments rendered under this act shall be distributed by the Secretary of the Interior to the persons entitled to participate therein under such rules and regulations as he may prescribe, payment to minors and restricted Indians to be subject to the conditions affecting the payments of funds derived from the sale of restricted lands. To effect a speedy settlement of the affairs of the Creek Nation said suits shall be advanced for hearing by the Court of Claims and by the Supreme Court if the same shall be appealed.

Mr. PAGE. At this point I raise a point of order on the part of the amendment from line 11, on page 72, to line 5, on page 73, ending with the words "accruing to the members of said tribe." I think it is general legislation.

The PRESIDENT pro tempore. The whole amendment is an entire proposition, is it not?

Mr. PAGE. I think the lines following, from line 6 to line 10, on page 73, may be wise legislation, and I do not care to make a point against those six lines. I think they are independent.

Mr. TOWNSEND. Mr. President, I was in hopes that the Senator from Vermont would not raise that point. It will make it necessary for me to oppose wherever possible any distribution of the fund or any portion of the fund of this tribe of Indians. Here are some Indians who were found by the agents of the department to be entitled to enrollment. Their names were not acted upon before the times fixed by the statute for the closing of the rolls. They were on their way to the department; they were entitled to recognition; and they are as legally or as morally entitled to go on the rolls as the names that were on them. It was agreed when this and similar matters were before the committee that those names which had been certified as being entitled to enrollment and reported by Mr. Pollock—

Mr. CRAWFORD. Will the Senator permit me? The Senator is talking about the enrollment of Indians as members of the Five Civilized Tribes of Indians on page 72.

Mr. TOWNSEND. It is a part of the Five Civilized Tribes. It is one tribe, the Creek Nation. The Senator from Vermont has made a point of order which applies directly to the Creeks.

Mr. CRAWFORD. Are they those who were on their way?

Mr. TOWNSEND. Many of those were on their way to the department and were entitled to the enrollment.

Mr. PAGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Vermont?

Mr. TOWNSEND. Certainly.

Mr. PAGE. I am in entire accord with what the Senator from Michigan has just stated. I believe that the enrollment should be completed by the addition of further names, and if that enrollment is completed it is very doubtful whether the sum of \$800 will be left for distribution to each one. That being the case and because of the very reasons the Senator has stated, I think we should not legislate at this time to appropriate the \$800.

Mr. TOWNSEND. Mr. President, it was shown before the committee that there are funds sufficient, but if there are not sufficient funds for that purpose it is all the more reason why there should be no further distribution of the funds of this or any other tribe so long as there is an incomplete enrollment. The time will come, in my judgment, when some of the gentlemen—not in the Senate, but attorneys outside—who are now interested in closing the rolls and keeping these men off will be quite as active in pressing bills before the Senate asking that the Indians who have been kept off the rolls shall be given what they are legally, or at least equitably, entitled to.

I do not care to open these rolls; I have tried to avoid that as best I could, but I have felt since I have been a member of the Committee on Indian Affairs that these Indians should be cared for.

As I said, it was agreed before the committee, as I understood it, that if these designated Indians whose title had been passed upon and recommended by the agents of the department as entitled to enrollment could go on this list and share in the distribution of the tribal funds as they were given out from time to time, at least the apparent defect in the enrollment would be cured, because, I repeat, these names have been passed upon by the department, and simply through the fact that the day fixed by statute passed while some of these names were already in the department but before they could be acted upon, these men ought not to be defrauded of their rights to this division of the tribal funds.

I say I am sorry the Senator from Vermont felt it was necessary to make the point of order against this item, because I am very confident that if it was known that these names were not going on the list there would have been no distribution of tribal funds. It seems to me it is quite time that we had this matter settled properly and equitably.

The PRESIDENT pro tempore. The Chair, as at present advised, is inclined to believe that the matter from line 6 to line 10 is separable from the preceding matter. It reads:

The Secretary of the Interior is hereby authorized to enroll on the proper respective rolls of the Five Civilized Tribes, as indicated—

Referring, of course, to that which has gone before—the persons enumerated in Senate Document No. 478, Sixty-third Congress, second session.

Mr. OWEN. Mr. President, I have in my hand the document referred to, containing a letter of April 24, 1914, from the office of the Secretary of the Interior, to this effect:

DEPARTMENT OF THE INTERIOR,  
Washington, April 24, 1914.

Hon. ROBERT L. OWEN,  
United States Senate.

MY DEAR SENATOR: In response to your request of April 22, I am inclosing herewith a list of the names of persons who, upon the investigation heretofore made, have been found apparently equitably entitled to enrollment on the rolls of the various tribes composing the Five Civilized Tribes of Oklahoma. The data as to each of these names have

heretofore been submitted to the Committee on Indian Affairs of the Senate, and may be found in Senate Document No. 1139, Sixty-third Congress, third session.

This list contains the names of all those whom the department has found equitably entitled to enrollment, omitting, as suggested, the names of new-born Choctaw freedmen.

Very truly, yours,

A. A. JONES,  
First Assistant Secretary.

In the Choctaw and Chickasaw country there is quite a large number of claims, four or five thousand—I do not know the number—varying according to the estimates that are made. In the Choctaw and Chickasaw country that contention has been raised, but as far as these people are concerned, since the department has found them entitled, and since the attorneys representing the United States are willing to have them enrolled, I should not think anyone would agree to have these people kept off when they have the right to be enrolled. I hope the Senator from Vermont will not press his point of order.

Mr. PAGE. Mr. President, I am not objecting to any enrollment that the department thinks ought to be made. The point I make is this: We provide here for the payment of \$800 to each such person. I will read the provision at line 25, on page 72:

The sum of \$800 in lieu of an allotment of land, said payment to be subject to such restrictions, rules, and regulations as he—

The Commissioner of Indian Affairs—  
may prescribe.

I have been informed by those who have made a study of this matter—and perhaps I may say that in the last Congress a very valuable member of the Committee on Indian Affairs, who is now away, discussed this matter somewhat at length—and the information I have is that there is, in addition to the names referred to in Document No. 478, just referred to by the Senator from Oklahoma, another large number who claim to be entitled to allotments.

I confess my mind is not very clear in regard to the different Indian nations in Oklahoma; but if we are to make an appropriation of a certain sum, it seems to me we ought to safeguard the Treasury so that later on, if there are so many added allottees, it will not make the sum in the Treasury belonging to the tribe insufficient and the Federal Treasury be obliged to take funds not belonging to the Indians. I say I think we ought to safeguard the Treasury against that possibility.

At present I am not sufficiently conversant with the facts to say that we do that under this bill. Indeed, I rather think we do not do it. That was my purpose in raising the point of order.

I do not want, in any event, to take issue with the Senator from Michigan [Mr. TOWNSEND] about this matter, because he and I have thought very nearly alike in all the hearings and consideration of the bill in the committee. If he says that, in his judgment, I ought to withdraw the point of order, I am rather inclined to do it, although I wish I might have some further light before I consent to withdraw it.

The PRESIDENT pro tempore. It will be necessary for the Chair to know whether the Senator withdraws the point of order before he knows what action to take.

Mr. TOWNSEND. I will say to the Senator from Vermont there can be no possible question, if the information which has been presented to the committee is correct as to the condition of the treasury of this tribe, that the tribe will have something over \$2,000,000 when this payment has been made. That at least has been the testimony. I had no thought that this question could possibly have been raised. It was not stated before the committee.

Mr. PAGE. I withdraw the point of order.

Mr. STERLING. Mr. President, there seems to me some uncertainty among Senators in regard to the wisdom of this proposed legislation. The Senator from Michigan, I understand, is not quite satisfied as to the provision, and although the Senator from Vermont has withdrawn the point of order, I renew it. I make the point of order that it is general legislation.

Mr. OWEN. I hope the Senator from South Dakota will withhold the point of order until we can further consider it. I ask that we pass over the amendment for the present.

The PRESIDENT pro tempore. That request is addressed entirely to the Senator from South Dakota. It is subject to what he says.

Mr. OWEN. Will the Senator from South Dakota consent to pass it over for the present?

Mr. STERLING. I will consent to that course.

The PRESIDENT pro tempore. The item will be passed over at the request of the Senator from Oklahoma and with the consent of the Senator from South Dakota. Does that include

all the matter which appears in the bill from line 11, on page 72, down to and including line 26, on page 75?

Mr. TOWNSEND. Yes, sir.

The PRESIDENT pro tempore. The whole amendment will be passed over.

Mr. NELSON. I understood the objection was limited by the Senator from Vermont, and, in the first instance, it extended down to line 5, on page 73, and that the rest is undisposed of.

Mr. PAGE. I gave notice that I would raise the point of order as to the balance of the amendment from line 11, on page 73, to line 26, on page 75, and I give notice that I will do that when we return to the amendment, unless I have some light that I do not have now.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. I want to know how much has been passed over, because I have an amendment which I wish to offer.

The PRESIDENT pro tempore. To this matter?

Mr. WILLIAMS. Yes; and I want to see whether that part is included in the point of order.

The PRESIDENT pro tempore. To what extent does the Senator intend that his point of order shall apply? All the matter which appears from page 72, line 11, down to and including line 26, on page 75, seems to be associated and covers the same general topic. Is the point of order directed against the whole provision?

Mr. STERLING. Yes, sir.

Mr. WILLIAMS. That being the case, I desire to offer an amendment and let it be pending and go over with the entire subject matter.

The PRESIDENT pro tempore. The Chair has not passed on the point of order, but the amendment to the amendment can be entertained.

Mr. WILLIAMS. I want to offer it now and have it read and pending at the proper place, and I will let it go over with the entire subject matter to which it refers.

The PRESIDENT pro tempore. The amendment to the amendment will be read.

The SECRETARY. At the end of line 10, page 73, the Senator from Mississippi [Mr. WILLIAMS] proposes to insert the following proviso:

*Provided*, That the Secretary of the Interior is further authorized and directed to enroll on said citizenship rolls all persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, in the roll and report of said commission dated March 10, 1899, and in subsequent reports of said commission, which persons have not heretofore been finally enrolled; and he shall also enroll all full-blood Mississippi Choctaws not heretofore enrolled, and all persons who may satisfactorily establish their rights as descendants of Choctaws to whom privileges were guaranteed by the provisions of articles 14 and 19 of the treaty of 1830, known as the "Treaty of Dancing Rabbit Creek."

The PRESIDENT pro tempore. The amendment to the amendment will lie on the table until we reach the amendment of the committee in the further consideration of the bill. The next amendment will be stated.

The next amendment was, on page 77, after line 4, to insert:

That the Commissioner of Indian Affairs is hereby authorized to permit the principal chief of the Creek Nation to call a special session of the national council of said nation, and for said purpose there is hereby appropriated, out of any funds in the Treasury of the United States to the credit of the Creek Nation, the sum of \$10,000, or so much thereof as may be necessary, to pay the mileage and per diem of members and other incidental expenses of such council meeting upon the approval of the Commissioner of Indian Affairs: *Provided*, That the Commissioner of Indian Affairs shall fix the time for calling said session of the council, the length of time said council may remain in session, and the amount that shall be allowed members attending.

The amendment was agreed to.

The next amendment was, on page 77, after line 17, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, and Cherokee tribes of Indians of Oklahoma entitled under existing law to share in the funds of their respective tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Choctaws and Chickasaws, \$100 per capita, and in the case of the Cherokees, not to exceed \$15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

Mr. KENYON. I think this amendment is subject to the same point of order that was made by the Senator from South Dakota [Mr. STERLING], but I should like to have some explanation of it.

The PRESIDENT pro tempore. Is there any Senator who is inclined to enlighten the Senator from Iowa?

Mr. OWEN. Mr. President, the Five Civilized Tribes made agreements with the United States which took the form finally

of statutes of the United States. They passed as statutes with the Choctaws, Chickasaws, Creeks, and Cherokees. Under that statute provision it was agreed that as these funds arose from the sale of their lands they should be distributed. There is only about \$50 left to be distributed to the Cherokees. In the case of the Choctaws and Chickasaws they have property undistributed that will probably amount to between \$35,000,000 and \$40,000,000—a very large sum. There are, I suppose, about 30,000 of the Choctaws and Chickasaws, and at \$100 apiece it would take about \$3,000,000. If there were allowed the claims of those now demanding the reopening of the rolls, even to the extent of three or four or five thousand people, it would make no substantial difference, because there will be an abundant Choctaw and Chickasaw fund to meet any of such claims.

Mr. KENYON. Are there not a large number who are seeking to have the rolls reopened?

Mr. OWEN. Yes.

Mr. KENYON. Then, if there was not enough money for their share, that would become a claim against the Government?

Mr. OWEN. There is enough for any claim that they might have. That is what I was explaining to the Senator. The Senator from Michigan [Mr. TOWNSEND] knows the amount, and he knows the number of Choctaws and Chickasaws, being very familiar with the matter.

Mr. KENYON. It occurred to me that in all these provisions there is that danger if the rolls should be opened.

Mr. OWEN. The rolls never will be opened; never in the world.

Mr. KENYON. There are a good many people who think they will be.

Mr. OWEN. I know they have that apprehension, but they will never be opened.

Mr. KENYON. There are a good many Indians trying to have them opened.

Mr. OWEN. There are a good many people claiming that they should be opened, and who are trying to do it through their attorneys.

The statutes requiring the distribution of this fund to these people are very plain. This amendment is merely carrying out an existing law, and in pursuance of existing law these funds pass into the Treasury of the United States as trust funds and can not be disposed of except by consent of Congress. So Congress must direct the distributions that are made.

It therefore would not be subject to a point of order, as the other items are obviously subject to a point of order. Being in pursuance of a statute law and carrying out an existing agreement with the Indians, under the statute law it is not, I take it, subject to a point of order.

Mr. WILLIAMS. To what statute does the Senator refer?

Mr. OWEN. I refer to the statute of 1902.

Mr. KENYON. I will make the point of order that the provision commencing with line 18, page 77, and extending to line 11, page 78, is new legislation, and that it is not germane to the subject of this bill.

Mr. TOWNSEND. Mr. President, I should like to ask to have this item passed over temporarily. I am perfectly willing that it shall be disposed of this afternoon if the Oklahoma items are disposed of, but it will make some difference with me as to what is done with certain other items, because I think they are all related. I therefore ask that this item be passed now without a decision of the question raised.

Mr. OWEN. I shall be glad to have it passed over.

Mr. WILLIAMS. Before that is done, I have an amendment which I want to offer as a proviso.

The PRESIDENT pro tempore. This practice of reserving matters for future consideration is becoming a real evil. It ought not to be extended to the present situation. The Chair does not see any reason for withholding to a future day a decision on the point of order raised by the Senator from Iowa.

Mr. WILLIAMS. I expect that point of order will have to be argued to some extent.

The PRESIDENT pro tempore. That depends on whether there is an appeal from the decision of the Chair. This appeal may be argued, but there is no great danger of consuming much time in arguing the point of order itself.

Mr. WILLIAMS. I mean, if the Chair wants some enlightenment a whole lot of Senators are prepared to try to give it to him under the exercise of a wise discretion of the Chair which permits discussion. But before entertaining the request of the Senator from Michigan, what I rose for is to offer an amendment which is connected with the matter which he wants to have passed over. I ask that it be read and go over with the subject matter.

The PRESIDENT pro tempore. The Chair is not disposed to invite debate on the point of order to remove doubts as to what

action he should take. He now overrules the point of order. It seems that the proposition contained in the amendment affects trust funds held by the Government as trustee, and they never can be used in any way without authority derived from Congress. The amendment is not objectionable on the ground that it is general legislation, because it is a kind of legislation necessary to make the trust effective by affording the trustee that permission that the sovereign alone can give. It is not general legislation in any sense. It is the kind of legislation that is necessary to give the consent of the sovereign trustee which controls the ultimate disposition of the trust fund. It is not objectionable under the fourth clause of Rule XVI, because it is an amendment that is to carry out the provisions of an existing law. The Chair will hold that the point of order is not well taken.

Mr. WILLIAMS. Then I offer the amendment which I have sent to the desk.

Mr. KENYON. Just for the sake of the Record—

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. KENYON. I do not expect to convince the Chair at all, but I should like to call the attention of the Chair to the fact that a similar provision was inserted in the Indian appropriation bill, as it has been each year, on February 25, 1913, as will be found in the CONGRESSIONAL RECORD on page 4006.

Senator LODGE interposed a question of order against a similar provision on the appropriation bill of that year—that it was new legislation and not germane to the bill under the rules of the Senate. The question was submitted to the Senate, and by a vote of 57 to 34 it was decided that it was not in order on the bill. On June 18—

The PRESIDENT pro tempore. The question as to whether or not the amendment is germane to the bill is not for the decision of the Chair, but for that of the Senate. If the Senator insists upon the point that the amendment is not germane, that question must be submitted to the Senate.

Mr. KENYON. One further suggestion. On June 18, 1913, the Vice President—I assume it was the Vice President—held that a similar provision inserted in the Indian appropriation bill was not germane to the bill under the rules of the Senate. That is found in the CONGRESSIONAL RECORD of June 18, 1913, page 3386.

I ask that the question as to whether or not the amendment is germane be submitted to the Senate, if the Chair holds that it is proper.

The PRESIDENT pro tempore. It is proper. The Senator from Iowa having raised the question as to whether or not the amendment in question is germane to the bill, it becomes the duty of the Chair to submit the matter to the Senate.

Mr. NELSON. Let the paragraph be read for the information of the Senate.

The PRESIDENT pro tempore. The Secretary will read the paragraph.

The SECRETARY. It is the paragraph commencing on page 77, line 18, and running down to line 10, on page 78.

Mr. GORE. Mr. President, my recollection is that on the last Indian appropriation bill that question was submitted to the Senate, and the Senate decided it was in order; that it was germane.

Mr. WILLIAMS. No; it was decided that it was not.

Mr. GORE. I think the Senator from Mississippi is mistaken.

Mr. WILLIAMS. I remember when this exact point was up.

Mr. OWEN. I have the matter here, if I may call the attention of the Chair to it. It was decided by the Vice President that the amendment was not germane, and there was no appeal taken to the Senate.

The PRESIDENT pro tempore. Under the rules of the Senate, the question as to whether or not any proposition is germane is exclusively for the decision of the Senate.

Mr. OWEN. A Senator has the right to appeal to the Senate on the question of whether or not an amendment is germane under the rules. I believe the Chair has so held.

The PRESIDENT pro tempore. The rule under which the Senate must proceed reads:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

If the present occupant of the chair could decide the question, he would do so in accord with what he thought was right. Having no jurisdiction to deal with it at all, the question is submitted to the only tribunal that can pass on it. The question

is, Is the amendment germane to the bill? [Putting the question.] The yeas appear to have it.

Mr. BORAH and Mr. OWEN called for a division.

The PRESIDENT pro tempore. A division is called for.

Mr. OWEN. I call for a quorum.

The PRESIDENT pro tempore. The Senator from Oklahoma suggests the absence of a quorum. The Chair doubts whether in the midst of taking a vote that can be done.

Mr. SMOOT. I think the call can not be made when the Senate is dividing.

The PRESIDENT pro tempore. That procedure need not be strictly adhered to unless we are bound to do it under some existing rule, and the Chair knows of no rule which requires it to be done. The Secretary will call the roll.

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

Ashurst	Hitchcock	Owen	Sterling
Borah	James	Page	Sutherland
Bryan	Jones	Perkins	Swanson
Camden	Kenyon	Ransdell	Thornton
Cañon	Lane	Reed	Tillman
Chamberlain	McCumber	Robinson	Townsend
Chilton	Martine, N. J.	Shafroth	Vardaman
Clapp	Myers	Shively	Warren
Clarke, Ark.	Nelson	Smith, Ga.	White
Crawford	Norris	Smith, Md.	Williams
Fletcher	O'Gorman	Smith, Mich.	
Gore	Overman	Smoot	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL], with whom I am paired, is necessarily absent. I will let this announcement stand for the day.

The PRESIDENT pro tempore. The call of the roll discloses the absence of a quorum. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators.

Mr. POMERENE, Mr. LEE of Maryland, Mr. SHERMAN, Mr. SHEPPARD, Mr. SMITH of Arizona, Mr. STONE, Mr. BRISTOW, and Mr. BRADY entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum of the Senate is present. Several Senators have come into the Chamber since the pending question was raised. The Chair will therefore restate it. Incidental to that, however, the Chair will ask the Secretary to read the item in dispute, which appears on page 77, beginning at line 18.

The SECRETARY. On page 77, after line 17, the committee propose to insert the following:

That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, and Cherokee Tribes of Indians of Oklahoma entitled under existing law to share in the funds of their respective tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Choctaws and Chickasaws, \$100 per capita, and in the case of the Cherokees not to exceed \$15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. KENYON] raises the question as to the relevancy of this amendment to the pending bill. Under the rules of the Senate all questions of relevancy of proposed amendments to a pending bill are to be submitted to the Senate and decided without debate. That question is now submitted to the Senate. [Putting the question.] The Chair is in doubt.

Mr. VARDAMAN. I ask for the yeas and nays, Mr. President. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL], but I understand if he were present he would vote as I intend to vote. Therefore I will take the liberty of voting. I vote "yea."

Mr. JAMES. I transfer my general pair with the Senator from Massachusetts [Mr. WEEKS] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA], which I transfer to the junior Senator from New Hampshire [Mr. HOLLS] and vote "yea."

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. CALLINGER]. In his absence I withhold my vote.



## RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. Mr. President, when I presented to the Senate the report of the Committee on Commerce on the river and harbor bill I announced that I should ask the Senate to take up the bill for consideration on Monday next. Since that time a number of Senators have indicated to me a desire for a longer time in which to examine the rather voluminous report, embracing several hundred pages, a copy of which I hold in my hand. In deference to the wishes of these Senators, I shall not ask to take up the bill on Monday, but I give notice that I shall ask to take it up on Thursday of next week.

Mr. SMITH of Michigan. Mr. President, we could not understand the Senator from North Carolina. If I caught what he said in his closing sentence, it was that he would ask to take up the bill on Thursday next.

Mr. SIMMONS. Yes; I said that when I submitted the report to the Senate I made a statement to the effect that I would call it up on Monday next.

Mr. SMITH of Michigan. Yes.

Mr. SIMMONS. But that, in deference to the wishes of certain Senators for a longer time in which to examine the report, I would not call it up until Thursday next.

Mr. SMITH of Michigan. Then it is the intention of the Senator to call it up on Thursday?

Mr. SIMMONS. Yes.

## NAVAL APPROPRIATIONS.

Mr. SWANSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, 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 amendment numbered 6, 14, 15, 16, 18, 39, 42, 43, 44, 50, 54, 66, 68, 70, and 72.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 41, 46, 47, 48, 49, 51, 52, 56, 53, 60, 61, 62, 63, 64, 65, and 69, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "only," insert the following: "and officers of the Construction Corps"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following: "Provided, That the Secretary of the Navy is authorized to detail such naval officers not exceeding four as may be necessary to the Hydrographic Office"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of Senate amendment insert the following: "June 30, 1917"; and the Senate agree to the same.

Under authority of the House granted to change totals not in conference, the committee of conference amended the bill as follows: Page 20 of the bill, line 21, strike out "\$170,000" and in lieu thereof insert "\$180,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the words "to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out Senate amendment and in lieu thereof insert the following: "Naval Proving Ground, Indianhead, Md.: Toward extension of powder factory (cost not to exceed \$500,000), \$200,000"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the following: "for fuel-oil storage, at some point accessible to the oil fields of Texas and Oklahoma, to be determined by the Secretary of the Navy, \$150,000"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In said amendment strike out the words

"to be available until expended"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Line 7 of said amendment strike out "\$150,000" and insert in lieu thereof "\$75,000"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2 of said amendment after the word "men" insert the following: "of the Navy and Marine Corps"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the proviso in said amendment and in lieu thereof insert the following: "Provided, That such appointments shall be made in the order of merit from candidates who have in competition with each other passed the mental examination now or hereafter required by law for entrance to the Naval Academy, and who passed the physical examination required before entrance under existing law"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In line 1 of said amendment after the word "type" insert the following: "to have a surface speed of not less than 20 knots."

In line 5 of said amendment after the word "expended" strike out the comma and insert a period, and strike out the words "and the" and in lieu thereof insert "The."

In line 10 of said amendment after the word "said" insert the words "eight or more"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"Hereafter there shall be charged against the several appropriations for the support of the Naval Establishment the overhead charges incident to upkeep and to industrial work at navy yards and stations. The total sum so charged shall be distributed in accordance with the work done in the various yards and stations in order that the cost of work may be determined."

And the Senate agree to the same.

Amendment numbered 67: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 67, and agree to the same.

On the amendments of the Senate numbered 28, 29, 33, 40, and 71 the committee of conference have been unable to agree.

B. R. TILLMAN,  
CLAUDE A. SWANSON,  
GEO. C. PERKINS,

*Managers on the part of the Senate.*

L. P. PADGETT,  
J. FRED. C. TALBOTT,  
THOMAS S. BUTLER,

*Managers on the part of the House.*

The report was agreed to.

Mr. SWANSON. I move that the Senate further insist upon its amendments, ask a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS conferees at the further conference on the part of the Senate.

WIDOW OF THOMAS B. MCCLINTIC.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 661) for the relief of the widow of Thomas B. McClintic, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments to the said bill,

N. P. BRYAN,  
THOMAS S. MARTIN,  
COE I. CRAWFORD,

*Managers on the part of the Senate.*

EDW. W. POU,  
LUTHER U. MOTT,

*Managers on the part of the House.*

The report was agreed to.

## PRESIDENTIAL APPROVALS.

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

On June 18, 1914:

S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses.

On June 19, 1914:

S. 55. An act for the relief of Daniel Hampton;

S. 2039. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey; and

S. 2226. An act for the relief of Joel J. Parker.

## INDIAN APPROPRIATIONS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 12579.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. On page 77, after line 17, the Committee on Indian Affairs proposes to insert:

That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, and Cherokee Tribes of Indians of Oklahoma entitled under existing law to share in the funds of their respective tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Choctaws and Chickasaws, \$100 per capita, and in the case of the Cherokees not to exceed \$15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

The senior Senator from Mississippi [Mr. WILLIAMS] proposes to add at the end of the amendment the following proviso:

*Provided, however*, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi to the amendment of the committee.

Mr. WILLIAMS. Mr. President, we went all through this debate a year ago. The Senate disagreed with the committee and adopted the amendment which I at that time offered. Then the committee, being determined that the amendment should not go through, made a point of order against the committee amendment as amended, and it went out of the bill, and now we have here to go over the whole thing again.

Mr. President, in 1830 there lived in the State of Mississippi a tribe of Indians known as the Choctaws. Unlike every other tribe of Indians in the United States, they had never had a quarrel with the English-speaking white man. No tomahawk had ever been raised by them against the American pioneers who settled that country. They were the friends of the English-speaking white settlers at all times. They fought for them and with them against Frenchmen and Spaniards. They fought with "Mad Anthony" Wayne.

About that year it was thought desirable to get them to remove, if they would, west of the Mississippi River. It was under Gen. Jackson's guidance and counsel that this was done. We entered into a treaty with them known as the Dancing Rabbit treaty, so named after the creek upon the banks of which the treaty was entered into.

Mr. President, it is a principle of universal law that citizenship in a savage tribe is not a matter of residence, but it is a matter of consanguinity, of blood relationship. It is interesting to go back and discover that this has once been the case with all people who have ever lived, not American Indians alone. I once investigated the points of resemblance between the tribal constitution of the Iroquois Indians, the "Indians of the Long House," and the early tribal institutions of Athens and of Rome. To be a citizen in any of them you had to be a member of the tribe by blood or adoption; place of residence had nothing to do with it. It is perfectly wonderful how far the institutions

of all in their early stages agree in this respect. Citizenship everywhere originally was a matter of kinship. To be a member of the tribe in blood made one a citizen of the tribe, or, as we call it when we refer to the tribes of Indians in America, a citizen of "the nation."

I dwell upon this a moment for the purpose of laying down the fundamental principle that a Choctaw is a Choctaw, independently of the fact whether he dwells in Mississippi or whether he dwells in Oklahoma; that a Choctaw is a citizen of the Choctaw Nation, independently of the fact whether he dwells in Oklahoma or in Mississippi; and I do it for the further purpose of calling your attention to the fact that the Dancing Rabbit treaty recognized that truth.

The Dancing Rabbit treaty went on to say that provided these people would move west of the Mississippi River a certain lump sum should be appropriated for their benefit, part of it for schoolhouses and school teachers and part for other purposes, and that certain annuities should be instituted, to be shared by those of them who went west of the Mississippi River. In addition to that there was the usual provision for giving the chiefs certain favors—so much land, and all that. In all our treaties with the Indians it has been found necessary to give special favors to the chiefs and subchiefs—men of influence—to induce them to influence the others.

Some of the Choctaws in Mississippi did not want to go west of the Mississippi River, and some of their chiefs did not want to go west—Moshalatubbee, Greenwood Le Flore, and some of the balance of them. It became necessary in this treaty to provide for those Mississippi Choctaws who declined to go and who were not willing to go, the object of the Government of the United States being to secure the land and be able to sell the land to white settlers; and in so far as the land in Mississippi was to be given to Indians there, to give it out by metes and bounds in individual ownership—in severalty, as we call it.

The consequence was that the Choctaw Indians going west of the Mississippi River became entitled to their proportionate share of this lump sum and their proportionate share of these annuities; but by article 14 of the Dancing Rabbit treaty the Choctaws who remained in Mississippi were specially recognized as having "all the privileges of citizens of the Choctaw Nation." This article 14 had to be inserted in order to secure any treaty at all. It was the *sine qua non*. Greenwood Le Flore insisted on it. It was admitted on all sides that unless those who chose to remain in Mississippi were to retain their Choctaw citizenship and receive the other advantages of article 14 there could be no treaty.

Mr. President, the Dancing Rabbit treaty can be found in the United States Statutes at Large, volume 7, "Indian Treaties from 1778 to 1842." I shall not undertake to read the treaty, of course; it is too much; but it is a treaty of "perpetual friendship, cession, and limit." It recites that one of the objects of it is "that the Choctaws may live under their own laws at peace with the United States and the State of Mississippi," and that therefore they have determined to sell their lands east of the Mississippi and have agreed to the following treaty. Why did they put in and at peace "with the State of Mississippi," except because there was no promise for all to go and no duty that all should go, and because many would remain in Mississippi?

Another portion of it is that which cedes to the United States the land which the Choctaws then owned as a Choctaw reservation within the State of Mississippi, Mississippi having extended her laws to all residents of the State.

Article 14, which is the important article, upon which I dwell, reads as follows:

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty—

Mr. OWEN. What page is that?

Mr. WILLIAMS. It is on page 335, the fourteenth article of the Dancing Rabbit treaty. By the way, I will say in this connection the Senator from Oklahoma [Mr. OWEN] was the first man in the world who ever called my attention to this particular article of this particular treaty. I continue the reading—

and he or she shall thereupon be entitled to a reservation of one section of 340 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age, and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it.

Now, Senators, mark you—

Persons who claim under this article shall not lose the privilege of a Choctaw citizen; but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

Now, that cuts them out of the annuity alone; cuts them out of it, even if they subsequently removed to what afterwards became known as the Indian Territory. In all other respects, remaining in Mississippi, if they so elected, they are guaranteed "the privileges of a Choctaw citizen." Meanwhile they had already been cut out of the lump sum, which was a sum devoted to the purpose of removing the Choctaws west and of schooling them there, and so forth. Of course, those who did not remove to the west of the river obtained, from the very nature of the case, no part of the lump sum. In every other respect the Mississippi Choctaws were a party to this treaty, as Choctaw citizens; and neither the United States nor the United States in conjunction with the Choctaws in Oklahoma, or in the old Indian Territory, had any right to change their rights under the treaty without the consent of the Mississippi Choctaws. They certainly never had any right to change it by engrafting upon it provisions which would cut out the Mississippi Choctaws from their express right under the Dancing Rabbit treaty. This is a fortiori true when you remember that just in so far as the Choctaws in Mississippi were cut out the fellow citizens in Oklahoma were benefited. Certainly a party of adverse interest to them could not represent them and waive their rights.

I had a long fight in the House of Representatives upon this question. I won the fight. The Committee on Indian Affairs there, upon which at that time was the late Vice President, Mr. Sherman, and the former Senator from Kansas, Mr. Curtis, and others, saw the justice of the claim of the Mississippi Choctaws, and it was provided that they should have the rights which were claimed for them.

But upon the legislation I found afterwards an insidious amendment that I did not know was there, and which provided that in order to have their rights they must remove to Oklahoma. The Mississippi Choctaws could no more move to Oklahoma than they could fly, because they for the most part did not have any money to move with, unless they walked, and, if they walked, had nothing to eat while walking.

Mr. OWEN. Was he doing well in Mississippi?

Mr. WILLIAMS. The Senator asks me if he was doing well in Mississippi. Yes; after his fashion he was doing very well. The Mississippi Choctaw in Mississippi, according to his idea, was in a very happy condition. He was in 1830, but he never was a money-maker, he never possessed a white man's love of money.

By the way, I want to pay tribute right here to the Choctaws in the State of Mississippi. This treaty you see looks to their becoming citizens of Mississippi, but Mississippi never permitted them to vote. She excepted from the ballot "Indians not taxed." But they lived there. They have lived, as their ancestors had, along the valley of the Pearl and the Leaf and the Youghiogheny. With squirrels, wild turkey, ducks, bear, and fish the Indians in Mississippi did not have to die to go to the "happy hunting grounds." He had them right there.

Now, the amendment referred to required these people to move to Oklahoma. So I afterwards secured an appropriation of \$20,000, I think it was, to help them remove. But I found that, though I procured this appropriation of \$20,000 to help them move, in the first place the sum was not sufficient, and in the next place that they had nothing to do and no way to make a living after they got to Oklahoma; they would have starved when they got there.

I and others interested in their welfare and their future afterwards prevailed upon the Dawes Commission to send a subcommittee to the State of Mississippi in order to identify the Mississippi Choctaws and put them upon the roll. That committee was headed by Capt. McKennon, of Arkansas. They came to Mississippi and went into the counties of Jasper and Newton and Le Flore and Leake and Neshoba, and Smith and Scott, and they gave notice, and the Mississippi Choctaws came up to be identified, and quite a number of them were identified and were placed by that subcommittee of the Dawes Commission upon the roll. Mr. President, there was no trouble in identifying full-blood Choctaw Indians. There were not any other sort of Indians in south and central Mississippi. The members of no other tribe ever remained in that section. Very few others ever lived in it, and they, small tribes right along the seacoast, had long since disappeared. Capt. McKennon did good work, and did it in a kindly spirit. A great number of the Indians came up and were put upon his roll. I am not certain of the number right now, but I think it was about 2,400.

Now, then, after he has acted for the Dawes Commission, has identified these people as Mississippi Choctaws, then the matter is brought into court in Oklahoma somehow or other and those rolls are not approved of.

Mr. OWEN. Mr. President—

Mr. WILLIAMS. Wait a minute. Then, furthermore, somehow or other when those rolls get here to Washington they do not receive the final approval of the Secretary of the Interior as to over eleven hundred of these men—unmistakable Choctaws of the full and half blood. Now, why? Not because they were not Choctaws. Nobody will say that. Capt. McKennon knew an Indian when he saw him; he knew him from a white man. These were full bloods and half bloods. Now, I yield to the Senator from Oklahoma.

Mr. OWEN. I wanted to remind the Senator that in the report which Capt. McKennon made subsequent to the list referred to by the Senator they were not put on the rolls because Capt. McKennon in his report said he found it was impossible for the persons of Indian blood to prove their descent. They had no family records; they had no records of 1830; and they could not prove their descent. He made that report, and that was the basis upon which that roll was afterwards disapproved by the Secretary of the Interior.

Mr. WILLIAMS. I understand that, Mr. President. I will come to that right now, though that was not the connection of the argument where I intended to bring it in. Here was a law that was passed by Congress in that connection in 1902. It shows that there were two classes of these people reported on by Capt. McKennon—Choctaws who were to be enrolled as of the full blood and Choctaws of mixed blood entitled by virtue of descent from patentees. But let me read it all to give the connection.

All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said commission, make bona fide settlement—

Now, this was a waiver of the requisition of going to Oklahoma before identification—

make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such commission as Mississippi Choctaws, entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior.

Then this language was put in. It goes on:

The application of no person for identification as a Mississippi Choctaw shall be received by said commission after six months subsequent to the date of the final ratification of this agreement—

Now, mark this, the pitfalls in it, and how carefully they were placed there:

The application of no person for identification as a Mississippi Choctaw shall be received by said commission after six months subsequent to the date of the final ratification of this agreement, and in the disposition of such applications *all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians, whether of full or mixed blood, who received a patent to land under the said fourteenth article of the said treaty of 1830, who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June 28, 1898, shall be deemed to be Mississippi Choctaws, entitled to benefits under article 14 of the said treaty of September 27, 1830, and to identification as such by said commission—*

The treaty referred to by date is the Dancing Rabbit treaty.

But—

Now, mark you this—

But this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant—

Now, mark it. To the advantage of what sort of an applicant?

And shall not be invoked by or operate to the advantage of any applicant *who is not a Mississippi Choctaw of the full blood—*

That is, Mississippi Choctaws of the full blood. That class could "invoke" it, and it could "operate" to their advantage. They could be identified without proving descent. How? By the eye of any man who knew an Indian when he saw him and had common sense.

It was the other class who could be identified only by proof of descent who must have been solely referred to in that part of Capt. McKennon's report referred to by the senior Senator from Oklahoma in his interruption of a moment ago.

The Mississippi Choctaws of full blood are taken out of this exception. There were two classes of these men. I continue to read the law of 1902—

or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said commission shall be upon a separate roll.

United States gave us the plainest possible intimation of it in his address to both Houses when this matter was presented by him to Congress.

Mr. WILLIAMS. Mr. President—

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

Mr. OWEN. I yield.

Mr. WILLIAMS. In this connection I want to say the best way to arrive at what the foreign people think of our construction of the treaty is from the press in Germany, France, Italy, and elsewhere. An interview lately with the President referred to that also.

Mr. OWEN. Mr. President, it would do us injury in a material way, but it would do us far greater injury in impairing the prestige of the United States and its influence as a world power.

The United States has a gigantic responsibility as a civilizing agency as the representative leading Christian Republic; and for the Nation to disregard the divine law of equity and of the golden rule would be a huge national blunder, a failure to faithfully improve the greatest God-given opportunity in the history of man.

#### THE OPPOSITION TO REPEAL.

Some patriotic men believe in ship subsidies; some good men of Irish extraction are unwilling to agree to "no exemption" because Great Britain's ambassador asserts the principle; some good men think of the ships belonging to a few citizens of the United States as "American ships," as opposed to British and French and German ships, and therefore entitled to special privilege; and many who oppose the repeal are being influenced to a greater or less degree by an obvious commercial political propaganda throughout the country, which is evidently inspired by selfish interests. Somebody is spending a considerable amount of money in advertising, in getting up meetings, in having editorials and memorials prepared and published. And in the face of economic justice, in the face of national honor, in the face of the plain letter of the treaty, we hear the reiterated demand "for reasons," when the reasons are overwhelming and have been repeatedly given.

A great outcry is made that to repeal this act is a violation of the Democratic national platform of 1912. It is a matter of astonishment, but nevertheless it is actually true, that there appears to have been put into the Democratic national platform of July 3, 1912, the most undemocratic provision for toll exemption, practically for a subsidy, notwithstanding the majority of Democratic Members of Congress had on May 23, 1912, voted against it.

The Democratic platform contains the following clause—

Mr. GALLINGER. Mr. President—

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

Mr. OWEN. In just a moment. The language of the platform is:

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

Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. Has the Senator from Oklahoma observed that on August 7, 1912, every Democratic Senator who voted voted in favor of exemption from tolls?

Mr. OWEN. Oh, yes; I observed that and commented on it a few moments ago, pointing out that the Democratic Senators were simply following their party platform, which had just been promulgated at Baltimore. Naturally they followed that which the national convention had just indorsed.

Mr. GALLINGER. On August 7, 1912.

Mr. OWEN. On August 7, 1912, which was a month and seven days after the passage of the resolution in Baltimore.

Mr. GALLINGER. It was; yes. Now, what I am wondering about is why the Senator from Oklahoma should lay such great stress upon the vote in another body and should not lay particular stress upon the vote in this body.

Mr. OWEN. I have explained both. I have explained that the Democratic Members of the other House voted against it before our party platform was adopted and that the Democrats of the Senate immediately after the adoption of the platform supported the platform.

Mr. GALLINGER. Was it not a singular and unexplainable circumstance that the Democratic Party, in view of the vote in the House, should in their national convention put this plank in their platform?

Mr. OWEN. Yes. I have suspected the Senator from New Hampshire of having been present at Baltimore. [Laughter.]

Mr. GALLINGER. I did not participate in the proceedings, but I recall the circumstance that my old-time friend, whom I greatly respect, Mr. William J. Bryan, had very much to do

with forming that platform. I think I am not mistaken on that point.

Mr. OWEN. I think that is the only plank in the platform that the Senator from New Hampshire indorses, is it not?

Mr. GALLINGER. Well, I would have to go a long way to indorse any plank in a Democratic platform. [Laughter.]

Mr. OWEN. Mr. President, I have no doubt that some able Democrat who believed in this undemocratic declaration believed that he was serving God and the country in procuring the insertion of these words in the very lengthy Democratic platform of that date.

I do not know where this undemocratic item came from and have not had time to find out. Those who very largely rely on this party plank adopted by the delegates at Baltimore and who know who authorized the insertion of this unhappy declaration ought to be able to explain it. What State convention first expressed this view and where did this item come from? Perhaps the chairman of the Committee on Inter-oceanic Canals can explain it, as I think he was on the subcommittee on resolutions of the Democratic national convention at Baltimore.

Mr. BORAH. Mr. President—

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

Mr. OWEN. I yield to the Senator from Idaho.

Mr. BORAH. I saw a very lucid and a very able explanation of that declaration some time ago from the Senator from Montana [Mr. WALSH].

Mr. OWEN. Well, Mr. President, I am very sure it did not come from the State convention of Oklahoma.

Mr. O'GORMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New York?

Mr. OWEN. I yield to the Senator.

Mr. O'GORMAN. The Senator from Montana [Mr. WALSH] kept the records of that committee, and was an active and important member of it. I think, if the inquiry were addressed to him, he could state with some accuracy how the proposal found its insertion in the platform. For the present I might gratify any anxiety or curiosity—

Mr. OWEN. Curiosity, Mr. President, rather than anxiety.

Mr. O'GORMAN. That the Senator from Oklahoma may have on the subject by referring to the official records of the Baltimore convention. May I ask the Senator from Oklahoma if he was a delegate to that convention?

Mr. OWEN. No; I was not.

Mr. O'GORMAN. And did not attend it?

Mr. OWEN. I was present there for some days.

Mr. O'GORMAN. If the Senator from Oklahoma had been officially accredited by his State to the convention, he would, of course, have more complete information regarding the proceedings. The plank in question was considered by a subcommittee, and subsequently considered by the entire committee on resolutions. It had the unanimous support of every member of the committee on resolutions. That committee embraced in its membership several Members of this body. I shall take the liberty, with the Senator's permission, at this time to refer to some of them.

Mr. OWEN. Would the Senator not just insert the entire list?

Mr. O'GORMAN. If the Senator from Oklahoma has no objection, I shall merely call attention to the names of those Senators who were members of the committee. The State of Arkansas was represented by Senator CLARKE, the State of Indiana by Senator KERN, the State of Maryland by former Senator RAYNER, the State of Mississippi by Senator VARDAMAN, the State of Montana by Senator WALSH, the State of Nebraska by the present Secretary of State, Mr. Bryan; it was my privilege to represent the State of New York on that committee; Ohio was represented by Senator POMERENE, South Carolina by Senator TILLMAN, Texas by Senator CULBERSON, and Virginia by Senator MARTIN. When, during the course of the convention, the Senator from Indiana [Mr. KERN] took the platform to read the resolutions to the convention he said—I now quote from page 365 of the official record of the Democratic national convention at Baltimore in 1912:

Mr. JOHN W. KERN, of Indiana. Mr. Chairman, I have the honor to present to the convention the following report of the committee on resolutions, which resolutions were adopted by the full committee without a dissenting voice.

After the resolutions were read in part by Senator KERN and in part by Senator WALSH, of Montana, no dissenting voice was heard in that convention, and during the weeks that ensued, during the presidential campaign, there was no responsible Democrat in this country who dissented from any declaration of the platform, stress being laid on every hustings that it was

little less than criminal to seek public office on pledges which were not to be observed; and in that connection the principal criticism leveled at the Republican Party was that the administration had failed to recognize the pledges upon which it had secured office four years earlier; and to give emphasis to the difference between the practices of the two parties, at the request of certain Democrats who were on that committee, a proposal was made to insert in the declaration of principles—and you will find it inserted—that pledges when made by the Democratic Party are made not only for the purpose of securing office but for the purpose of recognition and enforcement after election.

Mr. JAMES and Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Oklahoma yield?

Mr. OWEN. I yield to the Senator from Kentucky.

Mr. JAMES. If I recollect the Democratic national platform of 1912 correctly, there is a provision in it which says that all recommendations of judges made to the President should be made public. My understanding is that a report was made by the committee of which the Senator from New York is a member, which struck that provision from the law; and I should like to ask the Senator whether or not he adhered to the Baltimore platform upon that provision?

Mr. O'GORMAN. Mr. President, no committee of which I am a member has, with my knowledge, disregarded any pledge of the Democratic national convention of 1912. If there has been a disregard or a departure from the pledges of the Democratic Party as found in that platform, I do not know of it.

Mr. JAMES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield further to the Senator from Kentucky?

Mr. OWEN. I yield.

Mr. JAMES. The Senator from New York will recall that several bills creating new judges have passed through the Senate and the other House of Congress, and been referred, before passing the Senate, to his committee. Did the Senator undertake by amendment to carry out the promises of the Democratic national convention that such recommendations of persons to the President should be made public?

Mr. O'GORMAN. So far as I am aware, Mr. President, no nomination for a judge has come to the Committee on the Judiciary without that committee having presented to it all the papers that at any time had reached the Attorney General in reference to the matter. I presume the papers reaching the Attorney General embrace those which may go to the President, because, so far as I am advised, the uniform practice is for the President to forward to the Attorney General any communications he receives with respect to judicial nominations.

Mr. JAMES. Mr. President, the Senator from New York misapprehends the issue, as I understand it. The provision of the platform provided that all recommendations made to the President of the United States upon which he acted in making an appointment to the judiciary should be made public. The question I direct to the attention of the Senator is whether or not in creating these new judges the Senator from New York adhered to the national platform of his party and made a part of the law creating such judgeships the provision that the President of the United States should make public all recommendations made to him for the judgeship?

Mr. O'GORMAN. I have answered that question, Mr. President; but I desire to add one word to what I have already said, which is, that it is a poor defense of disloyalty to a party obligation to call attention to the fact that there have been other departures from the pledges made by the party.

Mr. JAMES. However, Mr. President—

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. To whom does he yield?

Mr. OWEN. I yield to the Senator from Kentucky for just a moment.

Mr. JAMES. It may be a poor defense, but it seems to me that it is quite as poor a defense upon the part of the Senator from New York to cling tenaciously to one principle in the Democratic platform and neglect in legislation other principles in the Democratic platform.

Mr. THOMAS, Mr. O'GORMAN, and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Oklahoma yield?

Mr. OWEN. I yield to the Senator from Colorado.

Mr. THOMAS. Mr. President, I merely wish to ask the Senator from New York a question. I have discovered in the Democratic platform a plank pledging the party to rigid economy in public expenditures, and I should like to inquire whether

at Baltimore there was any dissent from that plank in the platform when it was reported out of the committee?

Mr. O'GORMAN. None at all.

Mr. BORAH. Mr. President—

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

Mr. OWEN. I yield to the Senator from Idaho.

Mr. BORAH. While our Democratic friends are looking around for the pieces of their platform, I want to read a statement which may compose their differences. I read from the platform adopted by the Democratic convention at Baltimore in 1912:

Our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign.

Mr. JONES. Mr. President—

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

Mr. OWEN. I yield to the Senator from Washington.

Mr. JONES. While we are calling attention to the rigid observance of the planks of the Democratic platform, the observance of which is really the exception rather than the rule, I want to call attention to another plank in the Democratic platform:

We demand for the people of Alaska the full enjoyment of the rights and privileges of a territorial form of government, and we believe that the officials appointed to administer the government of all our Territories and the District of Columbia should be qualified by previous bona fide residence.

Nominations are being made to office in Alaska of gentlemen who have never been within three or four thousand miles of that Territory.

Mr. OWEN. Mr. President, I do not wish to pursue this matter further. I am sure that this item did not come from the State convention of Oklahoma, and I do not recall where a majority in any number of Democratic State conventions have expressed themselves on this question, or, indeed, whether any of them have done so, although it would not be difficult for a few citizens desiring this privilege at public expense to have had perhaps such a clause inserted by some misinformation in some of the conventions in States bordering on the coast. I should like to ask the Senator from New York, if he knows, whether any State convention did pass upon this matter?

Mr. O'GORMAN. Mr. President, I do not know that any State convention passed upon it, but I do know that for a period of six or eight weeks the Committee on Interoceanic Canals while considering the bill which was then pending for the government of the Panama Canal had before it citizens from every section of the United States, calling attention to the grinding monopoly of the transcontinental railroads, and pointing out that the only way the people of the country could escape from the exactions of the transcontinental railroads and the British syndicate now in control of the Tehantepec Railroad was first to exclude from the canal all boats controlled by railroads, so that railroads could not have control of a competing water line, it being the observation of every student of economics that no railroad in this country ever had control of a competing water line without destroying competition.

In that same connection it was pointed out that the best way to compel the transcontinental railroads of this country to reduce their freight rates to a proper basis was to make it possible for the boats using the canal to go through at a minimum cost of expenditure, so that cheap water transportation would necessitate cheaper transportation by the competing railroads.

For 30 years the railroads of this country opposed the construction of the Panama Canal. Every time the Government made an effort to construct the canal it encountered the formidable opposition of the railroads. Their opposition was presented to our committee; indeed, they were the only ones in opposition to the bill; and it was largely because of that information and the impression produced on some of us with respect to the exactions of the railroads that I deemed it prudent and others deemed it prudent to have a declaration such as was inserted in the Democratic platform. A similar declaration was inserted in the platform of the Progressive Party. I think that was one of the most commendable principles to which the Democratic Party in 1912 committed itself. The difficulties that we have encountered for the last 30 years with the railroads are still with us. They still hope that cheap water transportation, even after the opening of the canal, will be made impossible. I believe, as one Senator, that they will be disappointed.

The Senator from Oklahoma referred to the interests of the coast States. If I permitted my judgment, representing the people of the United States on the floor of the Senate, to be in-

fluenced by local considerations, my interest would be with the railroads, the most powerful factor in the country; but I am as indifferent to the power and influence of the railroads of this country as I am to any other influence that may attempt to trammel my judgment or dictate to me what my action may be on the floor of the Senate.

Mr. McCUMBER. Mr. President—

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

Mr. OWEN. I yield to the Senator from North Dakota.

Mr. McCUMBER. I wish to ask both the Senator from Oklahoma and the Senator from New York—and I do not care which one answers the question—whether or not the Interstate Commerce Commission was not created for the express purpose of compelling reasonable railroad rates from one point to another in the United States—

Mr. O'GORMAN. Mr. President—

Mr. McCUMBER. Just a moment, until I finish my sentence—and whether or not the Interstate Commerce Commission is impotent now as a power to enforce, without any outside influence whatever, just and fair rates between one ocean and the other, and whether or not it is necessary to bribe a monopoly in the United States in the shape of granting them a commission in order to make other transportation lines give us just and fair rates?

Mr. O'GORMAN. May I answer the question?

Mr. OWEN. I yield to the Senator from New York.

Mr. O'GORMAN. I should say, Mr. President, that among the witnesses who appeared before the Committee on Inter-oceanic Canals two years ago were Judge Prouty and Mr. Lane, who at that time were members of the Interstate Commerce Commission, Mr. Lane being now Secretary of the Interior. The question suggested by the Senator was put to both of those commissioners, and their judgment, as sworn to and as found in the testimony of the hearings, was that the only effective way to prevent railroad monopoly of the canal was to exclude from the use of the canal every boat in which any railroad might have any interest. It was largely in deference to their expert judgment that the committee inserted that provision in the act which is now sought to be changed.

Mr. McCUMBER. If the Senator from Oklahoma will yield one moment longer—

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

Mr. OWEN. I yield to the Senator from North Dakota.

Mr. McCUMBER. No matter what any judge may say, no matter what may be the view of any individual, the fact remains that we created a commission for the very purpose of compelling all the railroads to give us just and fair rates, and we put within the hands of that commission all authority necessary to make its power effective. The Senator from New York does not deny, nor can any Senator deny, that authority lies within the Interstate Commerce Commission to enforce fair and just rates for the transportation of both passengers and property, and, having that power, if they fail to exercise it, if they acknowledge their inability to put it into effect, then they ought to send in their resignations and allow the President to appoint those who would put the law into effect.

Mr. O'GORMAN. Does the Senator think there are no abuses to-day with respect to the railroads of the country?

Mr. McCUMBER. If there are any abuses to-day in reference to rates, the place to fight out those abuses and to eradicate them is before the Interstate Commerce Commission, which has full power and authority to eliminate the abuses.

Mr. O'GORMAN. Does not the Senator observe by adopting the plan which we have incorporated in the Panama Canal act, and which we were advised to follow by Mr. Lane and Judge Prouty, that we have prevented the possibility of an abuse, while the best that can be accomplished by the Interstate Commerce Commission is to correct abuses after they develop?

Mr. McCUMBER. We not only have the ability to correct abuses after they have developed, but by proper orders we can prevent abuses through the authority of the Interstate Commerce Commission. All that we seek, Mr. President, and all we ought to ask, is that rates be just and fair, and we ought not by the use of money or by the use of favors paid out of the pockets of the American people put it in the hands of one corporation to force another corporation to lower its rates when we have the authority in our own hands to deal with the situation.

Mr. O'GORMAN. Mr. President, will the Senator from Oklahoma permit me one further word?

Mr. OWEN. I yield to the Senator from New York.

Mr. O'GORMAN. I merely desire to supplement the reasons I offered a moment ago with regard to the economic phases of

this question by calling attention to the very persuasive reasons offered by Mr. Wilson on August 15, 1912, when he said:

One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports \* \* \* and have coastwise steamers carry their products down around through the canal and up the Pacific or down the coast of South America.

One of the bills pending, passed, I believe, yesterday by the Senate as it had passed the House, provides for free toll for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

Mr. McCUMBER. Will the Senator from Oklahoma yield to me?

Mr. OWEN. I hope Senators will not unduly prolong the discussion.

Mr. McCUMBER. I merely wish to add a sentence, if the Senator will allow me—

Mr. OWEN. I yield to the Senator.

Mr. McCUMBER. And that is this, that I was not attempting to go into what the President has said or what he has not said. What I have stated is that it is not necessary for the American public to pay the coastwise-trade monopoly a million dollars to secure the end desired in connection with railroad rates.

Mr. CUMMINS. Mr. President—

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

Mr. OWEN. I yield to the Senator from Iowa.

Mr. CUMMINS. I desire to say just a word in response to the suggestion of the Senator from North Dakota. His view of the functions and powers of the Interstate Commerce Commission is technically correct, but the American people never have relied upon those powers for the correction of all the abuses of transportation. If so, it would then be our policy to allow all the railroad companies of this country to combine or consolidate and expect the Interstate Commerce Commission to protect us against excessive rates or abuses of transportation.

We all know that as an aid, a necessary aid, and supplemental to the powers of the Interstate Commerce Commission, we must introduce into the business all the competitive factors we can; and there is no more reason for eliminating competition on sea than there would be for eliminating all competition on land. I would rather expect to hear the Senator from North Dakota favor the policy of combining all the railroad companies of the country into one corporation and into one board of directors because we might look to the Interstate Commerce Commission for any relief against unjust or excessive rates.

Mr. JAMES. Mr. President—

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

Mr. OWEN. I should like to say that while I will yield to the Senator from Kentucky I am really trespassing upon the good nature of the Senator from Oregon [Mr. CHAMBERLAIN], who has the Army appropriation bill in charge, and I hope I may not be in the way much longer. I yield to the Senator.

Mr. JAMES. Just briefly, in order that we may be accurate upon the question of making public the recommendations made to the President upon which he makes appointments, I wish to say that the Democratic platform says:

And we commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations, verbal and written, upon which presidential appointments are made.

The purpose of that recommendation was to indorse the action of the House in passing what is known as the Cullop amendment, which provided that in the appointment of judges all recommendations should be made public by the President. The House of Representatives during the month of May, 1913, had under consideration House bill 32, which provided for an additional district judge for the eastern district of Pennsylvania. The House amended that bill as follows:

Provided, however, That the President shall make public all indorsements made in behalf of the person appointed as such district judge.

That amendment was adopted and the bill came to the Senate. It went to the Judiciary Committee, of which the distinguished Senator from New York [Mr. O'GORMAN] is a member. The Judiciary Committee of the Senate reported it back to the Senate with a recommendation that the amendment should be stricken from the bill. The House refused to recede from its amendment. Conference committees were appointed, and finally the Senate had its way and the House was forced to yield on that amendment, which was in accordance with the Democratic national platform.

The amendment was reported from a committee of which the Senator from New York was a member. I should like to know whether or not the Senator from New York voted for that amendment, and I should like to have him tell us who made the motion to strike out that amendment, which was made in accordance with the provisions of the Democratic platform.

Mr. O'GORMAN. Mr. President, with the Senator's permission—

Mr. OWEN. I yield to the Senator from New York.

Mr. O'GORMAN. I have no recollection of the incident. I am very sure the question never came up at a meeting of the Judiciary Committee when I was present. Knowing how regular in his attendance the junior Senator from Kentucky is, and knowing what a keen regard he has for party pledges, I marvel that he ever allowed the Senate to pass a bill in disregard of pledges made by the Democratic Party in Baltimore in 1912.

Mr. JAMES. I wish to say, in reply to that, that I will not plead that I was not present at the meeting of the committee, because it was not my duty to be there. I was not a member of the committee. My information, however—and I would not challenge anything the Senator from New York may say—is that a disclosure of the proceedings of the Judiciary Committee would show that the Senator himself made the motion to strike from that bill this amendment. In regard to myself, and as to why I did not make—

Mr. O'GORMAN. Mr. President, I beg to say here that the statement, if the Senator makes it on his own responsibility—

Mr. JAMES. I told the Senator I did not personally know the facts, but I was informed.

Mr. O'GORMAN (continuing). Is absolutely unfounded, and is nothing but a fabrication by the person who invented it.

Mr. JAMES. I did not say the Senator made it. I said I had that information; as to its accuracy I do not know. Of course if the Senator disavows it, I very cheerfully accept his word, as I do the statement that he was not present when the Judiciary Committee, of which he is a member, considered the bill.

In response to the statement of the Senator that I should have made a protest in the Senate, my record in the House speaks for me. I voted for the amendment in the House providing that these recommendations should be made public. It was indorsed by the Democratic national convention. I have no knowledge of the passage of the bill in the Senate. If I had been present, I should have very promptly entered my protest against a surrender of this Democratic doctrine.

Mr. NELSON. Mr. President, will the Senator from Oklahoma yield to me?

Mr. OWEN. I am obliged to ask permission to proceed.

Mr. NELSON. I ask the Senator from Oklahoma to yield to me for just a moment.

Mr. OWEN. I yield to the Senator, then; but I hope other Senators will not appeal to me to yield any more. I will take only a few moments more to finish what I have to say.

Mr. NELSON. If Republican testimony is of any value in this Chamber, I beg leave to say that I never knew a blinder follower than the Senator from New York [Mr. O'GORMAN] of the Democratic platform with reference to the currency question. I really felt that in his innermost heart—I do not want to do him an injustice—he felt it would have been for the best interests of the country to have had one large central bank instead of a multiplicity of smaller banks; but the Democratic platform was constantly on his mind. He quoted it in season and out of season, and I thought he slept with it day and night. [Laughter.]

Mr. OWEN. Mr. President, I was calling attention to the Democratic platform with regard to this matter of toll exemption. Since very great pressure is brought upon party members to the effect that they should follow the Democratic platform, I am curious to know what was the real authority for inserting this plank in the platform itself.

My State did not consider this as any part of the Democratic principle or doctrine. It was not considered in Oklahoma. I do not think it was considered in Nebraska or Missouri or Texas or similar States. I thought perhaps some State did pass a resolution which caused delegates representing that State to offer the matter before the committee.

I do not question in any way the high purpose and good sentiment of the gentlemen who were members of that committee; I am not to be interpreted in any such way as that; but when I am called on to make my choice between a broad Democratic principle which opposes special privilege, as I understand it, and a particular detail found in one or two lines in a plank put into a platform, I do think I am not trespassing too far if I make an inquiry as to where it came from. Some State probably had in its convention passed such a resolution, and it

was offered. I shall be glad if the Senator from New York will tell us about where it did come from.

Mr. O'GORMAN. If the Senator from Oklahoma needs any further information, I commend him to the Senator from Montana [Mr. WALSH], who kept a record of the hearings and who is now present.

Mr. OWEN. I thank the Senator from New York for his illuminating explanation.

Mr. President, I can not recall where a single Democratic State convention declared in favor of this provision, and I believe there was not one. I have myself attended many national conventions. I have seen many things put in platforms. I confess that I have contributed occasionally to putting things in platforms.

Mr. MARTINE of New Jersey. Mr. President, will the Senator permit just a word right there?

Mr. OWEN. I yield to the Senator.

Mr. MARTINE of New Jersey. The Senator states that he has seen no instance where it was in a State platform; but I will say it was spoken from many, many platforms in New York, New Jersey, and Pennsylvania, and with a good deal of vehemence.

Mr. OWEN. Mr. President, unfortunately, in the United States, under a system of party government, under the convention system, the platforms expressing the opinions in the name of party membership throughout the land are finally left to a very few men. If they make a mistake in putting some detail into the platform not based on approved party principles, it does not follow that the entire party membership is bound or that Senators representing States are bound to follow the declaration of some able gentleman who happened, by the contingency of caucus action of State convention, to finally find himself where he could write something approved by himself or by some of his constituents into the national platform, without objection, at a time of great confusion.

Delegates to party conventions are often party workers, complimented by their election as delegates to the national convention, who go to shout and "root" and intrigue for some favorite candidate for the Presidency. All attention is concentrated on candidates, and planks put in the platform are shaped by a small subcommittee, with but little debate, in great haste and confusion, and action on very many items in a few hours. No wonder if an error occur under such conditions. I assume, of course, that the subcommittee assented; but I do not believe they realized the error it involved, and I do not doubt the committee was greatly influenced by the fact that the House of Representatives (a Democratic House) had passed the toll-exemption provision, and that the committee was not aware that a majority of the Democrats in the House were opposed to this provision. When the error is used to attract votes, such an error becomes more grievous and embarrassing to faithful men who have with sincerity used the plank to secure support. When the error is discovered, we are face to face with a choice of evils. Each man must determine for himself which horn of the dilemma he prefers.

The people of the United States recognize the Democratic Party as standing for certain great principles of "equal rights," certain fundamental principles of government, "equal rights to all and special privilege to none," and they judge that party as a whole and trust that party in comparison with other parties, according to the general principles of the platform, but, above all, according to the leadership of the party, and when there is a conflict between the fundamentals of the Democracy and a phrase inserted in a platform which is in conflict with the principles of the party, I feel entirely justified, as a member of the party, in disregarding the letter and complying with the spirit of the platform and of the Democracy itself. If there is any real principle for which the Democracy above all else is distinguished, it is its life-long historic opposition to privilege, opposition to the right of the few to tax the many for the benefit of the few, opposition to the right of the few to enrich themselves at the expense of the many.

I do not wish to be understood as indicating that those who favor this provision of the Democratic platform were inspired by any other than the highest possible purpose.

Mr. WILLIAMS. Mr. President, I should like to say that for a long time it has been a principle of the Democratic Party to stand in opposition to the encouragement of monopoly by subsidy.

Mr. OWEN. Yes; that is true. Opposition to the encouragement of monopoly by subsidy is another principle of the Democracy. As our platform very properly says in the preamble, it is a platform of principles. The writing of minor details into the body of a platform is not in proper form, and ought not to

be done. Platforms ought to be principles, and not contain minor details.

I wish to say, however, that those who have favored the insertion of this provision in the platform in such language, conflicting as it does with what I conceive to be the principles of Democracy, can not by any such language bind my conscience or my vote. Moreover, Mr. President, granting that there was no objection otherwise, I think that the discovery since this platform was adopted that this part of it was regarded by other nations as a violation of the treaty, the discovery since the Baltimore convention that other nations regard this plank as lacking in fidelity to national promises, the discovery that the President of the United States is embarrassed in dealing with other nations by virtue of this interpretation of the act of 1912, regardless of the issue of the party platform of July 3, 1912, brings about a new state of facts which justifies any Democrat in conscientiously favoring the repeal of this act which is embroiling us with other nations, and doing mischief to our national administration.

Mr. JONES. Mr. President—

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

Mr. OWEN. I yield to the Senator from Washington.

Mr. JONES. I should like the Senator to tell me what other nations, aside from Great Britain, are questioning the good faith of the United States in carrying out its treaty obligations.

Mr. OWEN. It seems to me I have heard that query before. I will say to the Senator that Great Britain is the only nation with which we have an express treaty with regard to this matter, but the rights of other nations are involved in the treaty. When the President of the United States indicates to Congress in his message that he has received this suggestion from other nations it suffices for me, even if the Senator from Washington continues to insist upon some formal declaration as to this nation or that nation or the other nation. I do not feel any doubt whatever that the President of the United States has spoken the truth; and, believing that he has spoken the truth, I do not feel that an inquiry of that nature is justified. Any nation, such as the French Republic or the German Empire, would not feel justified in going further than a verbal diplomatic suggestion, which ought not to be attempted to be put in writing, because it is extremely difficult to write in words a conversation after it has occurred, even if it were proper to be done. A thoughtful and prudent man would not attempt to put in writing words which occurred in a conversation between him and some other man after a lapse of time.

A nation which is not a party to the treaty has no right in any contingency to be making any formal protest, but it can make a diplomatic suggestion to the effect that it does not regard the interpretation as justified. It would be grossly improper for the President to be placed in the attitude of saying what this ambassador or that ambassador or minister had said to him, and he should not be urged to do so.

Mr. JONES. Mr. President—

Mr. OWEN. I yield to the Senator.

Mr. JONES. Does the Senator know whether or not any nation other than Great Britain has, as a matter of fact, made diplomatic representations, either orally or otherwise, to the United States Government with reference to this matter?

Mr. OWEN. I know nothing more in regard to this matter than the statement of the President of the United States in his message, which is sufficient for me.

Mr. President, I do not believe any State in this Union, including New York and including New Jersey, if this issue were placed before it, would vote in favor of retaining in the law this toll exemption. The people of this country are always moved by considerations of prudence and of common justice. When they read this treaty and read this history, and hear what the President has said, I have no doubt of their action, because I sincerely believe that the people at home, whether in New York or California, the great overwhelming majority of the Democrats of this Nation and of the Republicans, too, are no longer in favor of monopoly or special privilege of any kind at the expense of the people of this Republic. I hold it as the part of political wisdom to repeal this law passed in 1912.

The President has been hectoring more or less by various Members of Congress and called on to give reasons and to transmit to the Senate the evidence that other nations do not approve our violation of the Hay-Pauncefote treaty. The correspondence submitted to the Senate long before the President's message shows the attitude of Great Britain (S. Doc. 11, 63d Cong., 2d sess.). The only nation that had a direct treaty right to object has objected. About all that other representatives of other nations could do would be to diplomatically suggest that they did not understand

the treaty as Congress appeared to have understood the treaty when it passed the toll-exemption provision.

The President in his short message to Congress gave all the reason that was necessary to justify our Government in repealing this provision, and when he suggested that he would be embarrassed in dealing with other nations on other matters affecting our foreign relations if we did not repeal this law, the intimation ought to be enough to a man who appreciates the importance of a great Nation like ours keeping its treaty obligations, both in letter and in spirit. If we break and refuse to keep both the letter and the spirit of the treaty provision, how shall the President of the United States know how to deal with other nations when he is no longer able to give them assurance that a treaty, when made, will be faithfully upheld? If the written promise of the United States is of no value to other nations, why should they negotiate with a Nation that does not keep faith?

Whatever any man may think of the political aspect of his conduct in this matter, I wish to put on the record that I have an abiding and an unalterable faith in the integrity, the honor, and the wise judgment of the people of the United States, and stand upon that firm foundation. I wish that the Hay-Pauncefote treaty shall be complied with, both in letter and in spirit, and I hope every Senator feels the same way. I can not believe that the exemption of tolls is justified either by the treaty or economic justice, and I am fully convinced that the people of my State and of the United States are overwhelmingly of this opinion.

Economic justice, the national honor, and political wisdom demand the repeal of this act.

#### ARMY APPROPRIATION BILL.

Mr. CHAMBERLAIN. Mr. President, I desire now to take up the Army appropriation bill again.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13453) making appropriations for the support of the Army for the fiscal year ending June 30, 1915.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, beginning at the foot of page 13.

The next amendment of the Committee on Military Affairs was, on page 13, line 25, before the word "divisions," to insert "tactical"; on page 14, line 1, before the word "departments," to insert "military," and in the same line, after the word "departments," to strike out "posts commanded by general officers, or" and insert "brigades, service schools, and," so as to make the clause read:

And said clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve: *Provided*, That no clerk, messenger, or laborer at headquarters of tactical divisions, military departments, brigades, service schools, and office of the Chief of Staff shall be assigned to duty with any bureau in the War Department.

The amendment was agreed to.

The next amendment was, under the subhead "For pay of officers of the Staff Corps and Staff Departments," on page 14, line 9, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to strike out "to such officers"; and in line 10, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, \$22,000.

The amendment was agreed to.

The next amendment was, on page 14, line 13, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to strike out "to such officers"; and in line 14, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, \$16,000.

The amendment was agreed to.

The next amendment was, on page 14, line 17, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to strike out "to such officers"; and in line 18, after the word "service," to strike out "to be paid with their current monthly pay," so as to make the clause read:

Additional pay for length of service, \$105,043.12.

The amendment was agreed to.

The next amendment was, on page 14, line 22, before the word "pay," to strike out "For additional" and insert "Additional"; in the same line, before the words "for length," to



Mr. CHAMBERLAIN. It was suggested by the Senator from Mississippi that in the fifties, I believe, or somewhere about that time, Great Britain had removed all of these discriminatory charges. I should like to know if the Senator from New Hampshire is advised as to that?

Mr. GALLINGER. I am under the impression that the coastwise shipping of Great Britain is now open on equal terms to our vessels, but everybody knows that we can not run ships successfully in competition with the cheap, subsidized tramp steamers of Great Britain, hence the privilege is of no value to us. That Great Britain does discriminate in her port charges and between long and short voyages is undeniably true, and that operates to the disadvantage of our ships which reach British ports, as they necessarily make long trans-Atlantic voyages. On the other hand, we make no discrimination between our coastwise ships and British ships which cross the Atlantic.

Mr. WILLIAMS. Mr. President, as the Senator from Oregon referred to my statement—

Mr. CHAMBERLAIN. That is what I understood the Senator to say.

Mr. WILLIAMS. What I said was that all ships are admitted to the coastwise trade of Great Britain. You can take a ship over there right now from this country and engage in her coastwise trade.

Mr. CHAMBERLAIN. May I interrupt the Senator from New Hampshire again?

Mr. GALLINGER. Yes.

Mr. CHAMBERLAIN. I should like to ask the Senator from Mississippi if any discrimination is made whatsoever, either along the coast or in any of the harbors of Great Britain, against American or any other foreign vessels?

Mr. WILLIAMS. England makes a discrimination, as I understand, although I am not sure that I am right, as to harbor dues, and so forth, between ships that are engaged in the coastwise traffic and those that are engaged in the deep-sea traffic.

Mr. GALLINGER. Well, Mr. President, England takes care of herself always, and, in open violation of the treaty to which I have already referred, imposes a higher rate of duties in her ports upon American vessels in the foreign trade than she applies to her own vessels engaged in the coastwise trade. As to our being permitted to take ships across the ocean and engage in the coastwise trade of Great Britain, everybody knows that we can not do that profitably.

Mr. WILLIAMS. I think the Senator will find that that discrimination is in favor of all ships engaged in the coastwise trade as against ships engaged in the deep-sea trade. Upon that I am not sure; I may be mistaken about it.

Mr. GALLINGER. That is undoubtedly true, and it goes to prove that England is taking pretty good care of her coastwise trade. There is no doubt about that. I might add, Mr. President, that the record shows that Great Britain on many occasions has violated treaties with this country, which we are now asked to regard as sacred instruments, even when their provisions do not apply to the United States. Thus does England keep her agreements with us. It is also interesting to note the fact that in the only case that has been brought before the Supreme Court of the United States in reference to exemption of coastwise vessels from the same charges that were made upon foreign vessels, the test being upon a law passed by the State of Texas imposing pilotage charges upon all foreign vessels, but excepting vessels in the coasting trade of the United States, the decision was in favor of the exemption of coastwise vessels. The present distinguished Chief Justice of the Supreme Court of the United States [Justice White] rendered the opinion in that case, the syllabus being as follows:

A State pilotage law subjecting all vessels, domestic and foreign, engaged in foreign trade, to pilotage regulations, but which exempts pursuant to law coastwise steam vessels of the United States, is not in conflict with provisions in the treaty between the United States and Great Britain to the effect that British vessels shall not be subject to any higher or other charges than vessels of the United States.

This decision clearly shows that the Supreme Court of the United States held that the regulation of coastwise commerce does not concern vessels in the foreign trade.

#### DISCRIMINATING DUTIES.

Mr. President, during all the debates on the bill proposed by the Merchant Marine Commission of 1904, of which I was chairman, and in all the efforts to secure aid for American shipping, either by a direct subsidy or by enlargement of the ocean mail act of 1891, it was insisted upon by Democrats in both Houses of Congress that the proper way to rehabilitate the American merchant marine was to return to the discriminating-duties policy of the early days of the Republic, as advocated by Washington, Jefferson, Madison, and other leading men of that day. Under that law more than 90 per cent of our commerce was carried in

American bottoms, while to-day only about 9 per cent is so carried. It would thus seem that a return to that system, if practicable, would be both wise and expedient. It will be recalled that in the Underwood-Simmons tariff law a provision was inserted granting a discrimination of 5 per cent in favor of goods carried in American bottoms. But it will also be recalled that, at the suggestion of the Attorney General, the provision has in some way been suspended, on the ground that it is in violation of the terms of a commercial treaty between this country and Great Britain. I have never understood how a Cabinet officer could suspend a provision of law, but it has been done. The truth is that even if it could be enforced, the free list has been extended to such an extent that very little advantage would accrue to American ships in their trade between this country and South America, Australasia, and the Orient, and hence some other means for the upbuilding of the American merchant marine will of necessity have to be devised. The most we can hope for at the present time is to give every possible advantage to our coastwise shipping through the Panama Canal.

As for the development and increase of our shipping engaged in foreign trade, there is little encouragement in sight. We have spent millions upon millions to deepen harbors and build wharves for the steamships of foreign governments, which enables them to take a toll of between two hundred and three hundred millions of dollars annually from the American people; but in the face of that it is now solemnly proposed to tax our coastwise ships for the privilege of passing through our own canal.

#### SUBSIDIES.

In the matter of subsidies it is important to recall the fact that England solemnly agreed to a treaty which provided that there should be no discrimination in port charges as between the two countries, and thus we surrendered our right to continue the discriminating-duties policy; but Great Britain not only now discriminates in port charges, but she grants enormous subsidies to her shipping, thus creating a discrimination that has almost entirely swept our vessels from the oceans of the world. To-day Great Britain and her colonies are paying subsidies amounting in the aggregate to \$9,689,384 annually, and the subsidies paid annually to all the ships of foreign countries, including Great Britain, reached a grand total of \$46,907,220, according to the last available figures. It will thus be seen that we are laboring under a handicap that in some way must be ameliorated before we can successfully compete in the ocean-carrying trade. For the present let us at least protect our coastwise commerce to the full extent that the laws of the United States warrant us in doing.

The shipping subsidies, mail pay, bounties, and so forth, paid by the various countries is as follows, taken from official records:

Great Britain and colonies:	
Subsidies and mail pay (British postmaster general, 1908)-----	\$3,320,454
Cunard admiralty subvention (1909)-----	729,000
Royal Naval Reserves (1909-10)-----	1,783,620
Canadian fisheries and mail pay (1910)-----	1,581,800
Canadian fisheries bounties (1909)-----	160,000
Australian and New Zealand subsidies and mails (1909)-----	1,263,600
Cape Colony subsidy (1909)-----	656,910
Jamaica subsidy (1909)-----	194,000
Total-----	9,689,384
France:	
Mail subsidies (1908)-----	5,217,037
Navigation and armament (shipowners') bounties (1908)-----	6,079,500
Shipbuilding bounties (1908)-----	2,007,200
Fisheries bounties-----	120,000
Total-----	13,423,737
Japan:	
Mail subsidies (new law, 1910)-----	4,379,000
Shipbuilding bounties (1908)-----	907,700
Fisheries bounties-----	37,000
Total-----	5,413,700
Italy:	
Mail subsidies (1908)-----	2,328,917
Navigation bounties (1909)-----	677,734
Shipbuilding bounties (1909)-----	866,266
Total-----	3,872,917
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Spain:	
Mail subsidies (new law, 1910)-----	1,858,186
Navigation bounties (new law, 1910)-----	1,291,826
Shipbuilding bounties-----	Not ascertained.
Total-----	3,150,012

Austria-Hungary:	
Austrian-Lloyd subsidy (1908)-----	1,450,400
Suez Canal refunds (1908)-----	375,000
Navigation and shipbuilding bounties (1908)-----	880,000
Hungarian mail contracts (1908)-----	279,130
Total-----	2,984,530
Germany:	
Mail subsidies (1908)-----	1,706,460
Mail pay (1907)-----	594,569
Total-----	2,301,029
Russia:	
Subsidies (1908)-----	1,543,573
Suez Canal refunds (1908)-----	334,750
Total-----	1,878,323
Norway:	
Mail subsidies (1908-9)-----	561,788
Trade subsidies (1908-9)-----	513,555
Tariff refunds (1908-9)-----	26,800
Total-----	1,102,143
Netherlands:	
Mail subsidies (1908)-----	841,827
Naval reserves (1908)-----	38,184
Total-----	880,011
Sweden:	
South American and Asiatic subsidies (1909)-----	140,000
Mail pay (1908)-----	137,752
State loans-----	Not ascertained.
Total-----	277,752
Denmark:	
Trade subsidies and harbor dues exemption (1902)-----	145,000
Belgium:	
Trade bounties (1908)-----	23,160
Plotage refunds (1908)-----	32,810
Total-----	55,970
Portugal:	
Mail subsidy (1908-9)-----	50,000
Grand total-----	45,224,513

Outside of Europe and Japan subsidies and mail payments have been reported as follows: Chile, \$253,195; Mexico, \$75,000; Egypt, \$54,512; Brazil, \$1,300,000; in all, \$1,682,797, making with the above a total of \$46,907,230.

Mr. President, much more might be said, but for the present I refrain. Let the resolution that the Senator from Illinois introduced and the substitute I offered either go to the calendar or be referred to the able Committee on Inter-oceanic Canals, for their careful and mature consideration, and later on, when the bill repealing the free-tolls provision is before the Senate further discussion can and will be participated in. This is a great question, the wise solution of which will have much to do, for good or for bad, with the future development of the trade and commerce of the United States, and unless I am mistaken it will have much to do with the future of political parties in this country. A leading newspaper of this morning well says:

The political party that yields on this question, thereby surrendering an inherent American right, will go out of business. The American people will never submit to such a bartering away of their rights and privileges.

Mr. President, I believe that that newspaper uttered the solemn truth in the words I have quoted. I still indulge in the hope, faint though it may be, that the American Congress will be wise enough to refuse at the behest of any man or any nation to repeal the toll-exemption provision of the Panama Canal act, which was placed there by an almost unanimous vote of the Senate.

Mr. WILLIAMS. Mr. President—

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

Mr. GALLINGER. I yield to the Senator.

Mr. WILLIAMS. Before the Senator from New Hampshire takes his seat, for I know he does not want to mislead the country—

Mr. GALLINGER. I have not the least intention of doing so.

Mr. WILLIAMS. He has made the statement that he understands that a certain provision of the tariff law has been suspended. It is true that the Underwood-Simmons bill did discriminate in point of duties to the extent of 5 per cent between importations in American bottoms and importations in foreign bottoms; but it is also true—the Senator from New Hampshire temporarily lost sight of the fact, probably—that in conference, on account of the division between the two Houses, a provision was inserted that this was to take effect in so far as it did not affect any existing treaties of the United States.

There was not only a treaty with Great Britain, but, if my memory serves me correctly, there were 19 other treaties with other countries—

Mr. GALLINGER. Yes; nearly 30.

Mr. WILLIAMS. And it was thought by the Attorney General that these treaties were violated by the provision.

Mr. GALLINGER. The Senator is correct in that statement, which I failed to state accurately. The Attorney General did call attention to that fact, and for that reason the provision in the law was not put in force.

Mr. WILLIAMS. I did not want the impression to go to the country that a member of the Cabinet had arbitrarily suspended a law.

Mr. GALLINGER. He could not do that, as I have suggested; but the fact is that the provision which our Democratic friends insisted was of so much moment and would rehabilitate the American merchant marine, and which some of us have insisted on in season and out of season, as did the Merchant Marine Commission, could not possibly accomplish that result, has been surrendered by our Democratic friends; and unless we denounce treaties with more countries than the Senator has suggested—because I think there are nearly 30 of them in all, big and little—

Mr. WILLIAMS. I have forgotten the number.

Mr. GALLINGER. We never can again test that ancient custom which worked so well in the early days of the Republic, and hence I can see no relief to our foreign shipping. We are now competing on the oceans of the world—not to any great extent, I regret to say—with Great Britain, Japan, France, Germany, Russia, and Italy, which nations are giving enormous subsidies to their ships; and as the result of our Government refusing to grant subsidy in any form to American shipping we are being driven from the seas. Only four American ships are engaged in the foreign trade of the North Atlantic. There are but two or three American ships running across the Pacific to Australasia and the Orient, and I understand that they are kept in operation only because New Zealand, a foreign colony, adds a contribution to the ocean mail pay they receive from our Government. It is a pitiable spectacle, and it is a spectacle that, in my opinion, the American people will not always tolerate; they will find some remedy for it—I do not know in what form it will come—but for the present all we can do to aid American shipping is to give our coastwise ships passing through the Panama Canal the full benefit of our laws, enacted nearly one hundred years ago, which undeniably includes the right of free passage through that great waterway.

Mr. OWEN. Mr. President, I think it only fair to the Democratic Party that along with the toll-exemption plank, which the Senator from New Hampshire so strenuously presses, there should be put also in the Record the other declarations of the various platforms of the Democratic Party in recent years which denounce subsidies and bounties. This particular platform of 1912 not only contained the plank which the Senator has read with such unction, to wit—

I favor the exemption from toll of American ships engaged in coastwise trade passing through the canal—

But it contains also another plank immediately preceding it, to wit:

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

The distinguished Senator from New Hampshire very frankly conceded that this toll exemption was in effect a subsidy.

Mr. GALLINGER. Will the Senator permit an interruption? The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

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

Mr. GALLINGER. Can the Senator find in any Democratic platform—and I will allow him to go back just as far as he pleases—any denunciation of the exemption of our coastwise shipping from competition with foreign shipping? If it be a subsidy, the Democratic Party has been very remiss in discovering that fact and making some kind of pronouncement against it.

Mr. OWEN. Mr. President, the Democratic Party has always been opposed to subsidies, and the Senator himself on last Friday conceded that this exemption was "exactly the same" as a subsidy (CONGRESSIONAL RECORD, page 5594). The Democratic Party has always stood for equal rights to all and special privileges to none. It is a maxim of Democracy. In the particular platform of 1912 there is an express denunciation of subsidies, as I have just shown, immediately preceding toll exemption. So there is a conflict in the platform of 1912 itself, denouncing

subsidies on the one hand, and then immediately proposing to grant ship subsidies in obscure terms on the other hand.

Mr. GALLINGER rose.

Mr. OWEN. If the Senator pleases, I must be allowed to present this matter without interruption until I get through. Then I shall be glad to yield to the Senator.

Mr. GALLINGER. Certainly. I ask pardon of the Senator. I did not mean to interrupt him.

The PRESIDING OFFICER. The Senator from Oklahoma declines to yield.

Mr. OWEN. I wish to be permitted to present, in a coherent way, an answer to the Senator without having the argument distracted and led off by him into various bypaths which will make the argument itself unintelligible and worthless.

Mr. McCUMBER. Mr. President—

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

Mr. OWEN. Mr. President, I must decline to yield.

Mr. McCUMBER. I rise to a point of order, if the Senator declines to yield.

Mr. OWEN. Yes; I decline to yield. The Senator can make his point of order.

The PRESIDING OFFICER. The Senator from North Dakota will state his point of order.

Mr. McCUMBER. The point of order is that the unfinished business was temporarily laid aside in order that the Senator from New Hampshire [Mr. GALLINGER] might conclude his remarks upon the Panama Canal tolls question. The Senator from New Hampshire having concluded his remarks, the unfinished business properly comes before the Senate.

Mr. OWEN. The Senator is within his parliamentary rights, in my opinion, in taking the Senator from Oklahoma off the floor by that point of order.

Mr. McCUMBER. Mr. President, it was not my intention to do so, but I thought the Senator was a little lacking in his usual courtesy in not allowing me at least to suggest to him that the unfinished business had been temporarily laid aside, and that a Senator was waiting in order to discuss that business and to ask the Senator from Oklahoma how long a time he would desire on this matter. That is what I was going to ask.

Mr. OWEN. I beg the pardon of the Senator. I did not understand the purpose of his inquiry. I thought it was simply to discuss the merits of the matter. If I had understood his purpose I should, of course, have yielded.

The PRESIDING OFFICER. If the Senator from North Dakota insists upon his point of order, the unfinished business will be laid before the Senate.

Mr. McCUMBER. I shall not insist upon it if the Senator's remarks are to be brief.

Mr. OWEN. It will only take me 10 or 15 minutes.

Mr. McCUMBER. I only asked to interrupt the Senator for the very purpose of making that suggestion.

Mr. OWEN. But I would rather make no argument at all than not to be allowed to make it in a coherent fashion.

Mr. McCUMBER. How long does the Senator desire?

Mr. OWEN. I should think about 15 minutes.

Mr. McCUMBER. I ask if the Senator will not allow the matter to go over, as the whole matter will have to go over, so that the Senator from South Dakota [Mr. STERLING] may proceed with his argument.

Mr. OWEN. I will yield the floor if the Senator desires it.

Mr. McCUMBER. I am not asking it. If it is agreeable to the Senator from South Dakota, it is to me.

Mr. STERLING. It is agreeable to me.

Mr. McCUMBER. I ask, then, that the unfinished business may be further temporarily laid aside, in order that the Senator from Oklahoma may conclude his remarks upon the subject he is now discussing.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BRANDEGEE. Mr. President, before agreeing to the unanimous consent, let me ask the Senator from North Dakota if the unanimous-consent agreement does not include acting upon the resolution if nobody cares to speak upon it any further.

Mr. McCUMBER. I should hope not at the present time, Mr. President. I did not wish to go that far, because some of us may wish to discuss the same resolution to-morrow.

Mr. BRANDEGEE. I say, if there is no further discussion, if no one wants to discuss it, is there any objection to acting upon the resolution?

Mr. McCUMBER. I think there are others who will desire to have it go over.

Mr. BRANDEGEE. Very well.

Mr. OWEN. Mr. President, when a member of a party finds himself with a platform which declares on the one side that there shall be no subsidy, and in another part of the platform, immediately following, that there shall be a subsidy, he is necessarily face to face with the alternative of deciding in favor of one or the other. Therefore it is the most natural thing in the world that those Democrats who really believe in the general policy of the party of "no subsidy" should prefer to follow the general principle which always has been laid down by the party platform, and by the principles which have always been taught by the party.

The Democratic platform of 1908 declares:

We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

The platform of 1904 reads:

We denounce the ship-subsidy bill recently passed by the United States Senate as an iniquitous appropriation of public funds for private purposes and a wasteful, illogical, and useless attempt to overcome by subsidy the obstructions raised by Republican legislation to the growth and development of American commerce on the sea.

We favor the upbuilding of a merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

I might go back to other previous declarations of the Democratic platforms denouncing subsidies and denouncing bounties, but these planks are enough.

Even the Republican Party, when they granted the sugar bounty some years ago, were compelled to recede from that position because of the opposition of the people of the United States to bounties in taking money out of the Public Treasury for private purposes.

In this case the subsidies which are proposed to be granted by remitting the tolls through the Panama Canal are peculiarly objectionable and outrageous, because the great lines of shipping on the seacoast have parceled out the Atlantic seaports and the seaports of the Pacific, I am informed, among themselves, so that they have in effect practically destroyed competition in the shipping between the ports. They have also a monopoly by law in that 95 per cent of the shipping is in two companies. I understand, in a well-organized commercial monopoly, they are granted the exclusive right of transportation by ships from one port to another on the Atlantic coast, or at least exclusive of all foreign shipping. We do not follow the English custom, which allows any ship in the world to engage in coast-wise traffic; but these boats have a monopoly, and they are using the monopoly to extort from the people on the Atlantic seaboard unfair freight rates because of their monopoly.

Not content with that under advantage by law, excluding foreign competition which they ought not to have, which ought to be taken away from them by statute, they have busied themselves with creating alleged public sentiment, bringing pressure to bear upon Congressmen and Senators and public men and upon various political conventions—for example, the national convention of the Democratic Party, the national convention of the Progressive Party—they have been sending circular letters all over the country, getting resolutions presented before various civic bodies that they might hope to influence; having speeches made by their strikers, and so forth, and now they would like to delay action upon this matter until they can further work up this artificial public sentiment.

Why, with one-thousandth part of the people in favor of this odious privilege and monopoly they could send in 90,000 petitions to the Senate demanding this privilege for the few at the expense of the many. I am not in the least concerned about any of the petitions which are sent to me from this quarter, nor about their inspired letters. This modern lobby game is well understood by nearly every experienced public servant. I was justified in calling the attention of the Senate to the fact that not a single State in the Union, through its convention of any party, has demanded this privilege of exemption from tolls, this subsidy from the public treasury for the benefit of the coast-wise shipping monopoly.

The shipping monopoly's agents busy themselves denouncing the public men who stand for the general welfare, charging them with being pro-British, charging them with giving up American rights to British hands, charging them with tearing down American rights at the demand of foreign powers, and trying in that way to prejudice the public mind and mislead public men. Such deceitful abuse demonstrates the poverty and weakness of their case. Scurrility is the refuge of defeated argument.

We have a right to inquire how this absurd contradiction of a proposal for a subsidy in a platform denouncing "subsidy" found its way into the Democratic national platform; and we have a right, as soon as we can lay our hands upon it, to repeal

this law which violates the fundamental doctrines of Democracy and fair play.

Mr. GALLINGER. Mr. President—

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

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. Would the Senator be in favor likewise of repealing the law, which has been on the statute books a long time, giving preference to our coastwise vessels as against the vessels of other nations?

Mr. OWEN. I would take away such a monopoly from any set of men in this Republic.

Mr. GALLINGER. The Senator does not quite answer my question. Is the Senator in favor of repealing the law which protects our coastwise shipping from the shipping of other nations?

Mr. OWEN. I am.

Mr. GALLINGER. The Senator is in favor of that. Is the Senator in favor also of repealing the ocean mail act of 1891, which gives a subvention to American ships carrying the mails?

Mr. OWEN. Mr. President, I think there might arise a public necessity or a need to afford proper compensation to American ships in transmitting the mails and in establishing relations between this country and other countries. There is a possibility that might arise where a subvention would be justified, but I do not know of such a case. I would not say, however, that under no circumstances would I not consent to such a thing.

I will say, moreover, with regard to this particular agreement with Great Britain, that I think the United States would have a perfect right as far as the law is concerned to subsidize its own ships if it saw fit to do so. In demanding the repeal of the act of 1912 I am not willing to say, and I am not saying, that the United States has not the legal power to subsidize its own ships if it wants to, but I do not believe the people of the United States want to. I do not believe the people ought to want to. I think the plan of subsidy is fundamentally and morally wrong. This principle of privilege once adopted is always used as a lever to get more and more privilege and greater and greater advantages, which are not justified, out of the Public Treasury for private interests.

Mr. GALLINGER. What I particularly wanted the Senator's opinion on was the question whether he is prepared to repeal the law which has been on the statute books for a good many years—

Mr. OWEN. Oh, Mr. President, I am not passing on such questions now.

Mr. GALLINGER (continuing). Giving the preference to our coastwise ships, and thus permit the tramp steamers of every nation in the world to come and engage in our coastwise trade. The Senator said a moment ago that he was in favor of it, but now he says he is not.

Mr. OWEN. One thing at a time is sufficient. Mr. President, I should like to insert in the RECORD, without reading, the convention of Constantinople, signed October 28, 1888, for the free navigation of the Suez Canal, which is referred to in article 3 of the treaty of 1901.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[Translation.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of Spain, and in his name the Queen Regent of the Kingdom; the President of the French Republic; His Majesty the King of Italy; His Majesty the King of the Netherlands, Grand Duke of Luxembourg, etc.; His Majesty the Emperor of All the Russias; and His Majesty the Emperor of the Ottomans, wishing to establish by a conventional act a definite system destined to guarantee at all times and for all the powers the free use of the Suez Maritime Canal, and thus to complete the system under which the navigation of this canal has been placed by the Firmans of His Imperial Majesty the Sultan, dated the 22d of February, 1866 (2 Zilkadé, 1282), and sanctioning the concessions of His Highness the Khedive, have named as their plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Hon. Sir William Arthur White, her ambassador extraordinary and plenipotentiary;

His Majesty the Emperor of Germany, King of Prussia, M. Joseph de Radowitz, his ambassador extraordinary and plenipotentiary;

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, M. Henri, Baron de Calice, his ambassador extraordinary and plenipotentiary;

His Majesty the King of Spain, and in his name the Queen Regent of the Kingdom, Don Miguel Florez y Garcia, his chargé d'affaires;

The President of the French Republic, M. Gustave Louis Lannes, Count de Montebello, ambassador extraordinary and plenipotentiary of France;

His Majesty the King of Italy, M. Albert, Baron Blanc, his ambassador extraordinary and plenipotentiary;

His Majesty the King of the Netherlands, Grand Duke of Luxembourg, etc., M. Gustave Keun, his chargé d'affaires;

His Majesty the Emperor of all the Russias, M. Alexandre de Nélidow, his ambassador extraordinary and plenipotentiary;

His Majesty the Emperor of the Ottomans, Mehemed Saïd Pasha, his minister for foreign affairs;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE 1.

The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag.

Consequently the high contracting parties agree not in any way to interfere with the free use of the canal in time of war as in time of peace.

The canal shall never be subjected to the exercise of the right of blockade.

#### ARTICLE 2.

The high contracting parties, recognizing that the fresh-water canal is indispensable to the maritime canal, take note of the engagements of his highness the Khedive toward the Universal Suez Canal Co. as regards the fresh-water canal, which engagements are stipulated in a convention bearing date the 18th March, 1863, containing an exposé and four articles.

They undertake not to interfere in any way with the security of that canal and its branches, the working of which shall not be exposed to any attempt at obstruction.

#### ARTICLE 3.

The high contracting parties likewise undertake to respect the plant, establishments, buildings, and works of the maritime canal and of the fresh-water canal.

#### ARTICLE 4.

The maritime canal remaining open in time of war as a free passage, even to the ships of war of belligerents, according to the terms of article 1 of the present treaty, the high contracting parties agree that no right of war, no act of hostility, nor any act having for its object to obstruct the free navigation of the canal shall be committed in the canal and its ports of access, as well as within a radius of 3 marine miles from those ports, even though the Ottoman Empire should be one of the belligerent powers.

Vessels of war of belligerents shall not revictual or take in stores in the canal and its ports of access, except in so far as may be strictly necessary. The transit of the aforesaid vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and without any other intermission than that resulting from the necessities of the service.

Their stay at Port Said and in the roadstead of Suez shall not exceed 24 hours, except in case of distress. In such case they shall be bound to leave as soon as possible. An interval of 24 hours shall always elapse between the sailing of a belligerent ship from one of the ports of access and the departure of a ship belonging to the hostile power.

#### ARTICLE 5.

In time of war belligerent powers shall not disembark nor embark within the canal and its ports of access either troops, munitions, or materials of war. But in case of an accidental hindrance in the canal, men may be embarked or disembarked at the ports of access by detachments not exceeding 1,000 men, with a corresponding amount of war material.

#### ARTICLE 6.

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

#### ARTICLE 7.

The powers shall not keep any vessel of war in the waters of the canal (including Lake Timsah and the Bitter Lakes).

Nevertheless, they may station vessels of war in the ports of access of Port Said and Suez, the number of which shall not exceed two for each power.

This right shall not be exercised by belligerents.

#### ARTICLE 8.

The agents in Egypt of the signatory powers of the present treaty shall be charged to watch over its execution. In case of any event threatening the security or the free passage of the canal, they shall meet on the summons of three of their number under the presidency of their doyen, in order to proceed to the necessary verifications. They shall inform the Khedivial Government of the danger which they may have perceived, in order that that Government may take proper steps to insure the protection and the free use of the canal. Under any circumstances, they shall meet once a year to take note of the due execution of the treaty.

The last-mentioned meetings shall take place under the presidency of a special commissioner nominated for that purpose by the Imperial Ottoman Government. A commissioner of the Khedive may also take part in the meeting and may preside over it in case of the absence of the Ottoman commissioner.

They shall especially demand the suppression of any work or the dispersion of any assemblage on either bank of the canal, the object or effect of which might be to interfere with the liberty and the entire security of the navigation.

#### ARTICLE 9.

The Egyptian Government shall, within the limits of its powers resulting from the Firmans, and under the conditions provided for in the present treaty, take the necessary measures for insuring the execution of the said treaty.

In case the Egyptian Government should not have sufficient means at its disposal, it shall call upon the Imperial Ottoman Government, which shall take the necessary measures to respond to such appeal; shall give notice thereof to the signatory powers of the declaration of London of the 17th March, 1885; and shall, if necessary, concert with them on the subject.

The provisions of articles 4, 5, 7, and 8 shall not interfere with the measures which shall be taken in virtue of the present article.

#### ARTICLE 10.

Similarly, the provisions of articles 4, 5, 7, and 8 shall not interfere with the measures which His Majesty the Sultan and His Highness the Khedive, in the name of His Imperial Majesty, and within the limits of the Firmans granted, might find it necessary to take for securing by their own forces the defense of Egypt and the maintenance of public order.

In case His Imperial Majesty the Sultan or His Highness the Khedive should find it necessary to avail themselves of the exceptions for which this article provides, the signatory powers of the declaration of London shall be notified thereof by the Imperial Ottoman Government.

It is likewise understood that the provisions of the four articles aforesaid shall in no case occasion any obstacle to the measures which the Imperial Ottoman Government may think it necessary to take in order to insure by its own forces the defense of its other possessions situated on the eastern coast of the Red Sea.

## ARTICLE 11.

The measures which shall be taken in the cases provided for by articles 9 and 10 of the present treaty shall not interfere with the free use of the canal. In the same cases the erection of permanent fortifications contrary to the provisions of article 8 is prohibited.

## ARTICLE 12.

The high contracting parties, by application of the principle of equality as regards the free use of the canal, a principle which forms one of the bases of the present treaty, agree that none of them shall endeavor to obtain with respect to the canal territorial or commercial advantages or privileges in any international arrangements which may be concluded. Moreover, the rights of Turkey as the territorial power are reserved.

## ARTICLE 13.

With the exception of the obligations expressly provided by the clauses of the present treaty, the sovereign rights of His Imperial Majesty the Sultan, and the rights and immunities of His Highness the Khedive, resulting from the Firmans, are in no way affected.

## ARTICLE 14.

The high contracting parties agree that the engagements resulting from the present treaty shall not be limited by the duration of the acts of concession of the Universal Suez Canal Co.

## ARTICLE 15.

The stipulations of the present treaty shall not interfere with the sanitary measures in force in Egypt.

## ARTICLE 16.

The high contracting parties undertake to bring the present treaty to the knowledge of the States which have not signed it, inviting them to accede to it.

## ARTICLE 17.

The present treaty shall be ratified, and the ratifications shall be exchanged at Constantinople within the space of one month, or sooner if possible.

In faith of which the respective plenipotentiaries have signed the present treaty, and have affixed to it the seal of their arms.

Done at Constantinople, the 29th day of the month of October, in the year 1888.

(L. S.)	W. A. WHITE.
(L. S.)	RADOWITZ.
(L. S.)	CALICE.
(L. S.)	MIGUEL FLOREZ Y GARCIA.
(L. S.)	G. DE MONTEBELLO.
(L. S.)	A. BLANC.
(L. S.)	GUS. KEUN.
(L. S.)	NELDOW.
(L. S.)	M. SAID.

Mr. OWEN. I will not detain the Senate much longer.

Mr. President, the Hay-Pauncefote convention of 1901, in the preamble, declares the intention of the convention to be to provide for—

The construction of such canal under the auspices of the Government of the United States without impairing the general principle of neutrality established in article 8 of that convention.

And article 8—convention of 1850—declares the principle—

That the same canals or railways being open to the citizens and subjects of the United States and Great Britain on equal terms shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

The convention of November 18, 1901, in article 1, superseded the Clayton-Bulwer convention of 1850, and in article 2 authorized the United States to construct, regulate, and manage the proposed canal.

Article 3 adopted certain rules—

Substantially as embodied in the Convention of Constantinople, signed October 28, 1888, for the free navigation of the Suez Canal.

It will be observed that by the convention of Constantinople—see above—the canal is to be open to the ships of all nations on equal terms, except that Turkey and Egypt may protect their sovereignty rights, regardless of the rules of neutrality otherwise enforced.

This exception was not inserted in the Hay-Pauncefote treaty of November 18, 1901, because we had not at that time acquired sovereignty over the land itself, but, anticipating that this might be done, article 4 of the treaty provided as follows:

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

When in 1903 the Republic of Panama entered into a treaty with the United States granting a strip of land 10 miles wide to the United States for the purpose of establishing the inter-oceanic canal, the sovereignty of the United States attached, with all the rights of sovereignty to defend its rights, regardless of the rules established by article 3, just as Turkey and Egypt, in the convention of Constantinople, were recognized as having such sovereign right.

But the convention of Constantinople meant equal rights as to tolls and no discrimination against any nation in the matter of conditions or charges of traffic.

Section 1 of article 3 of the Hay-Pauncefote treaty declares:

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

It is contended that the term "free and open" to the vessels of all nations "observing these rules" does not mean to include the United States among the words "all nations," because the United States could not be expected to observe the rules 1, 2, 3, 4, 5, and 6, under article 3. It is true that the United States as the sovereign power would not be bound in the same way by these rules, but the United States in adopting these rules—in 1901—should observe them as modified by the duties of sovereignty—acquired in 1903—and should enforce them by virtue of sovereignty. Express attention, however, is called to the next line, which says:

that there shall be no discrimination against any such nation or its citizens or subjects—

That is, all nations.

No discrimination by whom? Obviously no discrimination by the United States, the sovereign power, against any such nation or its citizens or subjects, in a limited way, to wit—

in respect of the conditions or charges of traffic or otherwise, such conditions, and charges of traffic to be just and equitable.

When, therefore, the United States gives statutory exemption from tolls to the vessels of American citizens plying between the Atlantic and Pacific coasts of the United States, a traffic estimated primarily at a million tons, and which will probably in some years reach 10,000,000 tons, such a statutory exemption might seriously affect the charges levied on the citizens of other nations and would not be equitable or just unless the full volume of such tolls was by law estimated in fixing the charges proportionately upon the traffic passing through the canal. The treaty rights of other nations should not be left merely to executive discretion, with an invitation of statute law to discriminate.

An act of Congress giving exemption from tolls without recognizing this principle of equitable apportionment may justly, therefore, be regarded as a statutory discrimination by the United States against the vessels of citizens of other nations.

It is not necessary to assume in demanding the repeal, upon the above considerations, that the United States would not have the right to grant any subsidies it might see fit to vessels owned by American citizens. Whether it does so or not is a question of domestic policy, with which other nations have no concern, unless the subsidy is granted in such a way as to eventuate in or effectuate a discrimination in the matter of the charges levied upon the vessels of the citizens of other nations.

In demanding the repeal of the tolls exemption, I yield nothing whatever of the sovereign rights of the United States over the canal, only insisting that the sovereignty shall be exercised with justice to all mankind and that the charges imposed under the sovereignty of the United States shall be, as the treaty provides, "just and equitable" and "without discrimination."

Mr. President, a divine light, the subjective knowledge of truth and justice, is lodged within the soul of every living man. In the exercise of sovereignty our public men should be guided by this light—by the law of righteousness voiced by the Great Teacher in the golden rule, "Do unto others as ye would have them to do unto you." This is the wise policy for nations and men. "Be noble and the nobility that lies in other men, sleeping, but never dead, will rise in majesty to meet your own" applies also to nations.

Mr. BRISTOW. Mr. President, I desire to say, in order that there may be an expression in the Record in regard to this alleged monopoly in coastwise shipping, that it seems to me the term "monopoly," as used in that respect, is used improperly. There is no monopoly of the coastwise vessels of the United States, nor does the law give any institution or any individual a monopoly of the coastwise trade. It provides that only American vessels, built in American yards and manned by American seamen, shall engage in traffic between ports of the United States. That is all there is to it. There is no monopoly. The word "monopoly" can not be used in that connection except improperly, and the effect of it, of course, is to mislead the American public.

Mr. OWEN. Mr. President—

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

Mr. BRISTOW. I do.

Mr. OWEN. Of course the Senator knows, and I know, that the law, in terms, does not establish a monopoly. What the law does is to cut off foreign competition and permit those who have gotten control to arrange the ports and the prices at their will; and that does make, in effect, a monopoly.

Mr. BRISTOW. The Senator is mistaken as to its being a monopoly in effect. As he will understand upon reflection, the railroads have controlled or have obtained control of a large part of the coastwise traffic of the United States. I think the report that was recently made, and that has been commented upon very largely in the other body, shows that between 80 and 90 per cent, at least, of our coastwise traffic has been controlled by the railways. So railway domination of water traffic has become prevalent in many sections of the country. The Panama Canal act sought to break up that monopoly so as to give independent shipping an opportunity; and one of the agencies to give independent shipping an opportunity to break up the attempted monopolizing of that traffic was this very exemption clause which it is sought to repeal.

Mr. FALL. Mr. President—

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

Mr. BRISTOW. I do.

Mr. FALL. Is it not a fact that if there is any railroad monopoly in the shipping from the east to the west coast it is the monopoly of the Tehuantepec Railroad, a British-owned enterprise, which carries 750,000 tons per annum of the coastwise trade of the United States?

Mr. BRISTOW. I think the Tehuantepec road, in its traffic agreements and arrangements with the American-Hawaiian Steamship Co., is a very potent factor, and by cooperation with the Pacific Mail Steamship Co., the majority of whose stock is owned by the Southern Pacific Railroad, they have worked together and have established an absolute monopoly of shipping via Panama and Tehuantepec.

Mr. FALL. And that railroad is owned under a 51-year partnership agreement by Mexico and Lord Cowdray, is it not, by which Lord Cowdray has the entire control of the road and all of its income?

Mr. BRISTOW. It is owned by the Mexicans, and it is operated under a partnership contract with the English firm of Pearson & Co., who, I understand—

Mr. FALL. Sir Weetman Pearson is Lord Cowdray.

Mr. BRISTOW. Yes; and I am inclined to think that Pearson & Co., in connection with the Canadian Pacific interests, are the principal parties at interest in this controversy.

Mr. FALL. I agree with the Senator.

Mr. BRISTOW. And they have been so fortunate as to obtain powerful influences in their behalf in the United States against American interests and American enterprise, against the patriotic purpose of the American people to control their own domestic affairs.

Mr. FALL. It is a fact, is it not, that under that contract Lord Cowdray's road in Mexico receives one-third of the tonnage from New York, for instance, to Hawaii at the rate of \$4.07 gold per ton on all of our coastwise traffic, to the amount of 750,000 tons per annum?

Mr. BRISTOW. Yes; they have a percentage of the freight rate.

Mr. FALL. I will say that that is a fact; that it is one-third, and that it amounts to \$4.07 gold per ton upon all our coastwise traffic, which in turn amounts to 750,000 tons per annum. I will also say that the contract between Lord Cowdray and the American-Hawaiian Steamship Co. is exclusive, and is only contingent to this effect: That the American-Hawaiian Steamship Co. can abrogate that contract upon the opening to traffic of the Panama Canal, and it has been stated in sworn evidence taken by the House committee that the opening of the Panama Canal free will destroy the Cowdray enterprise.

Mr. BRISTOW. I desire to state further, along the line suggested by the Senator from New Mexico, that I was advised personally by a responsible party representing Sir Weetman Pearson & Co. that under proper toll charges in passing ships through the Panama Canal the Tehuantepec Railroad would be able to compete with the Panama Canal. In that conversation my informant said that the tolls ought to be, from a business point of view, in order to justify the American Government's investment in Panama, about \$2 per ton, and that if the tolls were imposed at that figure the Tehuantepec Railroad after the canal was open would be as profitable as before it was

open. Yet we have here to-day the humiliating spectacle of the American Government becoming absolutely subservient to the financial interests of an English company that is running a railroad across the Tehuantepec Peninsula in Mexico, and we are sacrificing American interests and American sovereignty in the interest of this English concern, and doing so apparently upon the pretense that there is some national honor at stake.

Mr. McCUMBER. Mr. President, I ask now that the unfinished business may be laid before the Senate.

Mr. GALLINGER. If the Senator from North Dakota will permit me, I wish to suggest to the Senator from Kansas a further important fact. That is, that if Great Britain carries out the same policy regarding the Panama Canal that she does regarding the Suez Canal, if we pay tolls on our shipping through the Panama Canal, Great Britain will remit from the treasury of the British Empire the tolls on British ships, and thus put us to a serious disadvantage unless we do the same thing, and the Senator from Oklahoma says the Democratic Party will never allow that to be done.

Mr. BRISTOW. Yes; and we shall find ourselves shut out of handling any traffic that England can handle.

Mr. GALLINGER. Absolutely.

Mr. BRISTOW. And we shall find every American ship driven from the seas and its place taken by an English or a German vessel.

Mr. McCUMBER obtained the floor.

Mr. GORE. Mr. President—

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

Mr. McCUMBER. I yield.

Mr. GORE. Mr. President, I merely wish to propound a question to the Senator from Kansas. According to the Senator from New Mexico [Mr. FALL], the freight rate per ton on the Tehuantepec Railroad is \$12.21. The tolls proposed on international shipping through the Panama Canal are \$1.20 per registered ton, which would be about 60 cents per freight ton. Even upon that basis there would be a saving of \$11.60 a ton. Does not the Senator think that might possibly contribute to the upbuilding of our interstate shipping, even in defiance of this British monopoly?

Mr. BRISTOW. Let me understand just what the Senator from Oklahoma said. I did not understand what he said as to the amount of charges made by the Tehuantepec Railroad.

Mr. GORE. According to the Senator from New Mexico [Mr. FALL] the charge is \$12.21 per ton.

Mr. BRISTOW. No; the Senator is entirely mistaken.

Mr. POINDEXTER. Four dollars and a half.

Mr. BRISTOW. They move traffic very much cheaper than that. There is some traffic that goes through, I know, as low as \$8 per ton from New York to the Pacific coast.

Mr. POINDEXTER. Four dollars and a half.

Mr. GORE. Mr. President, I understood the Senator from New Mexico [Mr. FALL] to say that one-third of the freight rate was \$4.07 per ton. I was surprised at the statement.

Mr. BRISTOW. I think the Senator from Oklahoma is mistaken. It is one-third of the rate that goes to the Tehuantepec Railroad, whatever the rate may be.

Mr. GORE. That would be far more reasonable, but I understood the Senator from New Mexico to say that \$4.07 was a third of the rate, making the aggregate \$12.21. Even upon that basis, however, there would be a saving of \$3.40 per ton in favor of free passage through the canal.

Mr. BRISTOW. Of course the Senator is entirely mistaken. The rates vary, of course, depending upon the commodities and their destination—

Mr. GORE. That is undoubtedly true, but I assumed the rate stated was the average.

Mr. BRISTOW. That is actual tons handled also, while the dollar and a quarter a ton is on the tonnage of the vessel.

Mr. GORE. Yes.

Mr. BRISTOW. And if the vessel is only half full, she pays then \$2.50 a ton on the traffic that is carried through.

Mr. GORE. It is supposed to average about 60 cents a ton.

Mr. McCUMBER. I know how hard it is to let go the tolls question, but I now ask that the unfinished business may be laid before the Senate.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Inter-oceanic Canals. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 120) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes.

Mr. STERLING obtained the floor.

## REPORTS OF COMMITTEES.

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

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

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

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

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

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

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

## BILLS INTRODUCED.

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

By Mr. BRISTOW:

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

By Mr. KERN:

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

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

By Mr. GALLINGER:

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

By Mr. SHIELDS:

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

By Mr. DU PONT:

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

By Mr. OWEN:

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

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

By Mr. SMITH of Michigan:

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

## AMENDMENTS TO APPROPRIATION BILLS.

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

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

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

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

## OMNIBUS CLAIMS BILL.

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

## DEPOSIT OF POSTAL FUNDS.

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

## THE ECONOMIC VALUE OF MAN.

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

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

## THE TOLLS QUESTION.

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

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

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

## "THE TOLLS QUESTION.

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

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

## "GAG RULE.

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

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

## "THE PLATFORM PLEDGE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### "THE 'SURRENDER TO ENGLAND'"

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

What has Great Britain done to justify the accusation that she is trying to dictate to this country? She has simply called attention to the terms of the treaty and asked for arbitration of the question of construction, in case this Government differs from the British Gov-

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

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

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

#### "SUBSIDY OR NO SUBSIDY."

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

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

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

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

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

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

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

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



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

He also presented a petition of sundry organizations of Grand Rapids, Mich., and a petition of sundry citizens of Clayton, Mich., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Bellaire, Mich., praying for the passage of the so-called pure wool and pure leather bill, which was referred to the Committee on Manufactures.

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

He also presented a petition of the City Council of Quincy, Mass., praying for the enactment of legislation to provide pensions for superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. WEEKS presented memorials of sundry citizens of Boston, Everett, Chelsea, Malden, Dorchester, Somerville, Cambridge, Lynn, Beverly, and Roxbury, all in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD presented a petition of sundry citizens of Charles Mix County, S. Dak., praying for the enactment of legislation to establish a system of rural credits, which was referred to the Committee on Banking and Currency.

Mr. JOHNSON presented petitions of Skowhegan Grange, Patrons of Husbandry, of Skowhegan; of Grand Lodge, Independent Order Good Templars, of Waterville; of the congregations of the Pine Street Congregationalist Church, of Lewiston; the Methodist Episcopal Church of Waldsboro; the Congregationalist Church of Dedham; the Congregationalist Church of Otisfield; the Baptist Church of Fort Fairfield; the Main Street Free Baptist Church, of Lewiston; of Easton Grange, Patrons of Husbandry, of Easton; of Ashland Grange, Patrons of Husbandry, of Ashland; of sundry citizens of Ashland, Fort Fairfield, Holden, Bangor, Waldsboro, Otisfield, and of Emerson H. Doughty, of Portland, all in the State of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

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

He also presented a petition of sundry citizens of Westfield, Ind., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented memorials of the Knox County Medical Society, the Boone County Medical Society, the Owen County Medical Society, and the Martin County Medical Society, all in the State of Indiana, remonstrating against the enactment of legislation to prohibit physicians, dentists, and veterinarians from dispensing and distributing narcotic drugs, which were ordered to lie on the table.

He also presented a petition of Richard J. Harden Camp, No. 2, United Spanish War Veterans, of Washington, D. C., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War and the Philippine insurrection, which was referred to the Committee on Pensions.

#### REPORTS OF COMMITTEES.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 1127) for the relief of Samuel H. Walker, reported it with an amendment and submitted a report (No. 426) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (S. 4857) for the relief of the St. Croix Chippewa Indians of Wisconsin, reported it without amendment and submitted a report (No. 427) thereon.

Mr. JOHNSON, from the Committee on Claims, to which was referred the bill (S. 105) for the relief of John T. Brickwood, Edward Gaynor, Theodore Gebler, Lee W. Mix, Arthur L. Peck, Thomas D. Casanega, Joseph de Lusignan, and Joseph H. Ber-

ger, reported it with amendments and submitted a report (No. 428) thereon.

Mr. SHIVELY, from the Committee on Pensions, submitted a report (No. 425) to accompany bill (S. 5278) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 181. Sidney Payne Smith.  
S. 729. Wenzel Patzelt.  
S. 1538. Sherwood C. Bowers.  
S. 1982. Frank M. Eldredge.  
S. 2163. George A. Porterfield.  
S. 2283. William H. Rackliff.  
S. 2825. Harry Jones.  
S. 2837. Matilda Robertson.  
S. 2858. Phebe W. Chase.  
S. 3524. Nelson Dimick.  
S. 4240. Mary J. Torney.  
S. 4588. William A. Taylor.  
S. 4724. John Andrews.  
S. 4989. Joseph A. Black.  
S. 5058. Charles W. Halls.  
S. 5074. George F. Behymer.  
S. 5118. John Abplanalp.  
S. 5120. Hezekiah C. Cotner.

#### BILLS INTRODUCED.

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

By Mr. KENYON:

A bill (S. 5279) granting an increase of pension to James E. Reed; to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 5280) to provide for the creation of a national farm loans association and State and local associations, and for other purposes; to the Committee on Banking and Currency.

A bill (S. 5281) for the relief of Wiley W. Houston (with accompanying papers); to the Committee on Military Affairs.

By Mr. OLIVER:

A bill (S. 5282) granting an increase of pension to Wesley A. Loucks (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 5283) to regulate the catching of whales in the waters of the Territory of Alaska; to the Committee on Fisheries.

A bill (S. 5284) for the relief of Frank C. Darling; and

A bill (S. 5285) for the relief of A. M. Darling, administrator; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 5286) for the relief of Frances L. Snell; to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 5287) authorizing the Secretary of War to erect a monument at Valparaiso, Chile (with accompanying papers); to the Committee on the Library.

A bill (S. 5288) granting an increase of pension to Cecilia Murphy (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 5289) to provide for warning signals for vessels working on wrecks or engaged in dredging or other submarine work; to the Committee on Commerce.

By Mr. CLAPP:

A bill (S. 5290) granting an increase of pension to Fridolin Strobel; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 5291) to authorize Edmund Richardson, or the parishes of East Carroll and West Carroll, La., or both, to construct a bridge across Macon Bayou, at or near Epps Ferry, La.; to the Committee on Commerce.

By Mr. JAMES:

A bill (S. 5292) granting an increase of pension to David Britton; to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 5293) for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army (with accompanying papers); to the Committee on Military Affairs.

By Mr. JOHNSON:

A bill (S. 5294) granting an increase of pension to Daniel Richardson; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 5295) to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. OWEN:

A bill (S. 5296) for the relief of A. W. Holland (with accompanying paper); to the Committee on Post Offices and Post Roads.

#### AMENDMENTS TO APPROPRIATION BILLS.

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

Mr. CRAWFORD submitted an amendment proposing to appropriate \$6,200 for the maintenance of an assay office at Deadwood, S. Dak., etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. KENYON submitted an amendment proposing to appropriate \$500,000 for farm demonstration outside of the cotton belt, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. LODGE submitted an amendment authorizing the Secretary of the Interior to add to the rolls of each of the Five Civilized Tribes the names of persons shown by the governmental records to be entitled to enrollment, irrespective of technical legal bars, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

#### POSTAL SAVINGS BANKS.

Mr. TOWNSEND. I submit a resolution in reference to deposits of postal savings funds, the matter that was up yesterday. The resolution (S. Res. 340) was read, considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Postmaster General is hereby directed to report to the Senate at as early a date as practicable the amount of money now on deposit in the postal savings banks of the United States; also the amount of such deposit on October 1, 1913, and on the 1st day of each month thereafter to April 1, 1914, inclusive.

#### ADDRESS BY SENATOR PENROSE—AFFAIRS IN MEXICO.

Mr. OLIVER. I have here a short address delivered by my colleague [Mr. PENROSE] in the Whitehall Baptist Church, at Tacony, Pa., last Sunday upon the Mexican situation. I ask unanimous consent to have it printed in the RECORD.

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

Armed intervention by the United States was held up yesterday by Senator PENROSE as the outcome of the present situation in Mexico, the inevitable solution of the problem, unless this Government changes its policy and takes steps to change conditions to suit the situation. In an address delivered in the Whitehall Baptist Church, Tacony, Senator PENROSE voiced vigorous criticism of the Wilson administration's policy with respect to foreign relations, with particular reference to Mexico.

Senator PENROSE addressed a small but enthusiastic audience. The Rev. Herbert Hargraves, pastor of the church, introduced him. After the address there was an impromptu reception for the Senator.

After his set speech, Senator PENROSE said he did not mean to indicate that we were actually in danger of war, but merely wanted to enlighten the people on the true conditions. The United States never participated in a war of aggrandizement, but always and only for either its own independence, for the maintenance of the Union, or for humanitarian reasons. The flag would never be carried to warfare, he concluded, for the personal advantage of any politician or set of politicians.

#### SENATOR PENROSE'S SPEECH.

Senator PENROSE said he was actuated in taking up a public discussion of the Mexican situation because of "less information and more misinformation in the minds of the people." This lack of information, he added, "has also been true of the statesmen who are now guiding the destinies of the Nation." The people had kept quiet, he said, because they did not want to embarrass the administration and its policy. He continued:

"The fundamental error in our attitude toward Mexico is that we have undertaken to deal with that country as we would with Denmark or Spain or Italy. We have assumed not only that Mexico is a nation in the political sense of the term, but also that the Mexicans are a people more or less homogeneous and certainly more or less animated by social and political motives which we would recognize as of the same category as our own political ideals, even if somewhat modified in form or application.

"No greater mistake could have been made. In the first place, Mexico within its political borders contains three distinct races. The migration which took place on this continent during the centuries while the Normans were conquering England was a migration consisting of various tribes of our own North American Indians. They pushed down from the North until they had reached the site of the present City of Mexico, about 200 years before Cortez landed on the Mexican shores of the Gulf.

"To give a better idea of what happened, it is well to remember that Mexico may be described as a long V-shaped high tableland, with the point roughly in the neighborhood of Mexico City. A narrow

strip of low coast land lies on both the Pacific and the Atlantic sides of this V. From Mexico City to the extremity of the peninsula of Yucatan is nearly the same distance as it is from the Rio Grande to the City of Mexico. This country beyond the city is relatively low and is what is described as the tierra caliente (hot lands). The territory Indians from the north, who are the Aztecs of Mexican history, pushed off the high plateau their predecessors, who are known as the Toltecs. They also are Indians. At the races in Mexico are Indians, and most of the inhabitants of Mexico are Indians to-day.

"Mexico is an Indian country. There are some 15,000,000 people in the country, according to the census of 1910. The census does not include racial statistics, but conservative students of Mexican conditions consider that of these 15,000,000 people, 13,000,000 are so nearly of pure Indian blood that such admixture of Caucasian blood as may flow in their veins is a negligible quantity, from a scientific standpoint. It is certainly negligible from a moral standpoint. Of the remaining 2,000,000, it is doubtful if there are 250,000 Mexicans of absolutely undiluted Caucasian blood, and the remainder are crossbreeds between the Spanish settlers and the Indians in varying proportions of European and native blood.

"Too much emphasis can not be laid on this condition. The problems which Mexico has to face are problems based on the same mental and moral characteristics, the same racial peculiarities, as the problems which we had to face in the winning of the plains and the Rocky Mountain country in the third quarter of the last century.

"The conditions were somewhat modified. The Spaniards, when they conquered Mexico, followed a policy which was different from that of our pioneers. The result of that policy was that the Indian lost something of his nomadic characteristics and became imbued in varying degrees with the characteristics of an agricultural instead of a hunting race. This change brought with it, however, no degree of homogeneity. There are some twenty-odd distinct tribes among the inhabitants of Mexico and an equal number of Indian tongues, with more local dialects.

"The same intertribal hostility which was the motive of the wars constantly going on when Cortez came to Mexico first has persisted to this day, although its outward form has been somewhat modified by the control of civilization. It persists in the form of resentment and hostility on the part of district against district, and most especially the north against the south.

"The Spanish colonial rule did nothing to overcome this. I believe that our conception of that period of colonial rule has been that of one in which the Viceroy of Mexico was the real representative, with all the pomp and stately trappings which accompanied royal delegates in those days, and who ruled more or less directly over the whole region which we now know as Mexico.

"As a matter of history, the various lieutenantcies—or intendencias, as they were called—when Mexico was divided were ruled as independent satrapies, and the intendents, or King's lieutenants, in the different sections of the country reported directly to the court and the King at Madrid, having no dealings with the Viceroy at Mexico for administrative or political purposes, their relations with him being purely fiscal and confined to the remission, through him, of the taxes and tribute to the court. This governmental organization naturally contributed to the maintenance of regional and tribal peculiarities, and even hostilities. At no time until the days of Porfirio Diaz can there be said to have been any sustained attempt to consolidate the unorganized and widely differing tribal units of Mexico into a homogeneous people.

#### TRIBAL CHARACTERISTICS.

"President Wilson wrote in one of his books that constitutional government was not a thing which could be given to a people. A very great part of the difficulties of our present situation with Mexico is due to his attempts to give constitutional government, not even to a people, but to a collection of Indian tribes whose racial characteristics are still painfully in evidence.

"If you have been reading the dispatches from the correspondents following the campaign in Mexico, you will notice in these last few days that the reports of the fighting in the vicinity of Torreón have all reflected the Indian character. There have been many incidents related of physical bravery and of truly Indian stoicism in the face of death and agony. This is the more admirable side, but the same dispatches, if read between the lines, also display the other characteristics which the records of a century of our expansion on this continent have compelled us to recognize as equally characteristic of the Indian. I mean cruelty—barbaric cruelty—and revenge that is nothing less than pagan.

"I say when read between the lines, because the returning correspondents tell by word of mouth details regarding incidents to which they merely referred in their letters, which make one doubt that this can be the continent of America in the dawn of the twentieth century. These tales of mutilation and torture sound like the barbarities of the Middle Ages.

"It is bad enough to know that these cruelties are inflicted by Mexicans on Mexicans. When, however, we realize that they have also been inflicted on American citizens and on American women and children, it is difficult to display that patience which is asked for with the action of an administration whose policy has fomented the conditions of anarchy and reversion to primitive instincts which permit such things to be.

"When the homes of American citizens are raided by bandits, and American men bound to trees in the good old Indian way of binding the victim to the stake, and the daughters of the house are assaulted, it is hard to restrain our human instincts as men and brothers and subordinate them to the political expediency which is demanded to uphold a course avowedly based on the highest principles of political morality.

#### LONG SCORE OF BARBARITIES.

"This is no composite picture, no exaggeration, of merely disagreeable incidents. I have referred to an actual case in the terms in which it actually occurred and in which it is actually on record with the Government at Washington. There is a long score of barbarities of this and other kinds, some of which can not be even mentioned in this presence—most of them fully recorded in reports in Washington; and it seems to me that not only the expediency but also the morality which it has been announced is to be the basis of our policy toward our neighbors to the south has not only failed to demonstrate its expediency, but what the ordinary citizen understands as morality, both of object and of procedure, has been more distorted than one should expect from such high professions. A policy which requires constant suppression of fact in order to retain even the possibility of public support is not conducive to the spread of ideas of public morality.

"An incidental feature of our Government's policy, which finds it necessary to furnish weapons and ammunition to a bandit chieftain who

## SENATE.

FRIDAY, April 17, 1914.

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

Almighty God, Thou art the All-Great, the All-Loving, too—

So, through the thunder comes a human voice  
Saying, "O heart I made, a heart beats here!  
Face, my hands fashioned, see it in myself!  
Thou hast no power nor mayst conceive of mine,  
But love I gave thee, with myself to love,  
And thou must love me who have died for thee!"

We would be in Thy hands to be guided and blessed, to be kept and restrained, to be lifted up or cast down according to the Divine will, because we know that Thou art altogether love. So do Thou bless us this day. For Christ's sake. Amen.

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

## ENROLLED BILL SIGNED.

The VICE PRESIDENT announced his signature to the enrolled bill (S. 1829) for the relief of W. D. McLean, alias Donald McLean, which had heretofore been signed by the Speaker of the House of Representatives.

## POSTAL SAVINGS BANKS (S. DOC. NO. 467).

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of the 16th instant, certain information relative to the amount of money now on deposit in the postal savings banks of the United States, together with the amount of such deposits on October 1, 1913, and on the first day of each month thereafter to April 1, 1914, inclusive, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, requested the Senate to return to the House the enrolled bill (S. 1689) authorizing the accounting officers of the Treasury to allow in the accounts of the United States marshal for the district of Connecticut amounts paid by him from certain appropriations, which passed the House of Representatives on March 9, 1914.

## PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Greenville, Kalamazoo, and Baline Township, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a petition from Mrs. W. A. Lawson, president of the executive board of the Woman's Christian Temperance Union of Wisconsin, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Democratic Club of Ponce, P. R., remonstrating against the enactment of legislation to change the political status of Porto Ricans, which was referred to the Committee on the Pacific Islands and Porto Rico.

He also presented a petition of the Chamber of Commerce of Washington, D. C., praying for the enactment of legislation authorizing the opening up of suitable parts of the newly acquired land in the White Mountains and the Southern Appalachian Mountains for recreation, pleasure, and health, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. HITCHCOCK presented a memorial of Local Branch No. 5, National Association of Letter Carriers, of Omaha, Nebr., remonstrating against any reduction in the rate of postage on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Maryland presented petitions of sundry citizens of Baltimore, Md., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

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

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

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

He also presented a memorial of James G. Blaine Council, No. 1, Junior Order United American Mechanics, of Stamford, Conn., remonstrating against any change being made in the United States flag, which was referred to the Committee on the Judiciary.

Mr. CHILTON presented a petition of the congregation of the Methodist Episcopal Church of Triadelphia, W. Va., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented petitions of sundry citizens of Brownsville, Lyons, Connersville, and Centerville, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Ambia, of the State board of veterinary examiners, and of the Jackson County Medical Society, all in the State of Indiana, remonstrating against the enactment of legislation to prohibit physicians, dentists, and veterinarians from dispensing and distributing narcotics, which were ordered to lie on the table.

Mr. OLIVER presented a petition of the Library Association of Beaver, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also (for Mr. PENROSE) presented memorials of sundry citizens of Allentown and Northampton County, in the State of Pennsylvania, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. MYERS presented a petition of the Christian Endeavor Society of the First Presbyterian Church of Anaconda, Mont., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented a memorial of sundry citizens of Bridgeport, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

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

He also presented a memorial of James G. Blaine Council, No. 1, Order United American Mechanics, of Stamford, Conn., remonstrating against any change being made in the United States flag, which was referred to the Committee on the Judiciary.

Mr. OWEN presented petitions of sundry citizens of Edmond, El Reno, Tecumseh, Gracemont, Pocasset, Talala, Thomas, Arapaho, Alva, and Blackwell, all in the State of Oklahoma, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

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

Mr. BURLEIGH presented a memorial of the Chamber of Commerce of Bangor, Me., remonstrating against the expansion of the Parcel Post Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Bingham, Guilford, Strong, Winter Harbor, Dexter, Auburn, Lewiston, Dover, Foxcroft, Beaus Corner, Ashland, Blue Hill, North Pownal, South Penobscot, Orrington, Winterport, Cumberland Center, Weld, North Berwick, Friendship, Nobleboro, and North Fayette, all in the State of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. LODGE presented memorials of sundry citizens of Boston, Cambridge, Dorchester, Brookline, Haverhill, Chelsea, Everett, and Charlestown, all in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented a petition of sundry citizens of Seneca, Wis., and a petition of sundry citizens of Wichita, Kans., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

#### PENSIONS AND INCREASE OF PENSIONS.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 13297) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 430) thereon.

#### BILLS INTRODUCED.

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

By Mr. SAULSBURY:

A bill (S. 5297) for the relief of James H. Palmer; to the Committee on Claims.

A bill (S. 5298) granting an increase of pension to Edmund E. Rogers; to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5299) to require the carriers of passengers for hire to establish an interstate rate which shall not exceed the combination of local rates; to the Committee on Interstate Commerce.

By Mr. ROBINSON:

A bill (S. 5300) to fix the salary of the Commissioner of Indian Affairs at \$7,500 per annum; to the Committee on Indian Affairs.

A bill (S. 5301) granting an increase of pension to James M. Harvey; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 5302) granting an increase of pension to William H. Scott (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 5303) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate Commerce.

By Mr. BRADY:

A bill (S. 5304) granting a pension to William R. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 5305) granting an increase of pension to Henry N. Oliver; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5306) granting an increase of pension to Maria L. Roraback (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5307) to authorize the Choctaw and Chickasaw Nations to bring suit in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. SHIELDS:

A bill (S. 5308) granting a pension to William R. Phillips; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 5309) for the relief of Minnie E. Howard; to the Committee on Claims.

A bill (S. 5310) granting a pension to William Weddington (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5311) granting an increase of pension to Benjamin E. Hull (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 5312) granting an increase of pension to Merritt Perham (with accompanying papers); to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. MARTINE of New Jersey submitted an amendment intended to be proposed by him to the river and harbor appropria-

tion bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate \$200 for the protection from high water of the north abutment of the Government bridge at Myton, Utah, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### VESSELS IN COASTWISE AND FOREIGN TRADE.

Mr. SHEPPARD. I submit a concurrent resolution and ask for its immediate consideration.

The concurrent resolution (S. Con. Res. 23) was read, as follows:

*Resolved by the Senate (the House of Representatives concurring), That the Interstate Commerce Commission be, and hereby is, authorized and directed to immediately investigate and, as soon as practicable, report to Congress the following information:*

First. To what extent, if any, vessels and steamship lines are engaged in transporting freight between Atlantic and Pacific ports wholly by water, or partly by water and partly by rail, and in the coastwise trade of the United States, under joint ownership or common control or in community of interest, directly or indirectly, by stock ownership, trust, holding committee, or otherwise, with railroad companies engaged in transporting freight by rail between the Atlantic and Pacific ports of the United States and in the coastwise trade of the United States, stating separately what vessels and steamship lines are owned and controlled by said railroad companies, if any, and what vessels and steamship lines in said transportation are under a common or joint ownership or control with said railroad companies, or any thereof, and the names of the owners, stockholders, trustees, holding companies, directors, and officers of all steamship lines and railroads engaged in the coastwise and foreign trade of the United States. And to what extent and how, if any, they are consolidated, directed, or operated by and through holding companies, interlocking stocks, interlocking directorates, or interlocking officers.

Second. What are the prevailing rates upon the principal commodities carried by vessels between said Atlantic and Pacific ports of the United States wholly by water or partly by water and partly by rail across the Isthmus of Panama or Tehuantepec, and what are the prevailing rates between said Atlantic and Pacific ports upon such commodities transported wholly by rail, and what are the prevailing rates for transportation of similar commodities wholly by water by vessels not under United States registry for similar distances as the water routes between said Atlantic and Pacific ports of the United States carried under similar conditions.

Third. And what are the prevailing rates upon the principal commodities carried by vessels in the coastwise trade of the United States in comparison with such rates on similar commodities for similar distances carried by vessels in the foreign trade of the United States.

Fourth. And what are the prevailing rates for transportation for similar commodities wholly by water by vessels not under United States registry for similar distances on similar commodities under similar conditions in comparison with the rates on commodities transported in the coastwise trade of the United States.

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

Mr. SMOOT. It may be desired that some amendments shall be offered to the resolution. For that purpose I ask that it may go over until to-morrow.

Mr. SHEPPARD. Very well.

THE VICE PRESIDENT. The concurrent resolution will go over until to-morrow.

#### EXECUTIVE SESSION.

THE VICE PRESIDENT. The morning business is closed.

Mr. GORE. I move that the Senate proceed to the consideration of House bill 13679, being the Agricultural appropriation bill.

Mr. SMOOT. That can only be done by unanimous consent.

Mr. SHIVELY. Pending that, I move that the Senate proceed to the consideration of executive business.

Mr. McCUMBER. Pending that, Mr. President, I suggest the want 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	Gore	Page	Smith, Md.
Borah	Hitchcock	Perkins	Smoot
Brady	Hughes	Pittman	Sterling
Brandegee	Kern	Ransdell	Sutherland
Bryan	Lodge	Robinson	Thomas
Burleigh	McCumber	Saulsbury	Thompson
Catron	McLean	Shaftro	Townsend
Chamberlain	Martine, N. J.	Sheppard	Vardaman
Crawford	Nelson	Sherman	Weeks
Cummins	Norris	Shively	West
Gallinger	Overman	Smith, Ga.	Works

Mr. TOWNSEND. I desire to announce the unavoidable absence of the senior Senator from Michigan [Mr. SMITH]. He is paired with the junior Senator from Missouri [Mr. REED] on all votes. I desire this announcement to stand for the day.

Mr. SMOOT. I wish to announce the unavoidable absence of the senior Senator from Kentucky [Mr. BRADLEY] and also of the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. SAULSBURY. I was requested to announce the necessary absence of the Senator from South Carolina [Mr. TILL-

munication with the executive of Colorado, with the House committee now engaged in investigating the Colorado situation, and with representatives of the miners.

Mr. THOMAS. I shall endeavor to bring the governor in contact with the Senator some time this afternoon.

Mr. WARREN. The situation ought to be relieved, of course; and it must have prayerful and the earliest possible attention and relief.

Mr. THOMAS. Mr. President, I have not called this matter to the attention of the Senate, because I have feared that because of my somewhat meager information as to details I might possibly say something that would reflect grave injustice upon some man, some official, or some interest; and that I want to refrain from doing. The situation seems to be a horrible one.

Mr. NORRIS. Mr. President—  
The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. THOMAS. I do.

Mr. NORRIS. I should like to ask the Senator from Colorado, since I presume he has perhaps made more investigation than any of the rest of us in regard to that particular subject, whether the committee recently appointed by the House to investigate this matter reached any conclusions as to what the power of Congress was, and, if so, as to what ought to be done?

Mr. THOMAS. I have not been advised that they have reached a conclusion as to that point. I understand they have reached some conclusions of fact, but whether they have made an official report or not I do not know definitely. I think, however, they have not.

Mr. KENYON. Mr. President, I will say that they have not, or had not a couple of days ago.

Mr. THOMAS. I thank the Senator for the information, because it corresponds with my own impression.

Mr. NORRIS. It occurs to me that since the House committee have made what I presume is a full and complete investigation of the subject, it would be well in some way to call the attention of that committee to the subsequent events that have been transpiring, with a view of having them take the whole matter into consideration.

Mr. THOMAS. Mr. President, one Member of the Colorado delegation is a member of the committee which has charge of this investigation, and he also has been the recipient of a number of telegrams concerning the subject, so I am sure that he is giving it personal attention.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. THOMAS. I do.

Mr. McCUMBER. I wish to know if these two telegrams, the one referred to by the Senator from Colorado and the other referred to by the Senator from Iowa, can not be used in some way to supplement each other. There seems to be a desire on the part of some of the young men there to satiate their thirst in Mexican gore; and there is also a demand for protection from certain citizens of Colorado, calling upon the strong arm of the Government. Is it not possible that the contingent that appeal here for some such work to do might satiate their thirst within the confines of Colorado?

Mr. THOMAS. Mr. President, I am too deeply impressed with the sober realities of existing conditions, both in Mexico and in my State, to make definite reply to the suggestion. Moreover, Mr. President, my heart is too full this morning of the human side of things. I fear, however, that the keen desire of so many young men to serve their country in the war now upon us will find full satisfaction before many more months have rolled around; and I also greatly fear that unless society can in some manner reconcile these terrible conflicts between capital and labor, Mexico is not the only country that will be torn by internecine strife. The conditions in my State are such as to fill me with apprehension for the immediate future.

Mr. GALLINGER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. THOMAS. I do.

Mr. GALLINGER. I will ask the Senator if my recollection is at fault that these striking miners in Colorado in the first instance shot down a marshal and some other citizens of the State.

Mr. THOMAS. Mr. President, last February when I was in Colorado I was told that the number of homicides up to that time totaled 138. I have no doubt, Mr. President, the history of this unhappy strife is replete with many murders and many crimes. I do not know. I think when this committee investigation shall have been given to the public we will then be able to speak fairly and do injustice to no man, at least I hope so.

Mr. GALLINGER. If the Senator will permit me, I think we ought to remain calm until the investigation in another body is completed. It was only a little while ago that the same class of telegrams were coming here concerning the strike in Michigan, and an investigation was made. The miners have gone back to work and everything is at peace there, as I understand.

Mr. THOMAS. That is the reason why I have introduced no telegrams, but no man having possession of his faculties and actuated by the common instincts of humanity can read without emotion the incineration of women and children in their little cots and tents out upon the plains.

Mr. GALLINGER. Of course we all sympathize with the Senator in that feeling, yet, as I suggested—

Mr. THOMAS. We ought at least to have some human feeling concerning it.

Mr. GALLINGER. As I suggested, an investigation is in progress, and I really think we ought, so far as the Senate is concerned, to patiently await the conclusions the committee will reach. The debate this morning will be helpful, for the reason—

Mr. THOMAS. I think we should remain as calm as possible at all times, but war is war and suffering is suffering, whether it be within the limits of the United States or out of the limits of the United States, and when we consider that the suffering falls so frequently upon the innocent, what wonder, Mr. President, that we look upon the future with more or less foreboding. I am no pessimist; I am inclined to take an optimistic view of things; but I feel that many of the conditions which are prevalent in this country demand summary rectification. There should be less of feeling, less of passion, less of recrimination; there should be an earnest recognition of grave social maladjustments and a patriotic desire to meet upon some plane where one side shall not say, "I demand everything," and the other side shall not say, "I demand everything," but in the interests of society, for the future of our children and of our children's children, try to reach some broad plane of human activity where the poor man and the rich man may each enjoy the opportunities which we proclaim as the heritage of American institutions, whether all shall take advantage of them or not.

Mr. GALLINGER. Mr. President, I sympathize, as we all do, with the sentiments expressed by the Senator from Colorado. Yet the fact is that telegrams are coming here from the State of Iowa depicting a condition in the State of Colorado which is alarming. If those allegations are true, a distinguished committee of another body, I apprehend, largely in sympathy with the working people, is investigating this matter, and I do feel that we ought to possess ourselves patiently until that investigation is completed. I have no doubt that committee will report a remedy, if the conditions that are pictured here to-day actually exist.

Mr. THOMAS. I should not have mentioned the subject at all, had it not been intruded on the attention of the Senate. I want to add the further fact that these are new conditions, new tragedies which have occurred since the committee left the field of its examination and returned to Washington.

Mr. WEST. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. THOMAS. I yield.

Mr. WEST. How can we act here without coming in conflict with State authority in Colorado?

Mr. THOMAS. I do not know, Mr. President. There are many difficulties which confront us here. I have no remedy to suggest from a Federal standpoint now.

Mr. McCUMBER. I perhaps did not put my proposition aptly so as to be understood by the Senator.

Mr. THOMAS. I fully understood it.

Mr. McCUMBER. Here are two telegrams, one of them coming ostensibly from a company of State militia seeking employment for service under the Government in foreign lands. Immediately follows a demand from citizens of that State for Federal aid to prevent crimes being committed in that State. I can not understand why the State company of militia that are seeking to be called into service, or any other company of the State, could not find employment in that State.

Mr. SHAFROTH. There are no State militia referred to here. It is a company that is not organized, but ready to be organized, and they simply tender their services. It seems to me that it is a proper matter for the United States Senate to consider.

Mr. GALLINGER. I will ask for the regular order.

Mr. McCUMBER. I understood that they were State troops.

Mr. THOMAS. My colleague has not fully answered the question of the Senator from North Dakota. The militia was mobilized several months ago. They had been, I understand, in control down there until recently, but they were withdrawn a couple of weeks ago, and this perhaps is one of the consequences.

Mr. GALLINGER. The regular order!

The PRESIDENT pro tempore. The regular order is demanded. If there are no further reports of committees, the introduction of bills is in order.

#### FOREST-PRODUCTS EXPOSITIONS.

Mr. RANDELL. Mr. President, there has been pending on the calendar for some days a joint resolution reported favorably by the Committee on Agriculture and Forestry to appropriate \$10,000 for the purpose of having the Secretary of Agriculture make an exhibit of forestry at a big exposition of forest products to be held at Chicago, Ill., April 30 to May 9, and in New York from May 21 to May 30. I am exceedingly anxious to call it up. It is a matter of very great importance to all the people of the United States who are interested in forest products, and unless we can act on it now it will be entirely too late.

Mr. GALLINGER. I will ask the Senator from Louisiana if he would not let the routine morning business be completed?

Mr. RANDELL. I thought the routine morning business had been completed.

Mr. GALLINGER. I certainly will not object if the Senator will wait until after the routine morning business has been completed.

#### RADIUM-BEARING ORES.

Mr. BORAH. Mr. President, what has become of the special order?

The PRESIDENT pro tempore. The Chair is not advised.

Mr. LODGE. If the Chair will allow me, in the absence of the President pro tempore, the Senate has been making some new parliamentary law in regard to special orders. It has been held by the Senate on an appeal from a ruling of the Chair that a special order has not only privilege for the day fixed in the order but a continuing privilege for every day at the time fixed in the order. Under that ruling the special order, the radium bill, should appear before the Senate automatically at 1 o'clock. It got out of sight somehow yesterday. What I want to inquire, as a matter of order, is whether it is not only clothed with a continuing privilege to come up every day at 1 o'clock, but clothed with the privilege to come up some days at 5 minutes past 1, to come up every other day, and to come up when it feels like it, according to what its condition is.

Mr. BORAH. I do not know exactly what power it has to come up of itself, but under the rule which has been established by the Senate we have a right to call it up.

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. The Chair will state the parliamentary condition as he is now advised about it. That particular bill was made a special order, and the ruling indicated by the Senator from Massachusetts was properly made. Since that time the Chair is advised that a motion was made to proceed to the consideration of some other bill, which had the effect of displacing it, and the Vice President, then presiding, sent the bill to the calendar under Rule VIII. That is an answer to the question of the Senator from Idaho.

Mr. BORAH. I do not understand that the Vice President ruled that it lost its place, but that it could recur to-day again like Banquo's ghost.

Mr. SMOOT. The Senator from Idaho is correct as to the original ruling of the Chair, but the Chair did decide afterwards that the ruling was an error, and therefore he changed the ruling by sending the bill to the calendar under Rule VIII.

Mr. BORAH. Then I am in error, and withdraw my request for its consideration.

Mr. WALSH. That disposition of the bill is quite objectionable to me, and I seize this opportunity to give notice that immediately upon the conclusion of the unfinished business I shall move that the Senate proceed to the consideration of Senate bill 4405.

Mr. GALLINGER. Regular order!

The PRESIDENT pro tempore. The regular order is the introduction of bills and joint resolutions. Are there further bills and joint resolutions? If not, concurrent and other resolutions are in order.

#### BILLS INTRODUCED.

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

By Mr. JONES:

A bill (S. 5335) granting an increase of pension to Peter Smith; and

A bill (S. 5336) granting an increase of pension to Theodore D. Swain; to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 5337) for the relief of the legal representatives of James M. Brabston and Roche H. Brabston; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 5338) granting an increase of pension to Alexander Curd (with accompanying paper); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5339) granting a pension to Charles E. Mann (with accompanying paper); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5341) to provide for publication by national banking associations and savings banks and trust companies of the reports of resources and liabilities and dividends required to be made by them to the Comptroller of the Currency; to the Committee on Banking and Currency.

A bill (S. 5342) to correct the military record of John L. McGregor;

A bill (S. 5343) to correct the military record of Samuel Snyder;

A bill (S. 5344) to correct the military record of Adolph F. Hitchler;

A bill (S. 5345) authorizing the appointment of George R. Snowden on the retired list of the United States Army; and

A bill (S. 5346) to grant an honorable discharge to S. A. Moser; to the Committee on Military Affairs.

A bill (S. 5347) to correct the naval record of Charles R. Snyder; and

A bill (S. 5348) to remove from the record of John M. Reber, late second lieutenant in the United States Marine Corps, the charge of dismissal and grant him an honorable discharge; to the Committee on Naval Affairs.

A bill (S. 5349) for the relief of S. H. Evans; to the Committee on Post Offices and Post Roads.

A bill (S. 5350) to amend section 5 of the act of Congress entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," enacted on the 29th day of June, 1906; to the Committee on Immigration.

A bill (S. 5351) for the relief of William A. Hutson; to the Committee on Claims.

A bill (S. 5352) granting a pension to Theodore S. Fenn;

A bill (S. 5353) granting an increase of pension to A. Y. Whitmoyer;

A bill (S. 5354) granting a pension to Moses P. Osborn;

A bill (S. 5355) granting an increase of pension to Hartman K. Wismer;

A bill (S. 5356) granting an increase of pension to John H. Seagrist;

A bill (S. 5357) granting an increase of pension to J. J. Kerr;

A bill (S. 5358) granting an increase of pension to Isaac Wolfe;

A bill (S. 5359) granting an increase of pension to Charles Breyer;

A bill (S. 5360) granting an increase of pension to Andrew Cramer;

A bill (S. 5361) granting an increase of pension to Charles Stackhouse;

A bill (S. 5362) granting a pension to Mrs. E. L. D. Palmer;

A bill (S. 5363) granting a pension to Mary E. Burg;

A bill (S. 5364) granting an increase of pension to James P. Hayman;

A bill (S. 5365) granting a pension to Joseph Frick;

A bill (S. 5366) to restore the name of Lewis H. Lee to the pension rolls (with accompanying paper);

A bill (S. 5367) granting an increase of pension to John H. Condon (with accompanying papers);

A bill (S. 5368) granting an increase of pension to Percy H. White (with accompanying papers);

A bill (S. 5369) granting an increase of pension to George D. Hamm (with accompanying papers);

A bill (S. 5370) granting an increase of pension to Samuel S. Feehrer (with accompanying paper);

A bill (S. 5371) granting an increase of pension to David Spealman (with accompanying papers);

A bill (S. 5372) granting an increase of pension to Julia Sitz (with accompanying papers);

A bill (S. 5373) granting an increase of pension to John M. Mishler (with accompanying papers); and

S. 656. An act granting to the trustees of the diocese of Montana of the Protestant Episcopal Church, for the benefit of Christ-Church-on-the-Hill, at Poplar, Mont., lots 5, 6, and 7, in block 30, town site of Poplar, State of Montana;

H. R. 13453. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1915; and

H. R. 15906. An act providing an appropriation for the relief and transportation of American citizens in Mexico.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a telegram in the nature of a memorial from officers and members of the Railway Employees' Department of the American Federation of Labor, in convention assembled at Kansas City, Mo., representing 350,000 railway employees, remonstrating against the conditions existing in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

Mr. GALLINGER. Mr. President, I have heretofore presented a large number of petitions in favor of the proposed constitutional amendment for the prohibition of the importation, manufacture, sale, and so forth, of intoxicating liquors. I now present a memorial from 859 citizens of Portsmouth, N. H., remonstrating against the adoption of the proposed constitutional amendment, which I ask may be referred to the appropriate committee.

The PRESIDENT pro tempore. The memorial will be referred to the Committee on the Judiciary.

Mr. LODGE. I send to the desk a telegram which I ask may be read with the names attached.

The PRESIDENT pro tempore. The Chair hears no objection, and the Secretary will read as requested.

The Secretary read the telegram, as follows:

BOSTON, MASS., April 23, 1914.

Hon. HENRY CABOT LODGE,  
United States Senate, Washington, D. C.:

We earnestly urge avoidance of any steps involving war until whole complex Mexican situation can be examined by commission of inquiry that Congress and people may have full and accurate knowledge of facts. Further, that situation calls for immediate and express declaration by Congress that United States will in no event have any territory from Mexico by conquest.

JOHN D. LONG.  
ALBERT E. PILLSBURY.  
SAMUEL A. ELIOT.  
CHARLES F. DOLE.  
WILLIAM D. HOWELLS.  
EDWIN D. MEAD.  
JOHN GRAYSON BROOKS.

Mr. WORKS presented petitions of the congregations of the Pentecostal Church of the Nazarene, of Cucamonga, and of the Nazarene Church of Milton, in the State of California, praying for national prohibition, which were referred to the Committee on the Judiciary.

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

Mr. SHIVELY presented petitions of sundry citizens of Charlottesville and Remington, in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry druggists and pharmacists of Goshen, Ind., praying for the passage of the so-called antinarcotic bill, which was ordered to lie on the table.

He also presented a petition of Local Division, No. 303, Order of Railway Conductors, of New Albany, Ind., praying for the enactment of legislation to provide a literacy test for immigrants to this country, which was ordered to lie on the table.

He also presented a petition of the Benevolent Order of Buffaloes of Fort Wayne, Ind., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. BRADLEY presented a petition of Local Division No. 271, International Brotherhood of Locomotive Engineers, of Covington; of Lexington Division, No. 239, Order of Railway Conductors, of Ashland; and of Local Division No. 486, Order of Railway Conductors, of Paris, all in the State of Kentucky, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

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

Mr. BURLLEIGH presented a petition of sundry citizens of Edgecomb, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

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

Mr. PAGE presented a memorial of sundry citizens of Windham County, Vt., remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. LODGE presented petitions of sundry citizens of Attleboro and Warwick, in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

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

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

He also presented a petition of the Clearing House Association of Wheeling, W. Va., praying for the enactment of legislation to relieve banks and trust companies from the burden of work and expense thrust upon them by the income-tax law, which was referred to the Committee on Finance.

Mr. GALLINGER presented memorials of sundry citizens of Portsmouth, N. H., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

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

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

He also presented a petition of Upper Hay Lake Grange, No. 1552, Patrons of Husbandry, of Sault Ste. Marie, Mich., praying for the adoption of a system of rural credits, which was referred to the Committee on Banking and Currency.

He also presented a petition of sundry citizens of Shelby, Mich., praying for the enactment of legislation to provide a compensatory time privilege to post-office employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Branch, Scandinavian Aid and Fellowship Society of America, of Ishpeming, Mich., praying for an appropriation for the erection of a monument to the memory of Capt. John Ericsson, which was referred to the Committee on the Library.

He also presented a petition of the New Century Club, of Detroit, Mich., praying that an appropriation be made for the control and prevention of floods, which was referred to the Committee on Commerce.

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

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

Mr. DU PONT presented petitions of sundry citizens of Georgetown, Seaford, Lebanon, Rising Sun, Frankford, Ocean View, Clarksville, Selbyville, Millville, and Dagsboro, all in the State of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

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

He also presented a petition of the congregation of the Third Presbyterian Church of Grand Rapids, Mich., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a memorial of the Central Labor Council of Seattle, Wash., remonstrating against conditions in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 443) thereon.

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (S. 5289) to provide for warning signals for vessels working on wrecks or engaged in dredging or other submarine work, reported it without amendment and submitted a report (No. 444) thereon.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (S. 2798) to provide for warning signals for vessels working on wrecks or engaged in dredging or other submarine work, reported adversely thereon, and the bill was postponed indefinitely.

Mr. LEA of Tennessee, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon: A bill (S. 145) for the relief of Charles Richier (Rept. No. 448); and

A bill (S. 1905) to prevent the desecration of the flag of the United States of America (Rept. No. 450).

He also, from the same committee, to which were referred the following bills, reported them each with amendment and submitted reports thereon:

A bill (S. 1988) to remove the charge of desertion from the military record of John H. Armstrong (Rept. No. 446);

A bill (S. 1991) correcting the military record of Abram H. Johnson (Rept. No. 445);

A bill (S. 2550) to correct the military record of Jacob Scott (Rept. No. 449); and

A bill (S. 2882) to remove the charge of desertion from the record of Charles M. Clark (Rept. No. 447).

#### THE COMMITTEE ON BANKING AND CURRENCY.

Mr. SHAFROTH, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 341, submitted by Mr. HITCHCOCK on the 20th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved*, That for the compiling of data showing the results of insurance of bank deposits in Oklahoma, Texas, Kansas, Nebraska, and South Dakota, also the compiling of the statutes on the subject in said States, and the judicial construction of said statutes in the courts of last resort, the Committee on Banking and Currency is authorized to employ expert assistance, the cost not to exceed \$50, to be paid from the contingent fund of the Senate, upon vouchers to be approved by the chairman.

#### BILLS INTRODUCED.

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

By Mr. BRADLEY:

A bill (S. 5386) granting an increase of pension to Bersheba Wood Logan (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 5387) granting an increase of pension to James D. Beasley (with accompanying papers); to the Committee on Pensions.

By Mr. GOFF:

A bill (S. 5388) granting an increase of pension to Josiah Gamble;

A bill (S. 5389) granting an increase of pension to William W. Givens; and

A bill (S. 5390) granting a pension to Louise Capehart; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5391) granting a pension to Franklin Cochran; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5392) to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians; to the Committee on Indian Affairs.

By Mr. SHIVELY:

A bill (S. 5393) granting an increase of pension to Naomi Feidler (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 5394) granting a pension to Virginia C. Sawyer (with accompanying papers); and

A bill (S. 5395) granting an increase of pension to Albert White (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5396) granting an increase of pension to Frederick J. Young (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5397) concerning water-power plants hereafter located upon the public lands, and for other purposes; to the Committee on Public Lands.

By Mr. SHIELDS:

A bill (S. 5398) for the relief of Mrs. George M. Goodwin; to the Committee on Claims.

A bill (S. 5399) granting an increase of pension to Thomas Hickman; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 5400) granting an increase of pension to Jane E. Myers; to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. BANKHEAD submitted an amendment proposing to appropriate \$41,800 for the maintenance of a division of the Railway Mail Service, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate \$2,220 for the salary of one assistant clerk to the Senate Committee on Post Offices and Post Roads, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. JONES submitted an amendment proposing to appropriate \$200,000 for a water supply for 120,000 acres of irrigable land allotted to Indians in the so-called Wapato project, on the Yakima Indian Reservation, in the State of Washington, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

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

Mr. PERKINS submitted an amendment proposing to increase the salary of the general superintendent of the Division of the Railway Mail Service from \$4,000 to \$4,800 per annum, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

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

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

Mr. SUTHERLAND submitted an amendment proposing to appropriate \$3,600 for the maintenance of an assay office at Salt Lake City, Utah, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### OMNIBUS CLAIMS BILL.

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

#### THE FIVE CIVILIZED TRIBES (S. DOC. NO. 472).

Mr. OWEN. I have received a letter from the First Assistant Secretary of the Interior, transmitting a list of persons found to be apparently equitably entitled to enrollment in the Five Civilized Tribes of Oklahoma. I ask that the letter and accompanying statement be printed as a public document and referred to the Committee on Indian Affairs.

The PRESIDENT pro tempore. Without objection, that action will be taken.

#### RECEIVER OF PUBLIC MONEYS, SPRINGFIELD, MO.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3403) to abolish the office of receiver of public moneys at Springfield, Mo., and for other purposes, which were, on page 1, line 4, after "shall," to insert "10 days"; on page 1, in lines 4 and 5, to strike out "31st day of December, 1913" and insert "passage and approval of this act"; on page 2, line 5, after "regulation" to insert "Provided, That all the fees and commissions now allowed by law to both such register and such receiver shall, 10 days after the passage and approval of this act, be paid to and accounted for by such register in the same manner and in like amounts in which they are now required to be paid to and accounted for by such receiver, but the salary, fees, and commissions of such register shall not exceed \$3,000 per annum"; to strike out all of section 2; on page 3, line 8, strike out "3" and insert "2"; on page 3, in lines 10 and 11, to strike out "on the 31st day of December, 1913," and insert "10 days from and after the approval of this act."

Mr. STONE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.



He also presented a petition of Local Division No. 286, Brotherhood of Locomotive Engineers, of Grand Rapids, Mich., and a petition of Local Division No. 565, Order of Railway Conductors, of Port Huron, Mich., praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a petition of Calhoun County Pomona Grange, Patrons of Husbandry, of Battle Creek, Mich., praying for the establishment of a system of rural credits, which was referred to the Committee on Banking and Currency.

He also presented a memorial of sundry citizens of Coleman, Mich., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. WEEKS presented a memorial of Rosecrans Post, No. 182, Department of California, Grand Army of the Republic, and of the Women's Relief Corps of Whittier, Cal., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a petition from sundry citizens of Denair, Cal., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. COLT presented a petition of the congregation of the Calvary Baptist Church of Providence, and a petition of sundry citizens of Woonsocket and Providence, R. I., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a petition of the Ministerial Union of Omaha, Nebr., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD. I present resolutions adopted by a large number of prominent business and professional men of Hillsboro, Tex., heartily endorsing President Woodrow Wilson's attitude with reference to the Panama Canal tolls matter. I move that the resolution be referred to the Committee on Inter-oceanic Canals.

The motion was agreed to.

Mr. BRADLEY presented a memorial of sundry citizens of Lexington, Ky., remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of Local Division No. 365, Brotherhood of Locomotive Engineers, of Louisville, Ky., praying for the enactment of legislation to provide an educational test for immigrants to this country, which was ordered to lie on the table.

He also presented a petition of the United Daughters of the Confederacy, of Lawrenceburg, Ky., praying for the enactment of legislation to provide for the refunding of the cotton tax collected from the year 1862 to the year 1868, which was referred to the Committee on Finance.

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

Mr. WEEKS. Mr. President, I present resolutions adopted by the Massachusetts Real Estate Exchange, a large commercial body in Boston, Mass., remonstrating against the repeal of the clause in the Panama Canal act exempting coastwise shipping from the payment of tolls. I move that the resolutions be received and referred to the Committee on Inter-oceanic Canals.

The motion was agreed to.

Mr. WEEKS. I present resolutions adopted at a citizens' mass meeting held at Faneuil Hall, Boston, Mass., April 27, 1914, relating to our relations with Mexico. In that connection, while I do not ask to have the resolutions read, I wish to call attention to the last one, because I think it is most pertinent. It is as follows:

That we earnestly urge an immediate and express declaration by Congress reaffirming the pledge given by President Wilson in his Mobile speech that the United States will not seek one foot of territory by conquest.

I hope the writers of that resolution will note the action of the Senate last Tuesday night, when an amendment to that effect was voted down by the unanimous vote of the majority.

The VICE PRESIDENT. The resolutions will be referred to the Committee on Foreign Relations.

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

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

Mr. BRANDEGEE. I send to the desk a very brief telegram which I have received from constituents of mine in Hartford, Conn., and ask that it may be read.

The VICE PRESIDENT. Is there objection?

Mr. SMITH of Michigan. Do I understand the Senator from Connecticut desires to have the telegram read?

Mr. BRANDEGEE. I should like to have the telegram read. It contains only a few lines.

Mr. SMITH of Michigan. I shall be very glad to have it read.

Mr. BRANDEGEE. I will read it myself if there is any objection.

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

The Secretary read as follows:

[Telegram.]

HARTFORD, CONN., April 29, 1914.

Hon. FRANK B. BRANDEGEE,

Senator from Connecticut, Washington, D. C.:

We, mothers, wives, and sisters of American boys, commend the action of the President in accepting offers of mediation, and urge that you use every effort for suppression of hysterical war spirit and consummation of speedy peace. Offenses committed are more than atoned for by Mexican and American homes already bereaved. Public and international sentiment demand generous action by United States.

(Signed by N. C. Palmer and about 150 others.)

Mr. BRANDEGEE. I will simply state that the signers of the telegram are among the first ladies of the city of Hartford, Conn. I do not ask that all their names be published, but that it be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. The telegram will be referred to the Committee on Foreign Relations.

Mr. BRANDEGEE presented memorials of sundry citizens of New Haven and Bridgeport and of the German-American Alliance, of New Haven, all in the State of Connecticut, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Liberty Council, No. 8, Daughters of America, of Noank, Conn., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. SHIVELY presented petitions of the congregations of the Methodist Church of Oxford and the Bethel Evangelical Church, of Elkhart and of sundry citizens of Kendallville and Motticello, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

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

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

He also presented a petition of the Ministerial Association, of Fort Wayne, Ind., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

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

Mr. LODGE presented a petition of the Board of Selectmen, of Winthrop, Mass., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. POINDEXTER presented a memorial of the Mining Men's Club, of Spokane, Wash., remonstrating against the leasing of Government lands and resources which are contrary to the principles of our Government and urging that they be disposed of under the laws which have been in force until recently, which was referred to the Committee on Public Lands.

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

Mr. LA FOLLETTE presented memorials of 5,236 electors residing in the first congressional district, of 4,906 electors residing in the second congressional district, of 3,168 electors residing

in the third congressional district, of 23,638 electors residing in the fourth congressional district, of 22,726 electors residing in the fifth congressional district, of 6,930 electors residing in the sixth congressional district, of 4,554 electors residing in the seventh congressional district, of 2,354 electors residing in the eighth congressional district, of 6,754 electors residing in the ninth congressional district, of 924 electors residing in the tenth congressional district, and of 3,388 electors residing in the eleventh congressional district, all in the State of Wisconsin, remonstrating against the passage of House joint resolution No. 168 and Senate resolutions Nos. 50 and 88, seeking to amend the Constitution for national prohibition, which were referred to the Committee on the Judiciary.

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

He also presented a memorial of the State Board of Trade of Maine, remonstrating against the enactment of legislation to create an interstate trade commission, which was referred to the Committee on Interstate Commerce.

Mr. McLEAN presented a petition of sundry citizens of New Britain, Conn., praying for the repeal of the exemption clause in the Panama Canal act, which was referred to the Committee on Inter-oceanic Canals.

He also presented memorials of sundry citizens and organizations in New Haven, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BURLLEIGH presented petitions of sundry citizens of Mattawamkeag, Charleston, Waldo, and Jefferson, and of the congregation of the Methodist Church of Mattawamkeag, all in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 5392) to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nation of Indians, ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians, reported it with amendments and submitted a report (No. 467) thereon.

He also, from the Committee on Woman Suffrage, to which was referred the joint resolution (S. J. Res. 128) proposing an amendment to the Constitution of the United States, reported it without amendment and submitted a report (No. 468) thereon.

Mr. ROOT, from the Committee on the Library, to which was referred the bill (S. 3692) to promote the erection of a memorial in conjunction with the celebration of the centenary of the Battle of Plattsburg during the year 1914, in commemoration of the one hundredth anniversary of Macdonough's victory in the naval battle fought in the War of 1812, the last naval engagement between English-speaking peoples, reported it with an amendment and submitted a report (No. 471) thereon.

#### REPORT OF PUBLIC BUILDINGS COMMISSION.

Mr. SWANSON, Section 36 of the public-buildings act, approved March 4, 1913, provides for a Public Buildings Commission and requires the commission to submit a report to Congress. I present the report of the Public Buildings Commission, and ask that it be received and referred to the Committee on Public Buildings and Grounds.

Mr. SWANSON subsequently said: A short while ago I submitted a report from the joint committee of the Public Buildings Commission. I did not ask that the report be printed, as I thought it would be printed under the rule governing the printing of such documents. As it is not the report of a committee, but the report of a commission, I think I will be compelled to ask that 1,000 additional copies of the report be printed for the use of the Senate document room.

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

#### LIEUT. COL. CONSTANTINE MARRAST PERKINS.

Mr. TILLMAN. From the Committee on Naval Affairs I report the bill (S. 5148) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps without amendment, and submit a report (No. 466) thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That the President of the United States be, and is hereby, authorized to restore Constantine Marrast Perkins, now a lieutenant colonel on the retired list, to the active list of the Marine Corps, in the grade of colonel, to take rank in said grade next after Col. Franklin J. Moses, who was the officer immediately above the said Constantine Marrast Perkins in the list of lieutenant colonels at the date said Constantine Marrast Perkins was retired from active service with the rank of lieutenant colonel: *Provided,* That the said Constantine Marrast Perkins shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of colonel: *Provided further,* That the said Constantine Marrast Perkins shall be carried, while he may be advanced pursuant to this act, until such time as a vacancy occurs in said grade: *And provided further,* That the said Constantine Marrast Perkins shall not, by the passage of this act, be entitled to any back pay or allowances.

Mr. HITCHCOCK. I should like to learn from the Senator from South Carolina the reason for the retirement of this officer.

Mr. TILLMAN. That is all stated in the report which accompanies the bill. If the Senator from Nebraska desires the report read, that may be done.

Mr. HITCHCOCK. I do not like to have a bill of that sort go through without any explanation.

Mr. TILLMAN. I call for the reading of the report, Mr. President.

Mr. LODGE. Of course I have no objection to the reading of the report, but I think that I can make a brief statement which I believe will satisfy the Senator from Nebraska.

Mr. HITCHCOCK. I have no desire to have the report read, but I should like to have some statement concerning the matter.

Mr. LODGE. This officer was refused promotion on the finding of two medical officers of the service, and their finding was afterwards shown to be absolutely wrong and unfounded.

Mr. CLARK of Wyoming. By whom were the subsequent findings made?

Mr. LODGE. It was decided by Col. Gorgas and all the best authorities we have that the first board had made a mistake in diagnosis.

Mr. CLARKE of Arkansas. Let me ask the Senator from Massachusetts a question. I ask whether this officer was put out of the service by the activities of what is known as the "plucking board"?

Mr. LODGE. He resigned from the service.

Mr. CLARKE of Arkansas. What is the occasion of his being restored at this time and marked especially for advancement?

Mr. LODGE. He resigned from the service because he was unwilling to be retired by law, with the statement that he was mentally unsound. It has been shown, beyond any reasonable doubt, that he was not mentally unsound, and that showing has been accepted by the department, which, I assure the Senator, is a very unusual thing for them to do.

Mr. CLARKE of Arkansas. He voluntarily resigned?

Mr. LODGE. The Secretary of the Navy recommends the bill.

Mr. CLARKE of Arkansas. He voluntarily resigned when confronted by the finding of a board to the effect that he was mentally unsound.

Mr. LODGE. It was the finding of a board on the report of two physicians.

Mr. CLARKE of Arkansas. But he resigned, and now it is proposed that he be put back without any showing, except the fact that he retired at that time.

Mr. LODGE. He must be examined and found qualified in order to get back.

Mr. TILLMAN. The Secretary of the Navy explains the whole thing, as Senators will see if they will allow the report to be read.

Mr. LODGE. The whole matter is explained in the report, but I thought I could save time by making a brief statement of the case.

Mr. SMITH of Georgia. It is also true that there was a thorough investigation by the House committee and a unanimous report to the effect that the finding of the two surgeons that the officer was mentally unsound was entirely unfounded; and his mental soundness is certified to not only by Col. Gorgas, but by several other of the most distinguished surgeons in the service.

Mr. LODGE. By three of the most distinguished surgeons in the service.

Mr. SMITH of Georgia. He was really forced out under that charge. He was in a nervous condition at the time. That is my understanding.

tion and careful study for a full year, and who strongly favors the passage of this measure, the purpose of which is to make tardy amends to an honorable officer who has been grievously wronged, by giving back to him the place on the active list which is rightfully his, your committee feels called upon to voice its profound regret that it is not within its province at this time to do more than carry out the department's desire and recommend for passage the bill (S. 5148) which was drafted by the Secretary of the Navy himself, and which authorizes the President to restore Lieut. Col. Constantine Marrast Perkins, now retired, to the active list of the Marine Corps, in the grade of colonel, as an additional number, to take rank next after Col. Franklin J. Moses, who was the officer immediately above the said Constantine Marrast Perkins in the list of lieutenant colonels at the date that officer was retired from active service with the rank of lieutenant colonel.

And your committee so recommends to the Senate in the passage of the pending measure.

[House Report No. 727, Sixty-second Congress, second session.]

The Committee on Naval Affairs, to whom was referred a bill (H. R. 9290) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps, having had the same under consideration, report the same favorably with the recommendation that the bill do pass.

This bill provides for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the United States Marine Corps. Col. Perkins entered the service in 1875 as a cadet midshipman, graduated, was commissioned in the Navy, voluntarily transferred to Marine Corps in 1884, and was retired, after a service of 32 years, as a lieutenant colonel on June 18, 1907. He now claims that he ought to be reinstated to the active list, because his retirement, which pretended on its face to be voluntary, was really obtained by duress, coercion, and fraud. In other words, Col. Perkins claims that he was placed in a situation where he was compelled to elect between being dismissed from the service as a lunatic or a voluntary retirement, and that his consent to retire from the service was given solely to escape the disgrace of the charge of insanity.

The subcommittee to which this matter was referred accumulated a great mass of testimony and came to the conclusion that the claim of Col. Perkins is true. On a report of these facts to the full committee, it took the same view, and the conclusion of both the subcommittee and the full committee was unanimous. A brief review of the facts is now submitted to the House.

The history of Col. Perkins as an officer is highly creditable both to himself and to the service. For many years nothing but commendation from his superiors crowned the discharge of his duties. Finally, his protracted services in the Tropics undermined his health and in 1904, he was stricken with a tropical fever in the Philippines, and for quite a while his nervous system was left in a shattered condition. In the month of October, 1905, he had recovered his health, and his physicians certified that he was again fit for duty. On this certificate Gen. George F. Elliott, commandant United States Marine Corps, assigned him to the duty of recruiting officer in California, and later transferred him to Pennsylvania, and in this work he continued until the month of June, 1906, when the trouble which culminated in his retirement began.

The Navy regulations required a report to be made on the fitness of officers every six months and a copy of the report to be given to the officer in case the same should be unfavorable. A report on the fitness of Col. Perkins was due to be made on the 30th of December, 1905, but receiving no notice of it he assumed that it, like all of his other reports covering his service of 32 years, was favorable. But in June, 1906, six months after he should have received a notice, he was informed by the commandant, Gen. Elliott, that the report was unfavorable. To this report Col. Perkins replied that his health had been restored and requested a more favorable consideration, in view of the fact that he was due to appear before the board for promotion from the rank of major to that of lieutenant colonel in July. Gen. Elliott replied that he could not modify the unfavorable report, inasmuch as it expressed his honest opinion. Inasmuch as Gen. Elliott had not seen Col. Perkins for 17 years, and as no examination had been made of his fitness except the one in October, 1905, on the strength of which Gen. Elliott had assigned him to duty in California, the committee is unable to appreciate the honesty of this opinion. In July, 1906, Col. Perkins appeared before the board for promotion in Boston, and was then confronted with another unfavorable report from Gen. Elliott, and when asked by the board why he had not replied to this report, he replied that he had received no notice of this report. He was then informed that this report would be disregarded by the board, and, without any report to act on, the board subjected him to a rigid examination, which lasted two days, with the result that Col. Perkins was completely vindicated and promoted with the hearty congratulations of the entire board.

When Gen. Elliott notified Col. Perkins, in June, 1906, that he had made the unfavorable report, he also warned him that in case of his promotion he would probably be sent to Panama, a mission which was regarded as dangerous, especially to one like Col. Perkins, who had already been the victim of tropical diseases, and at the same time came a proposition from Capt. Borden to pay Col. Perkins \$1,000 for his number, proposing that sum of money if Col. Perkins would retire and make place for the promotion of Capt. Borden. The fact—that an unfavorable report was made on the 31st of December, 1905, by Gen. Elliott, who had neither personal knowledge nor a medical survey to base it on, and in conflict with the medical examination of October 25, 1905, on which he was assigned to duty; that notice of this unfavorable report was delayed, in violation of regulations, from January to June, 1906; that about the same time Col. Perkins was advised that his retirement was desired to make place for another to the extent of an offer of \$1,000; that he was warned that his promotion would be followed by the penalty of further service in the Tropics; that a second unfavorable report on his condition was made without personal knowledge or a medical survey on which to base it; that the existence of this report was concealed from him, in violation of regulations, until he appeared before the board, and his complete vindication by the examining board, which promoted him, together with the fact that the second unfavorable report has been mysteriously abstracted from his record and a favorable report substituted for it under date of July, 1907, a year after it should have been filed—constrain the committee to conclude that Gen. Elliott had determined to run Col. Perkins out of the service, in violation of law and in defiance of justice.

Soon after the promotion of Col. Perkins he was assigned to duty at Panama, and assumed command of the Marine Corps at that point, where he remained until May, 1907. While here every order he made was disapproved, and he was usually reprimanded in severe terms. A number of these orders for which he was reprimanded were in identical language employed by his predecessors and by his successors,

and although these orders were approved when issued by others, yet they were disapproved with reprimand when issued by Col. Perkins.

One of these orders was a requirement that the men should take quinine to preserve their health, which was recommended by the camp surgeon and approved by Col. Gorgas, the chief health officer of the Canal Zone. Another was an order assigning the horses of the command to certain officers in the discharge of their duties. Another was a request asking the quartermaster to aid in the collection of books for the use of the men to read in this isolated camp. These are samples of the orders issued by Col. Perkins, which Gen. Elliott disapproved and on account of which he reprimanded Col. Perkins.

But the order which culminated in the retirement of Col. Perkins was issued under these circumstances: When he went to Panama he called upon the American minister, Hon. Herbert G. Squires, who informed him that Secretary Taft, now the President, would soon visit Panama and that a public reception was contemplated in his honor. The minister expressed a desire that the officers under Col. Perkins's command should attend, but declared that he could not invite them unless they paid their official call upon him. In order to insure the attendance of his officers at this public function, Col. Perkins requested his officers to make this call upon the American minister, and issued what is known as the "calling order." For this act of courtesy he was stingingly reprimanded by Gen. Elliott, and his order of courtesy Col. Perkins respectfully appealed to the Secretary of the Navy, and the American minister brought the discourteous treatment accorded him by the officers under Col. Perkins to the attention of the Secretary of State. The appeal was never presented to the Secretary of the Navy, but was pigeonholed by Gen. Elliott, thus preventing its consideration by his superior officer, and Gen. Elliott, immediately upon receipt of this appeal, issued an order detaching Col. Perkins from his command and ordering him to report at once to headquarters, Washington, D. C. Upon the arrival of Col. Perkins here he reported to Gen. Elliott, who then informed him for the first time that he was to appear before a retiring board at 10 o'clock, it then being 3 minutes after the time, upon the ground that Col. Perkins was insane.

After some trouble, Col. Perkins secured a delay of a few days in which to obtain counsel and prepare his defense. After two or three days Col. Perkins secured the services of Mr. Gibbs L. Baker, of the Washington City bar, as his attorney, and the trial began. His military and medical record were read to the board, and then the two medical members of the board, Messrs. Urie and McClurg, gave him a physical examination, which lasted only a few minutes and consisted of feeling his pulse and listening to the beat of his heart. Upon this examination they reported to the board that he was afflicted with "mental instability" and incapacitated for the discharge of his duties. After this report was made the board heard the testimony of Col. Gorgas, Maj. and Surg. Woodruff, United States Army, and Surg. George A. Lung, and other witnesses, all of whom had known Col. Perkins intimately for years, and who not only made a thorough examination of Col. Perkins's physical and mental condition, but who knew his professional acquirements as well. This testimony, which it is unnecessary to discuss in detail, showed conclusively that Col. Perkins was physically and mentally sound and well qualified and eminently capacitated to discharge the duties of his rank. However, the board ratified the verdict which the medical members had rendered before they had heard the evidence, and found that Col. Perkins was afflicted with "mental instability" and incapacitated to discharge his duties.

It may be here mentioned that evidence was offered before the subcommittee, and the committee was satisfied after due investigation of its truth, that the president of the retiring board had, during the trial and prior to the introduction of evidence for the defense, expressed hostility toward Col. Perkins, thereby showing that he was prejudiced and had prejudged the case before him.

Your committee took the testimony of the members of the retiring board, who were given full opportunity to explain the grounds on which they reached this conclusion. They assigned only two reasons worthy of notice. One of these reasons is that, while in Panama, the records kept by Col. Perkins were unusually voluminous. The details of every occurrence were put into the record, and this, being unusual, was regarded as an evidence of mental unsoundness. The explanation of this is that Col. Perkins went to Panama with the belief, engendered by the occurrences already related, that Gen. Elliott had determined to drive him out of the service, and that this belief was confirmed by the fact that every order issued by him was disapproved with a reprimand, and therefore in order to protect himself, he took the precaution to make a complete and unusually detailed record of all that occurred. What the retiring board regarded as evidence of insanity has therefore impressed your committee as a manifestation of good judgment and wise precaution.

The other reason assigned for the alleged mental instability was a delusion of persecution. When pressed to explain what was intended by this new mental disease, called "mental instability" in the findings of the board, the committee was told that paranoia was the kind of insanity intended; and when asked what symptoms of paranoia the board discovered, the reply was that Col. Perkins seemed to be suffering with a delusion that he was the subject of persecution. In other words, on the 31st day of December, 1905, and on the 30th day of June, 1906, the commandant, Gen. Elliott, made two unfavorable reports on the fitness of Col. Perkins without any personal knowledge or medical survey as a foundation for said reports. Notices of these reports were, in violation of the regulations, withheld from him.

One of these reports was abstracted from his record and a new one substituted therefor a year afterwards; an effort was made to purchase his retirement; he was warned that he would be sent back to the Tropics, where he had lost his health; all of the orders he issued in Panama were disapproved with reprimand; and he was ordered before a retiring board on a charge of insanity without previous notice of what charge he was to face, not only without evidence to support it, but in the face of the certificates of his doctors and of the findings of the examining board at Boston; and because he interpreted all this as persecution the retiring board concluded that he was insane; but since the committee drew from these facts the same conclusion as Col. Perkins did, it is impossible to adopt the view that such conclusion showed insanity. In short, if there had been no affirmative evidence of the mental soundness of Col. Perkins, the testimony relied on by the board was wholly insufficient to sustain its findings of "mental instability."

But however this may be, the finding of the retiring board was set aside by the Judge Advocate General of the Navy, who reviewed it, and in this conclusion he has been sustained by two other judges advocate. In this condition of the record, your committee found it necessary to disapprove the finding of the retiring board or of the Judge Advocate General who had reversed that finding, and in view of the evidence it

has no hesitation in saying that the verdict of the retiring board was properly reversed by the Judge Advocate General.

But within an hour after the retiring board had found this unjust verdict, a messenger from the commandant, Gen. Elliott, came to the office of Attorney Gibbs L. Baker to inform Col. Perkins that the board had found against him, and, pretending friendship for Col. Perkins, urged him to submit to voluntary retirement, which the commandant claimed was the only way to prevent the publication of the stigma of insanity, as he declared that the President would approve the finding of the retiring board at 2 o'clock on that day unless some arrangement should be made at once. He reminded Col. Perkins that his son at the Naval Academy would be injured by the disgrace, and appealed to his love for his boy to induce him to submit. Soon after this the commandant himself called Col. Perkins over the phone and told him he must either voluntarily retire or be disgraced as a lunatic; Col. Perkins refused to acquiesce, and through his Congressman appealed to the Secretary of the Navy, who agreed to consider the case. On the next day the Congressman, Col. L. F. Livingston, called to ascertain the conclusion of the Secretary and was confronted with telegrams from Col. Perkins's wife and from personal friends in California urging the Secretary for the sake of the family to let Col. Perkins retire and send him home. The Secretary asked Col. Livingston how he could explain these telegrams, and on his admission that there was no explanation, he said that Col. Perkins must be crazy. Thus baffled and overcome, Col. Livingston and Attorney Baker informed Col. Perkins that he must submit to voluntary retirement, and then it was that Col. Perkins signed a paper making the best terms he could get and retired from the service.

But it was clearly proven before your committee some marine officer, whose name could not be ascertained, had written a letter to a close friend of Col. Perkins's wife in California in which it was stated that if Col. Perkins did not retire from the service voluntarily he would be dismissed from the service and his family left penniless. This letter was shown to the wife of Col. Perkins under her sacred pledge never to disclose the name of the author, and by this letter Mrs. Perkins and the personal friends of Col. Perkins were induced to send the telegrams to the Secretary of the Navy. The retirement of Col. Perkins was therefore not voluntary, but was procured by duress and fraud. The development of the fact is a complete vindication, but as a matter of justice the bill authorizing his reinstatement should be passed.

The record of the American Navy is the pride of the American people. It glows with unsullied honor. And every consideration of pride in the Navy, as well as justice to Col. Perkins, requires that this first dark stain should be blotted out in his reinstatement to the active list. The committee therefore unanimously recommends that the bill do pass.

Mr. OLIVER. Mr. President, I ask unanimous consent that the further reading of the report be dispensed with.

Mr. VARDAMAN. I do not care to hear anything further. I insisted on the reading of the report in order that the Senate might be informed about the case.

Mr. LODGE. What follows relates only to the form of the bill.

Mr. VARDAMAN. Yes.

Mr. CLARK of Wyoming. Mr. President, this report and the bill seem to present a very singular state of affairs. I confess that I really do not understand it. I desire to ask the senior Senator from South Carolina, the chairman of the committee, whether any steps have been taken in relation to this whole affair other than the introduction of the present bill?

Mr. TILLMAN. A bill has been introduced in the House dealing with the matter.

Mr. CLARK of Wyoming. Yes; but the bill and report present one of two things, Mr. President. If the bill and the report represent the true state of affairs, then there is existing in the medical department a condition that calls for action or investigation, because both committees report—and the Secretary of the Navy indorses the report—that this man's retirement was caused by fraud.

Mr. TILLMAN. Fraud and duress.

Mr. CLARK of Wyoming. The report which brought about his retirement is said to have been the result of fraud. If that is true, it shows a disgraceful intrigue in some branch of the service to get rid of a worthy officer.

Mr. TILLMAN. I think that is so.

Mr. CLARK of Wyoming. It seems to me that in connection with this report, if we are to decide here that this man was a worthy officer, and that his retirement was brought about by fraud and by intrigue or jealousies in the service, it is the duty of the Naval Affairs Committee to make some investigation and some report on the matter. I do not remember, in my experience, ever having had laid before the Senate reports of committees of the two Houses, backed up by the head of the department in which the occurrences took place, that said in definite language that there had been fraud, collusion, and intrigue in the administration of any branch of that department.

Mr. President, I know nothing about the circumstances of this case. I am compelled to rely upon the report and the investigation of these committees and of the Secretary of the Navy; but I do not like the looks of this whole circumstance.

Mr. TILLMAN. I agree with the Senator.

Mr. CLARK of Wyoming. If the report is true, I do not believe the matter ought to stop here. I think something ought to be done, particularly at this time, to remove from the Navy men who would take part in such miserable intrigues.

Mr. TILLMAN. I agree entirely with the Senator; and I promise him that, so far as I can bring it about, the Naval

Affairs Committee will look further into this matter and let the country know what the real facts are and what, if anything, the department has done or proposes to do.

Mr. CLARK of Wyoming. It occurs to me, by way of passing, that the Navy Department itself, having knowledge of this matter nearly a year ago, so far as we know, has taken no steps in regard to it. I do not know whether it has or not. I do not want to do the department an injustice.

Mr. WEEKS. Mr. President, the officer referred to in this bill was a classmate of mine at the United States Naval Academy. Therefore I have been familiar with him and his service for more than 35 years.

The impression has been given here that he retired from the service. He did go on the retired list in 1907, but did not resign from the naval service. There is no question about the fact that when Col. Perkins was ordered before the retiring board and was examined by a board of medical officers he had been in a highly nervous condition; but I do not think he was ever insane or that those who passed on his case at the time would so contend. Being in a nervous condition as he was, and wishing to avoid trouble which he doubtless exaggerated, he did apply for retirement and was placed on the retired list; but as soon as he had recovered his health he commenced to make a campaign to be restored to the active list of the Marine Corps, and that campaign has been maintained from that time until the present time by him and by his friends.

In my judgment there is no reason why Col. Perkins should not be restored to the active list. Since his retirement he has taken a law course at one of the law schools in Washington—the National Law School, I think—where he graduated at the head of his class and took the highest honors, which would seem to be a pretty clear indication that his mind is sound, and he must pass a physical examination in order to be restored to the service. I think it is a matter of justice to Col. Perkins and justice to the service that this bill should be passed, and passed at once.

Mr. SMITH of Michigan. I will ask the Senator how old he is?

Mr. WEEKS. About 52.

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

#### PANAMA CANAL TOLLS.

Mr. O'GORMAN. From the Committee on Inter-oceanic Canals I report back with an amendment the bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912, and I submit a report (No. 469) thereon. I give notice that at an early day I shall ask that a day be set for the consideration of the bill.

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

Mr. BRANDEGEE. What is the report? The Senator does not state with what recommendation he reports it.

Mr. SMITH of Michigan. It is reported without recommendation.

Mr. BRANDEGEE. I should like to have it stated for the RECORD. There is a report accompanying the bill?

The VICE PRESIDENT. There is a report.

Mr. BRANDEGEE. I ask that it be read.

The VICE PRESIDENT. The Senator from Connecticut asks that the report be read. Is there objection? The Chair hears none.

The Secretary read the report as follows:

Mr. O'GORMAN, from the Committee on Inter-oceanic Canals, submitted the following report:

The Committee on Inter-oceanic Canals, to which was referred the bill (H. R. 14385) entitled "An act to amend section 5 of 'An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone,' approved August 24, 1912," having considered same, report it back to the Senate without recommendation, with the following amendment:

On page 2, line 6, after the word "three," insert as follows:

"Provided, That neither the passage of this act nor anything therein contained shall be construed or held as waiving, impairing, or affecting any treaty or other right possessed by the United States."

#### RESERVES IN STATE BANKS.

Mr. OWEN. I report back from the Committee on Banking and Currency favorably, without amendment, the bill (S. 4966) proposing an amendment as to section 19 of the Federal reserve act, relating to reserves, and for other purposes. The amendment proposes to authorize State banks or trust companies to keep their reserves with other State banks or trust companies for the three years provided, where the law permits it to be done under the State statute. The bill is recommended by the Secretary of the Treasury, and I think it ought to be passed. I ask for its present consideration.

The VICE PRESIDENT. Is there objection?

Mr. LODGE. I should like to hear the bill, reserving the right to object.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary proceeded to read the bill, and read as follows:

*Be it enacted, etc.*, That section 19, subsections (b) and (c), of the act approved December 23, 1913, known as the Federal reserve act, be amended and reenacted so as to read as follows:

"(b) A bank in a reserve city as now or hereafter defined, shall hold and maintain reserves equal to 15 per cent of the aggregate amount of its demand deposits and 5 per cent of its time deposits, as follows:

"In its vaults for a period of 36 months after said date, six-fifteenths thereof, and permanently thereafter five-fifteenths.

"In the Federal reserve bank of its district for a period of 12 months after the date aforesaid, at least three-fifteenths, and for each succeeding 6 months, an additional one-fifteenth, until six-fifteenths have been so deposited, which shall be the amount permanently required.

"For a period of 36 months after said date the balance of the reserves may be held in its own vaults, or in the Federal reserve bank, or in national banks in central reserve cities, as now defined by law.

"After said 36 months' period all of said reserves, except those hereinbefore required to be held permanently in the vaults of the member bank and in the Federal reserve bank, shall be held in its vaults or in the Federal reserve bank, or in both, at the option of the member bank.

"(c) A bank in a central reserve city, as now or hereafter defined, shall hold and maintain a reserve equal to 18 per cent of the aggregate amount of its demand deposits and 5 per cent of its time deposits, as follows:

"In its vaults, six-eighteenths thereof.

"In the Federal reserve bank, seven-eighteenths.

"The balance of said reserves shall be held in its own vaults or in the Federal reserve bank, at its option.

"Any Federal reserve bank may receive from the member banks as reserves not exceeding one-half of each installment eligible paper as described in section 13 properly indorsed and acceptable to the said reserve bank.

Mr. OWEN. I wish to call the attention of the Senate to the fact that the law as just read is merely a repetition of the Federal reserve act, and that the part which is now to be read, providing for State banks, is the amendment which is inserted in that provision.

The Secretary read as follows:

If a State bank or trust company is required or permitted by the law of its State to keep its reserves either in its own vaults or with another State bank or trust company or with a national bank, such reserve deposits so kept in such State bank, trust company, or national bank shall be construed within the meaning of this section as if they were reserve deposits in a national bank in a reserve or central reserve city for a period of three years after the Secretary of the Treasury shall have officially announced the establishment of a Federal reserve bank in the district in which such State bank or trust company is situated.

Mr. OWEN. That is the amended part of the section.

Mr. SMITH of Michigan. Mr. President—

Mr. OWEN. The reading of the bill has not been concluded.

Mr. SMITH of Michigan. The bill can only be considered by unanimous consent, and I object to its consideration to-day.

The VICE PRESIDENT. The bill will go to the calendar.

#### LANDS IN SALT CREEK DRAINAGE DISTRICT, OKLA.

Mr. OWEN. From the Committee on Indian Affairs I report back favorably, without amendment, the bill (H. R. 13133) for the approving and payment of the drainage assessments on Indian lands in Salt Creek drainage district numbered 2, in Pottawatomie County, Okla., and I submit a report (No. 47) thereon. The bill has passed the House of Representatives; it is a local matter, and I would be glad to have it given present consideration. It is only a short measure.

Mr. CLARK of Wyoming. Let it be read for information.

The Secretary read the bill.

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

Mr. OWEN. I ask that it go to the calendar.

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

#### BILLS INTRODUCED.

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

By Mr. ROOT:

A bill (S. 5436) authorizing the purchase of two pieces of sculpture by St. Gaudens; to the Committee on the Library.

By Mr. LIPPITT:

A bill (S. 5437) authorizing the Secretary of War to donate to the town of West Warwick, R. I., condemned cannon and bells; to the Committee on Military Affairs.

By Mr. JOHNSON:

A bill (S. 5438) granting a pension to Myra F. Brown;

A bill (S. 5439) granting an increase of pension to Allen C. Goodwin; and

A bill (S. 5440) granting a pension to Emily Morang; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5441) for the relief of Adam Culp; to the Committee on Military Affairs.

A bill (S. 5442) granting a pension to Matilda Weger; to the Committee on Pensions.

By Mr. COLT:

A bill (S. 5443) granting an increase of pension to Marguerite D. Pollard (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5444) granting an increase of pension to Susan J. Cantrell; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 5445) for the relief of Gordon W. Nelson (with accompanying papers); to the Committee on Naval Affairs.

FREDERICK A. COOK.

Mr. POINDEXTER introduced a joint resolution extending thanks to Frederick A. Cook for his discovery of the North Pole April 21, 1908, which was read the first time by its title.

Mr. POINDEXTER. I ask that the joint resolution be read and appropriately referred.

The joint resolution (S. J. Res. 144) extending thanks to Frederick A. Cook for his discovery of the North Pole on April 21, 1908, was read the second time at length, as follows:

*Resolved, etc.*, That the thanks of Congress are hereby extended to Frederick A. Cook for his discovery of the North Pole on April 21, 1908. The Secretary of the Navy is hereby authorized and directed to procure and present to the said Frederick A. Cook a gold medal of suitable design, in recognition of his services to science in making said discovery. The sum of \$300 is hereby appropriated out of any money in the Treasury not otherwise appropriated for said medal and the design therefor.

Mr. POINDEXTER. Mr. President, I desire to make a brief statement in explanation of the joint resolution.

The discovery of the North Pole and of the conditions surrounding the immediate polar region has added most valuable data to science. The explorer who had the courage and fortitude to travel into these hitherto unknown regions should be the recipient of recognition and honor from his country. I have observed very closely the so-called "polar controversy," and am firmly convinced that a grievous wrong has been done to Dr. Frederick A. Cook by the failure of his country to reward or officially recognize his great services in this connection. It is admitted by all that Dr. Cook sailed from Gloucester, Mass., for northwest Greenland on July 3, 1907, with a complete polar equipment; that he spent the winter of 1907-8 at Annoatok; that he left Annoatok with a well-equipped party of Eskimos February 19, 1908, for the north; that he went to Cape Svartevoeg and 60 miles beyond; that he spent the winter of 1908-9 at Cape Sparbo with two Eskimos; that he returned with them to Annoatok the middle of April, 1909; that he went from there south, by sledge, to Upernavik, arriving there on May 20, 1909. This admitted journey, including detours, covers a distance of approximately 3,000 miles, the longest and most difficult sledge journey on pack ice ever undertaken. If he was able to make this journey, it is reasonable to suppose he was able to travel the 520 miles from Svartevoeg to the pole when his outfit and party were in prime condition. Being so equipped and desirous of reaching the pole, it is unreasonable to suppose he would have spent the summer in idleness about Cape Svartevoeg. If, as has been claimed, he planned to make a false report of the discovery of the pole, it is reasonable to suppose he would have returned to Annoatok and to civilization in the summer of 1908, and unreasonable to suppose that he would have endured the horrors of a winter in a hut at Cape Sparbo.

The first description of conditions in the immediate region of the pole ever published was cabled by Dr. Cook from Lerwick, Shetland Islands, to the New York Herald September 1, 1909. This account was printed in full in the New York Herald September 2, 1909. In this account Dr. Cook reported the immediate polar surface as a sea of moving ice, composed of old ice, of large, level ice fields, apparently purple-blue in color, drifting southeast; ice moving freely; smooth surface, easy traveling; pressure lines less marked, easily crossed; leads and water sky east and south; temperature -15 to -46; horizon seemingly extended; a deep sea; no land. The only other account ever published of physical conditions at the pole was sent out by Robert E. Peary from Indian Harbor, Labrador, to the New York Times on September 11 and 12, 1909, nine days after Cook's account was published in the Herald. In this account Peary stated he was at the pole on April 6, 1909, and corroborated in every material detail the previously published description of Dr. Cook as to sea, ice, temperature, drift, colors, absence of land at the pole. If Cook did not reach the pole with his Eskimos in 1908, how did he know the physical conditions surrounding it? There was no human being who knew or ever claimed to know previous to that time, and his account of the

facts, corroborated by Peary, is at variance with previous theories.

Previous to the so-called polar controversy every one who had ever been associated with Cook in exploring expeditions spoke well of his character and ability. When the polar controversy arose and grew bitter an attempt was made to discredit Cook by attacking his account of the ascent of Mount McKinley. In this matter, as in the polar trip, Dr. Cook published an account of his explorations. In Harper's Monthly Magazine for May, 1907, he described the physical conditions and appearances of the ascent and the summit of McKinley. This was published in book form in 1908. Previous to these publications no one had ever described the summit of McKinley. No one claimed to know its conditions or appearances. He described minutely the "northeast ridge," its sharp summit, and the route by it to the extreme summit of the mountain; the great upstanding granite rocks at the point of approach to the Median Glacier, or Grand Basin, lying between the north and south peaks of the extreme summit; the two summit peaks themselves; and that the south peak is the higher of the two. No one had ever stated these facts before Dr. Cook's publication of them. No one ever claimed to know them before Cook's ascent of the mountain. They could only be ascertained by an ascent of the mountain.

In Scribner's Magazine for November, 1913, Archdeacon Hudson Stuck publishes an account of his own subsequent ascent of the mountain. In it he corroborates in every material feature Cook's previously published account of the sharp backbone of the northeast ridge; the difficulties of its ascent; the great granite rocks at the entrance to the Grand Basin; the Median Glacier; the north and south peaks; and that the south peak is the higher.

It is difficult to explain Dr. Cook's previously published accurate description of these things, the first ever given, except by admitting his actual ascent of the mountain's summit.

Congress has investigated the proofs of Robert E. Peary. It is but right it should also investigate those of Frederick A. Cook—and if injustice has been done and merited honor has been withheld, we should now bestow it.

The VICE PRESIDENT. The joint resolution will be referred to the Committee on the Library.

#### THE REPUBLIC COAL CO.

Mr. CLARK of Wyoming. I ask that the joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, be reprinted, showing the committee amendment in italics and the amendments made as in Committee of the Whole in small capitals. The joint resolution was rejected by a yeas-and-nays vote of the Senate, a motion was made to reconsider the vote, and it is now on the calendar for further action.

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

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. STERLING submitted an amendment authorizing the Secretary of the Interior to make a \$40 per capita payment to each member of the Sioux Tribe of Indians belonging on the Cheyenne River Reservation, S. Dak., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

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

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

#### OMNIBUS CLAIMS BILL.

Mr. BRADLEY submitted three amendments intended to be proposed by him to the omnibus claims bill, which were ordered to lie on the table and be printed.

#### WITHDRAWAL OF PAPERS—WILLIAM H. DENNISON.

On motion of Mr. JOHNSON, it was

Ordered, That the papers accompanying the bills S. 2090 and S. 2785, Sixty-second Congress, granting a pension to William H. Dennison, be withdrawn from the files of the Senate, no adverse report having been made thereon.

#### AGRICULTURAL APPROPRIATIONS.

Mr. GORE. I move that the Senate proceed to the consideration of the Agricultural appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

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

The VICE PRESIDENT. The Secretary will call the roll.

Mr. GORE. Mr. President, I hope the Senator from Utah will not make that motion. It will simply take time to call the roll. I will ask that the amendments which he intends to challenge be passed over for the present.

Mr. SMOOT. That will be perfectly satisfactory to me. I wish to say to the Senator from Oklahoma the only reason I suggested the absence of a quorum was that a certain Senator wished to speak upon the amendment which will next come before the Senate. He is not present, and I made the suggestion in order to secure time to enable me to send word to him that the bill has been taken up.

Mr. GORE. It is my purpose to ask that all objected amendments be passed over for the present.

Mr. SMOOT. I withdraw the motion I made.

The VICE PRESIDENT. The pending amendment reported by the Committee on Agriculture and Forestry will be stated.

The SECRETARY. The pending amendment is, on page 7, line 5, after the word "that," to insert "in the judgment of the Secretary of Agriculture," so as to make the clause read:

For the maintenance of a printing office in the city of Washington for the printing of weather maps, bulletins, circulars, forms, and other publications, including the pay of additional employees, when necessary, \$26,000: *Provided*, That no printing shall be done by the Weather Bureau that, in the judgment of the Secretary of Agriculture, can be done at the Government Printing Office without impairing the service of said bureau.

The VICE PRESIDENT. At the request of the Senator from Oklahoma [Mr. GORE], the amendment will be passed over for the present.

The next amendment reported by the Committee on Agriculture and Forestry was, on page 7, after line 14, to insert:

The Secretary of Agriculture is hereby directed to report to Congress at its next session the present condition and value of the tract of land, consisting of 84.81 acres of land, more or less, known as Mount Weather, and located in the counties of Loudoun and Clarke, in the State of Virginia, the original cost of said land, together with the cost of the improvements thereon and the present value of such improvements, the amount which in his opinion can be realized from the sale of said real property, including buildings and other improvements, at private sale, and whether in his opinion it would be most advantageous to sell the same at public or at private sale, and to advise Congress as to whether it would be better for the Government to sell said property or to lease it. And the Secretary of Agriculture is authorized, in his discretion, to discontinue the use of Mount Weather as a weather station and, if necessary, place a keeper in charge thereof for its protection and care, the expenses thereof to be paid out of this appropriation.

The amendment was agreed to.

The next amendment was, on page 8, line 8, after the words "Weather Bureau," to strike out "\$1,668,270" and insert "\$1,667,270," so as to make the clause read:

Total for the Weather Bureau, \$1,667,270.

The amendment was agreed to.

Mr. SMOOT. Mr. President, in agreeing to the totals, if any changes are subsequently made in the amendments which are passed over, of course it is understood that the amounts fixed in the totals shall be reconsidered, or will it be understood that the totals shall be corrected whenever the bill passes?

The VICE PRESIDENT. The Chair is informed that the Secretary always corrects the totals in an appropriation bill after the bill has passed.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, under the head of "Bureau of Animal Industry," on page 13, line 15, after the words "ostrich industry," to insert "And provided further, That of the sum thus appropriated \$10,000 may be used for the importation of Corriedale and other promising breeds of sheep for breeding purposes," so as to make the clause read:

For all necessary expenses for investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, \$182,840: *Provided*, That of the sum thus appropriated \$30,000 may be used for experiments in the breeding and maintenance of horses for military purposes: *Provided further*, That of the sum thus appropriated \$24,500 may be used for experiments in poultry feeding and breeding, including the feeding and breeding of ostriches and investigations and experiments in the study of the ostrich industry: *And provided further*, That of the sum thus appropriated \$10,000 may be used for the importation of Corriedale and other promising breeds of sheep for breeding purposes.

The amendment was agreed to.

The next amendment was, on page 14, line 18, after the word "reindeer," to strike out "*Provided*, That of the sums appropriated for the Bureau of Animal Industry, not more than \$5,000 shall be expended for the importation of animals for breeding purposes," so as to make the clause read:

Meat inspection, Bureau of Animal Industry: For additional expenses in carrying out the provisions of the meat-inspection act of June

Mr. SHEPPARD. I desire to announce the unavoidable absence of my colleague [Mr. CULBERSON]. He is paired with the Senator from Delaware [Mr. DU PONT]. This announcement may stand for the day.

Mr. McCUMBER. I wish to announce the unavoidable absence of my colleague [Mr. GRONNA]. He is paired with the senior Senator from Maine [Mr. JOHNSON].

The PRESIDENT pro tempore. Sixty-seven Senators having answered to their names, a quorum of the Senate is present.

#### RIVER AND HARBOR IMPROVEMENTS (S. DOC. NO. 477).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting in response to a resolution of the 9th ultimo, a statement showing by States outstanding liabilities and contract obligations under authority of law to June 30, 1913, for each river and harbor and canal, etc., and also a statement of amounts authorized to be contracted for for rivers and harbors and canals to June 30, 1913, for which appropriations have yet to be made, etc., together with a statement showing contract obligations authorized on account of the Panama Canal, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 3468) for the relief of the heirs of the late Samuel H. Donaldson.

The message also announced that the House had passed the bill (S. 5031) quieting the title to lot 44 in square 172 in the city of Washington.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 3468. An act for the relief of the heirs of the late Samuel H. Donaldson; and

H. R. 2314. An act for the relief of Allen Edward O'Toole and others, who sustained damage by reason of accident at Rock Island Arsenal.

#### CITIZENSHIP OF FIVE CIVILIZED TRIBES.

Mr. OWEN. I ask permission to have reprinted Senate Document No. 472, with certain additions.

The PRESIDENT pro tempore. The Senator from Oklahoma asks that a certain document may be reprinted. Is there objection?

Mr. McCUMBER. I do not know whether there will be objection or not. I think the Senate is probably entitled to know what the document is that the Senator asks to have printed, and I object until we get some information upon the subject.

The PRESIDENT pro tempore. The Secretary will state what the document is.

The SECRETARY. Senate Document No. 472 of the present Congress and session, entitled "Citizenship of Five Civilized Tribes," a communication from the Assistant Secretary of the Interior to Hon. ROBERT L. OWEN, submitting a list of names of persons apparently equitably entitled to enrollment on the rolls of various tribes composing the Five Civilized Tribes of Oklahoma, and the list approved by attorneys of the Choctaw and Chickasaw Nations.

Mr. McCUMBER. There is nothing in the caption of that instrument to indicate any necessity for the public printing of the instrument.

Mr. OWEN. It has already been printed, Mr. President, and the addition which is proposed is the assent of the attorneys representing the various tribes.

Mr. McCUMBER. What is the object of the whole matter?

Mr. OWEN. The object of it is to place before the Senate the list of those persons who are found by the Interior Department to be apparently equitably entitled to be enrolled, and the assent is given by the attorneys of the Choctaw and Chickasaw Nations and the Creek Nation, those principally involved, to the enrollment of those persons.

Mr. McCUMBER. Is it the purpose of the Senator to have it referred to the Committee on Indian Affairs and printed for their convenience?

Mr. OWEN. It is my purpose to have it printed for the information of the Senate and referred to the Committee on Indian Affairs for their information.

Mr. McCUMBER. Has the Senator the slightest idea that any Member of the Senate, other than those who are directly interested in the possible question whether certain citizens may be put upon the rolls, will ever read a word of it? Has the

Senator even the slightest belief that one single word will be read by other Senators?

Mr. OWEN. If the Senator objects to it, I shall not insist upon it. I think it ought to be printed for the use of the committee and for the use of the Senate.

The PRESIDENT pro tempore. Does the Senator from North Dakota object?

Mr. McCUMBER. Yes.

The PRESIDENT pro tempore. The Senator objects.

#### PETITIONS AND MEMORIALS.

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

He also presented a petition of 385 voters and school children of Salem, Ohio, praying for an appropriation of \$100,000 to be used by the Department of Agriculture to enforce the migratory-bird law, which was referred to the Committee on Appropriations.

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

Mr. CATRON presented a petition of sundry citizens of Quay County, N. Mex., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of the Connecticut Peace Society, praying for a peaceable settlement of the difficulties between the United States and Mexico, which was referred to the Committee on Foreign Relations.

Mr. WARREN presented a memorial of the board of education of Hanna, Wyo., remonstrating against the treatment accorded citizens in southern Colorado by the military authorities of that State, which was referred to the Committee on Education and Labor.

Mr. GOFF presented petitions of 554 citizens of Harrison County, 54 citizens of Randolph County, 21 citizens of Boone County, 19 citizens of Upshur County, 19 citizens of Mason County, 25 citizens of Pendleton County, 52 citizens of Ohio County, 18 citizens of Morgan County, 33 citizens of Hancock County, 40 citizens of Brooke County, 15 citizens of Fayette County, 51 citizens of Wood County, 39 citizens of Raleigh County, 48 citizens of Hancock County, 31 citizens of Braxton County, 45 citizens of Taylor County, 136 citizens of Cabell County, 26 citizens of Wirt County, 26 citizens of McDowell County, 75 citizens of Mingo County, 78 citizens of Kanawha County, 66 citizens of Harrison County, 48 citizens of Nicholas County, 260 citizens of Kanawha County, 96 citizens of Randolph County, 78 citizens of Wood County, 14 citizens of Jackson County, 26 citizens of Mason County, 25 citizens of Harrison County, and 130 students of Salem College, all in the State of West Virginia, for the passage of Senate joint resolution No. 88, proposing an amendment to the Constitution of the United States for nation-wide prohibition of the beverage traffic in intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. SHERMAN presented a petition of Local Union No. 64, United Garment Workers, of Rockford, Ill., praying for the enactment of legislation to regulate the shipment and sale of convict-made goods, which was referred to the Committee on Manufactures.

Mr. WEEKS presented a petition of sundry citizens of Newtonville, Arlington Heights, Brookline, Dorchester, Newton, and Newton Center, all in the State of Massachusetts, praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Massachusetts Fish and Game Protective Association, the Massachusetts Society for the Prevention of Cruelty to Animals, and the Massachusetts Audubon Society, praying for an appropriation of \$100,000 for the enforcement of the so-called migratory bird law, which was referred to the Committee on Appropriations.

He also presented a resolution adopted by the directors of the port of Boston, Mass., favoring the refunding of all tolls collected from American coastwise ships passing through the Panama Canal, which was ordered to lie on the table.

Mr. POINDEXTER presented a resolution adopted by the Tacoma Business Girls' Club, of Washington, favoring the enactment of legislation making it a felony to willfully and intentionally desecrate the flag, which was referred to the Committee on the Judiciary.

He also presented a memorial of members of the Open Forum, of Seattle, Wash., remonstrating against the conditions existing in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

Mr. PAGE presented a petition of the congregation of Bethany Congregational Church, of Montpelier, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

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

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

Mr. PERKINS presented a memorial of sundry citizens of Stockton, Cal., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the Epworth League of the Methodist Episcopal Church of Hollister, Cal., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Norwalk and Artesia, in the State of California, remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. COLT presented petitions of sundry citizens of Scituate and Newport, in the State of Rhode Island, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRADLEY presented a memorial of Local Union No. 4, United Brotherhood of Carpenters and Joiners, of Louisville, Ky., remonstrating against war with Mexico, which was referred to the Committee on Foreign Relations.

He also presented petitions of Plain City Lodge, No. 238, of Paducah; of Pride Lodge, No. 502, of Louisville; of Local Division No. 15, of Lexington; of Local Division No. 603, of Covington; and of Local Division No. 463, of Corbin, all of the Brotherhood of Locomotive Firemen and Enginemen, in the State of Kentucky, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a memorial of the Workman's Sick and Death Benefit Fund Association of New York City, N. Y., remonstrating against the conduct of the Colorado militia in the mining districts of that State, which was referred to the Committee on Education and Labor.

Mr. ASHURST. Mr. President, I present a large number of memorials and telegrams from citizens of Arizona, protesting against the repeal of the so-called "freec-tolls act." I ask that they may be referred to the Committee on Inter-oceanic Canals, and I request the committee to consider them at their next meeting.

The PRESIDENT pro tempore. The Senator from Arizona presents certain telegrams and memorials, which will be referred to the Committee on Inter-oceanic Canals.

Mr. ASHURST subsequently said: Mr. President, this morning I submitted certain petitions and telegrams relating to the Panama Canal controversy. I now ask that they may be incorporated in the Record. I will not ask that they be read, but I ask that they may be incorporated in the Record.

Mr. BRANDEGEE. Mr. President, I think I shall have to object. The committee has already reported the bill, and the proper course is that the telegrams be ordered to lie on the table.

The PRESIDENT pro tempore. The Senator from Connecticut objects.

Mr. O'GORMAN. Mr. President, I desire to say, in reference to the request made by the Senator from Arizona [Mr. ASHURST], that the Committee on Inter-oceanic Canals has considered the bill to which they refer; it has made its report thereon, and it is not likely at this time to give further consideration to the subject.

#### RANDOLPH SUMMERLIN.

Mr. SMITH of Georgia. Mr. President, I ask permission to read a few lines from a telegram sent by a brother of Randolph Summerlin, a Georgia marine, who died a week ago yesterday

at Vera Cruz from a wound received in the first occupation of that city.

The PRESIDENT pro tempore. Unless there is objection, permission will be granted. The Chair hears none.

Mr. SMITH of Georgia. A telegram was sent to a newspaper correspondent at Willacochee, Ga., instructing him to interview Summerlin's father. The telegram reads as follows:

Please interview Summerlin's father on his selflessness of sacrifice if the United States is now to accept mediation. Does he not think it outrageous to have to send boys to be killed and then the Government decide fighting is wrong?

This was the reply:

Referring to telegram, beg to say my brother Randolph Summerlin was killed at Vera Cruz in defense of our country's honor. We favor President Wilson and Democratic administration, and Randolph has four brothers and a father who are ready and willing to make the same sacrifice if called upon. We think the Wilson policy is absolutely right.

I. W. SUMMERLIN.

A telegram was also sent by citizens from Willacochee to this effect:

B. F. Summerlin, father, and W. W. Summerlin, brother of Randolph Summerlin, killed at Vera Cruz, take the request as a gross insult not only to relatives and friends but entire country. If we could not be loyal to our country we would move out.

The patriotic spirit shown by the father and brother of the dead hero reflects the attitude of the entire people of Georgia.

#### REPORTS OF COMMITTEES.

Mr. VARDAMAN, from the Committee on Military Affairs, to which was referred the bill (S. 4853) for the relief of John J. Fisher, submitted an adverse report (No. 480) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 4417) to reinstate Francis Graves Bonham as a cadet at the United States Military Academy, reported it without amendment and submitted a report (No. 479) thereon.

Mr. O'GORMAN, from the Committee on Naval Affairs, to which was referred the bill (S. 5445) for the relief of Gordon W. Nelson, reported it without amendment and submitted a report (No. 481) thereon.

#### MEMORIAL TO JOHN ERICSSON.

Mr. LEA of Tennessee. From the Committee on the Library I report back favorably with an amendment the bill (S. 1086) for erecting a suitable memorial to John Ericsson, and I submit a report (No. 477) thereon.

Mr. CLAPP. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

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

The amendment of the Committee on the Library was, in line 3, after the words "sum of," to strike out "\$100,000" and insert "\$25,000," so as to make the bill read:

*Be it enacted, etc.*, That the sum of \$25,000, or so much thereof as may be necessary, is hereby authorized for the erection, in the city of Washington, D. C., of a suitable memorial to John Ericsson, the inventor and constructor of the *Monitor*, said sum to be expended for the purposes herein named by a commission consisting of the chairman of the Committee on the Library of the Senate, the chairman of the Committee on the Library of the House of Representatives, and the Secretary of the Navy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

#### IMPROVEMENT OF CHANNELS.

Mr. CHAMBERLAIN, from the Committee on Commerce I report back favorably, without amendment, the joint resolution (S. J. Res. 95) providing for method of improving channels giving access to military reservations or fortifications, and I submit a report (No. 478) thereon. I ask unanimous consent for the present consideration of the joint resolution.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

*Resolved, etc.*, That whenever, in the opinion of the Secretary of War, the work of dredging or improving any channel of any navigable water for the purpose of giving access to any wharf on a military reservation or fortification, including any dredging in front of or along such wharf, under any appropriation available for the purpose, can be more economically done by the use of any Government dredge or other plant purchased for river and harbor improvement, or by combining the same with any authorized project for river and harbor improvement, the Secretary of War may, in his discretion, authorize such use or combination



In a sense it is—in the same sense that our policy permitting American registered vessels the free use of our Government-improved rivers and harbors is a subsidy. We have spent hundreds of millions of dollars in improving the Mississippi and Missouri and Ohio Rivers, and yet not a dollar in tolls or other charges is paid by any vessel which uses them. We have built some of the finest locks in the world at the Soo, in the St. Marys River, through which there passed more tonnage last year than will lock in and out of Panama in several years, and although it was all done exactly as the work at Panama was done, namely, at the public expense, no charge is imposed upon the vessels which pass through those locks. Will Senators say our policy as to the Soo Canal and locks is one of subsidy to our Lake marine? Will the people of the Middle West agree with those who, desiring to be consistent, advocate tolls upon ships using the Government-improved waterways of the Great Lakes? That policy would no doubt meet the hearty approval of the Canadian Pacific and other railroads, and the proposition is on all fours with the one to charge our domestic boats for passing through the Panama Canal, which is also a domestic waterway. I have not felt like denominating our American policy of keeping our waterways open for the free use of our inland and coastwise vessels a subsidy. The fathers did not so name it when they established it. But I do not care to split hairs in endeavoring to define definitions. I regard the river and harbor work of the United States as having been done not primarily for the benefit of the boats which use the improved waters, but in the interest of trade and commerce, which are essential to the highest welfare of the people.

I repeat, that since our Nation's birth it has followed the principle of keeping our inland waterways open to the free use of every boat which could float the Stars and Stripes. Under that doctrine a domestic marine commerce, which outrivals that of any other nation in the world, has been established, and the result has been the lowest transportation rates in the world, not only on water shipments but to points on railroads where even latent or insufficient water competition exists. The Panama Canal will not be an exception to the benefits of water competition. I remember, of course, that the Senator from Massachusetts and other Senators have claimed and still others will claim that the Panama Canal will not affect railroad rates. I will allow the railroads, who ought to know best, to make answer. Their opposition to free tolls for American ships is a most powerful and convincing argument of their belief that the canal will compel reduced rates and improved railroad facilities. What possible grounds have they for opposing the American policy except its effect upon them? Already many places far inland from our seaboard receive a benefit from water transportation competition between Atlantic and Pacific points by way of Cape Horn. What will be the effect when we cut off 8,000 miles of the water distance between New York and San Francisco?

If the evident purpose of these arguments was not clearly the intent to create local prejudice in a matter which is of necessity nation-wide in its magnitude and importance, the efforts of some orators and newspapers to show that Michigan, Wisconsin, Minnesota, Illinois, Iowa, Ohio, Indiana, and other Middle Western States have been discriminated against by the "free-tolls" act of 1912 would be amusing. Suppose it is true that these States will not get as cheap transportation rates to coast cities because of the Panama Canal as Atlantic, Pacific, and Gulf States will get, when before have our great public improvements been controlled by the demand for exact proximate benefits to every section of the country? Will Michigan and the other lake-bordering States complain of discrimination? I do not believe they will. They know that many millions of the money belonging to the people of all the States have been expended in building the Soo Canal and locks, in constructing the St. Clair Canal, in improving the St. Marys River, the Portage Channel, the Straits of Mackinaw, the St. Clair and Detroit Rivers. They know that the lake harbors have been generously, though not too generously, improved. They know that hereafter millions more will be asked of and granted by the Federal Government for river and lake improvements, and some day, not in the very distant future, an ocean waterway from Duluth and Chicago to the Gulf of St. Lawrence will be constructed, and they will demand that it shall be free to their commerce.

To me this argument of local benefits seems most inconsistent and unpatriotic. The Panama Canal, if it shall remain under the undisputed dominion of the United States and its use shall justify the hopes of its builder, will be a benefit not alone to New York and California, but to every State in the Union. The products of Michigan shipped to Oregon will by virtue of cheap transportation through the canal receive a benefit. The rail

rate from Detroit to Portland must meet the rail and water rate from Detroit via New York or New Orleans and the canal to Portland. To-day the rail rate from Detroit to Pacific points is affected to some extent by the rates by water from the Atlantic seaboard by way of the Straits of Magellan to Pacific points. It is impossible that the shorter Panama route will not have the effect of either cheapening transportation or bettering the facilities, or both, between the Middle West and the Pacific coast. I do not expect a great reduction in individual rates because of the Panama Canal influence, but the aggregate benefit will be great, much greater than the aggregate of remitted tolls on domestic shipping.

That a boat which pays no tolls can carry freight more cheaply than one which does, there can be no doubt. The former can, with the same net profit, transport its cargo through the canal at a less rate than the latter by exactly the toll charge. If the tolls are \$1.25 per ton and they are not imposed upon a certain vessel, then that vessel's rate of freight can be \$1.25 per ton less than it could be if the toll was not remitted. Evidently England believes that this is so. With no tolls for our coastwise ships she feels that her boats will in some way be obliged to suffer a loss. She must feel that free passage to American ships will in some manner be detrimental to her.

There is no doubt in my mind that a lower transportation rate on passengers and freight passing through the canal will be imposed if no tolls are charged than will be made if they are.

Will the shipper, who will be the producer or merchant, pass this freight benefit on to the consumer, or will he absorb it all? That, of course, is a more difficult question to answer. But without lower transportation charges the consumer can not even hope to get a benefit, while with them he can. Organized public sentiment will demand that reduced shipping rates shall benefit producers and consumers. Reductions in carrying rates in the past have almost invariably been shared by the whole people and there can be no good reason for believing that the remission of canal tolls will be an exception to the general rule.

Mr. President, this attempt to array one section of our country against another is unbecoming to patriotic Americans. By two great wars our fathers established this Republic and freed it from the tyrannical hand of foreign despotism. In a great Civil War a half million of the bravest men of history shed their life's blood to cement the parts of that Republic into an indissoluble union of States, in which the interests of one are the interests of all. The domestic commerce of the United States knows no State lines. American patriotism has no sectional geography.

But when driven to extremity by the arguments in favor of the right and propriety of the act of 1912 the proponents of repeal abandon the President's recent message to Congress, abandon all reasons based upon logic, and assert that the "free-tolls act" is in the interest of the Shipping Trust, or, to use the more refined language of the senior Senator from Massachusetts, its enactment was induced by a "desire to put money into the pockets of a few American citizens in a questionable manner." By "few American citizens" he evidently means the gentlemen engaged in our domestic merchant-marine business.

Those who resort to this argument are mistaken. The real issue can not thus be evaded. A great American principle is involved, and if favored for economic reasons the imposition of tolls upon domestic vessels I would still oppose the proposition to repeal the act of 1912 at this time and under existing conditions.

If later it shall be found wise to impose tolls upon American coastwise vessels, then let this Government settle that question for itself, unembarrassed by foreign dictation. Let it be done at a time and under conditions as will create no doubt as to what is the intention of the United States, either as to its policy or its power. But, sir, there are sound economic reasons for "free tolls." Our desire is not to put money into the pockets of American shipowners; it is not to benefit a shipping monopoly; it is rather, so far as this branch of the subject is concerned, to keep money in the pockets of American producers and consumers. The only shipping monopoly is that which is engaged in our foreign trade, floated in foreign bottoms, flying foreign flags, and over which our Government has no control. The only merchant marine which our country can boast is that engaged in our domestic commerce, and some Senators would destroy that by admitting to our coastwise traffic, without let or hindrance, the merchantmen of England and of other countries, and that policy will soon be urged by foreign sympathizers after the pending action is taken; indeed, it is now urged by some. What is our coastwise merchant marine to which free passage of the canal is now given? It is the fleet of boats built, owned, and operated in the United States, and under laws enacted by Congress. They must be built in Amer-

ican yards according to regulations assuring healthful sanitary conditions. They must be manned by American seamen who are paid American wages. Such of them as are suitable can be secured by the United States in case of war. They furnish competition with railroads, and thereby do more to secure reasonable transportation rates than all the efforts of railroad commissions, State or National. When the canal-tolls bill was before the Senate Committee on Inter-oceanic Canals it was shown by competent witnesses that the wages paid to employees on boats flying the American flag were 4 to 10 times the wages paid on foreign boats. It was further shown that combinations clearly in restraint of trade existed among foreign ship companies, and that none existed among American shipowners. But the committee that framed the law which it is now proposed to repeal provided in the bill, and it was enacted into law, as follows:

From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic, or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision, each day in which such violation continues shall be deemed a separate offense.

The Interstate Commerce Commission by the law is given full authority to determine whether any railroad is in violation of the above provision. It is thus seen that any trust or combination between railroads and boat lines using the canal is prohibited.

Let it not be forgotten that the free-tolls act also makes it impossible for any boat owned or operated, directly or indirectly, by a trust or combination legally to enter or pass through the canal. This is the provision of law on that subject:

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections 73 to 77, both inclusive, of an act approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other act of Congress amending or supplementing the said act of July 2, 1890, commonly known as the Sherman Antitrust Act, and amendments thereto, or said sections of the act of August 27, 1894. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States.

I had confidently hoped and believed that with the law unchanged a great impetus would be given to American shipbuilding, and that the result would be most beneficial to our people in times of peace and of war.

The country will not be deceived by the false issues raised in this controversy. He who utters the cry of special benefit to American shipowners, who during all our past have been encouraged to build and operate American ships, and he who asserts that the advocates of our national doctrine are working in the interests of a ship trust will invite the inevitable criticism upon himself of being interested in the propaganda to destroy competition to railroads and to yield a right of sovereignty which ought not to be surrendered. The advocates of this propaganda have unlimited money, which has been and which is being expended with a lavish hand. The known beneficiaries of this money have been very active in their efforts to secure action favorable to Great Britain. They have been much in evidence here in the Capitol. I would much prefer to believe that they are actuated by high motives and principles; but when they gratuitously assign bad motives to their opponents where no evidence of such motives exist, I am compelled to wonder why.

If I lived in a glass house, I would hesitate before I threw stones lest I demolish my own premises. Has anyone representing the American ship interests appeared here in behalf of those interests? Has any literature been sent out, any lecturers promoted by the shipowners? Does anyone know that these shipowners want "free tolls"? I have not seen anyone interested in American ships; I have not heard from anyone who is interested.

Does anyone doubt that if there was as much evidence of outside influence, backed by such abundant financial means, exerted against repeal as has been used for it that an Executive denunciation against it would have been issued? It would have been denominated a most vicious and insidious lobby, entitled to the maledictions of all good people. But this particular influence is working in harmony with the purposes of the President, and therefore is not the object of condemnation. Again do we have a demonstration of the modern distinction

between the good and the bad lobby. If it is for you, it is beneficent; if it is against you, it is corrupt and baneful.

But, Mr. President, this case will not be decided by the American people on any collateral issue. They see the great principle involved; they understand it in all of its mighty proportions. Criminations and recriminations will not assist them in reaching a just conclusion. They will not consent to a predetermined decision right or wrong. They want a right decision, and they will tolerate no other.

Greater than the question of subsidies; greater than all material benefits which can grow out of the canal; greater than the good opinion of all the world, because it includes them all and upon it all depends, is the absolute, unlimited right and power of the United States to do what it pleases in its own domestic affairs. I can not consent to yield any part of that right and power at the command or solicitation of any country or of all the countries of the world. If our Government makes an economic mistake in the conduct of its business, it can be corrected; but if it surrenders its rights of sovereignty, it renders itself naked and helpless in the struggle of nations.

I resent the charge that our behavior as a nation has incurred the hostility and bad opinion of the world. I know that there is no government on the globe that commands greater respect and confidence than this Government commands, and I will not sit in silence while some of its own citizens traduce it. If there has ever been the slightest justification for criticism of its efforts to establish and maintain a great progressive democracy, the occasion has been when it has hesitated to assume and exercise a right essential to its freest, broadest existence. When a country commences to yield or to compromise on a principle involving its sovereignty that moment it becomes the target of the world. To hold the confidence and respect of nations we must retain not only our every sovereign power, but we must retain our own self-respect.

The administration of our Government under which the treaty with Great Britain was made and under which the canal was begun, and also the administration under which the largest portion of the canal was dug, have decided this question in favor of the right of the United States to exempt domestic ships passing through the canal from the payment of tolls, and now, when that canal is about to be opened, I will not repudiate our past nor stultify myself by libeling my country. It has done no legal or moral wrong. I will not, in order to obtain the approval of the selfish shipping interests of any nation or of all nations, vote our Government, of which we are a part, guilty of perfidy and dishonor.

Mr. OWEN. Mr. President, before the Senator yields the floor I wish to call his attention to the letter of Mr. Choate, which I think he perhaps did not observe.

In the letter of August 20, 1901, Mr. Choate, in addressing John Hay, the Secretary of State, said:

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

I wish to call the Senator's attention to this statement of the United States ambassador to Great Britain negotiating this treaty for us, in his letter to the Secretary of State, explaining what the principle of neutralization of article 8 meant; and then I desire to ask the Senator if he thinks that retaining the principle of neutralization referred to in article 8 in the preamble of both the first and the second drafts of the Hay-Pauncefote treaty and refusing to strike it out by an overwhelming vote does not preclude us from denying the interpretation given by our own ambassador in this negotiation?

Mr. TOWNSEND. I think not. I have so stated. In answer to the Senator from Oklahoma, I will say that I have read the Choate correspondence, and it does not change the statements I have already made. Nothing that has been disclosed yet shows that the question of our coastwise boats, to which I have referred, was ever even discussed between the representatives of the two countries.

The Senator from Oklahoma again speaks of "the overwhelming vote" in the Senate. I am surprised that the Senator should even mention that after what has been disclosed in reference to it. I have not yet known of a single Senator who was in the Senate in 1901, when that amendment was proposed, who has not declared that the reason it was not adopted was because it was thought unnecessary.

Mr. O'GORMAN and Mr. OWEN addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from New York?

Mr. TOWNSEND. In just a moment.

The PRESIDENT pro tempore. The Senator from Michigan declines to yield at this time.

Mr. TOWNSEND. The Senator from Massachusetts [Mr. Lodge] himself has stated that he voted against the Bard amendment because he believed it was unnecessary. He reported the treaty for Senator Davis, Senator Davis being ill. He says that Senator Davis also understood that the United States had the right under the treaty to discriminate in favor of her coastwise vessels. He has told the Senate that he voted against the Bard amendment because it was unnecessary, and that he would not have voted for the treaty if he had not understood that under it we had the right to exempt our own domestic commerce if we saw fit.

Mr. OWEN. Mr. President, will the Senator permit me to interrupt him for a moment?

Mr. TOWNSEND. Certainly.

Mr. OWEN. The Senator is speaking about the Bard amendment, proposing an exemption in favor of our coastwise vessels. Senator Bard would not have made the proposal to amend unless he thought it was necessary; and I think every man who does not disclaim his motive in voting for the Bard amendment is bound by the proposal that it was necessary. I was not, however, speaking of the Bard amendment. I was speaking of the Bacon amendment. I was speaking of the amendment which passed by a vote of 60 to 18, to strike out the maintenance of the principle of neutralization referred to in article 8 of the Clayton-Bulwer treaty, which was put in both the first and the second drafts of the Hay-Pauncefote treaty, and which was explained to our own Secretary of State by our own ambassador as meaning that the ships of the United States and the ships of other nations should be treated alike as to tolls.

Mr. TOWNSEND. Mr. President, as used in a treaty neutralization refers to war and can refer to nothing else than to conditions of war. It can not be construed or tortured when used in treaties as referring to anything else than that.

Mr. OWEN. Mr. President, it was so construed by our own ambassador who negotiated this treaty, and it is in the record of the hearings at page 267.

Mr. CLARK of Wyoming. Mr. President, of course I am not competent to speak for anybody except myself. As a Member of the Senate at the time the Hay-Pauncefote treaty was ratified by the Senate, I know that it was my belief and I know that it was the belief of many Members of the Senate that the Bard amendment perhaps was not necessary, because the effect of it was included in the treaty; and it was urged that if it was added in specific language it would not only delay the ratification but would make necessary the resubmission of the treaty to the envoys.

Mr. President, I think it is not too much to say that if any other impression had prevailed, or if any other belief had prevailed, the Hay-Pauncefote treaty would not have been ratified by the Senate as then constituted.

Mr. THOMAS. Mr. President, I have listened with a great deal of interest to the speech of the junior Senator from Michigan [Mr. Townsend], and I am in accord with some of the views which he has expressed. I can not, however, permit the opportunity to pass without noticing for a moment the protest which the Senator has registered against what he assumes to be the influence of Great Britain in the pending bill, which influence, he thinks, seems to have had its effect upon the attitude of the President and those in sympathy with him.

My experience in public life is a somewhat brief one, but I was directly connected with some questions of public importance long before I had the honor of a seat in the Senate; and I long ago discovered that the influence of Great Britain in any American policy is commendable or censurable as it may apply to given subjects. A great many, both in and out of public life to-day, who are now inveighing so much against the supposed influence of Great Britain in this matter seem to forget that that influence was entirely agreeable to them when our financial policy was at stake and when in consonance with its interests demonetized. I recall very distinctly that from 1873 to 1906 this foreign influence had much to do in shaping our financial policy and in leaving finally the stamp of their permanent impress upon it. This was made possible with the cooperation of a public opinion which now shudders at the thought of British influence in shaping our economic legislation with reference to the operation of the canal.

Mr. SIMMONS. Mr. President, I do not at this time desire to go into any discussion of the general questions involved in this controversy. The Senator from Michigan [Mr. Townsend]

has made a broad statement to the effect that the Bard amendment was voted down because Senators thought it was not necessary, and that the vote upon that question was not upon the merits of the proposition.

There has been placed in the record, in the hearings, statements made by Senator Bacon, who was then a member of the Foreign Relations Committee and who afterwards became chairman of that great committee, showing that his vote was given without any such understanding.

I did not arise, however, for the purpose of enumerating Senators who have declared that their vote upon that amendment was based upon the merits of the proposition. I have risen to call the attention of the Senator from Michigan to a statement of former Senator Fairbanks, who afterwards became the presiding officer of this body, who we all know was most diligent in attending the sessions of this body, and was the senior Senator from Indiana when the amendment was under consideration, and who probably heard all the discussion and all the reasons given by Senators for their vote upon that amendment.

This statement is given in an article which appeared in the May number, 1914, of the North American Review, written by the editor of that great magazine, Col. George Harvey:

Former Senator Fairbanks—

Says Col. Harvey—

on the other hand, declares emphatically that—

Now, here is what he declares—

the Bard amendment was voted down, after full discussion, not because it was regarded as surplusage, but because in the opinion of a large majority of the Senate it was violative of the spirit of equality which had been expressed in the treaty.

Mr. GORE. I should like to ask the Senator in charge of the unfinished business if it would be consistent with his plans to lay it aside temporarily that the Senate may proceed with the consideration of the Agricultural appropriation bill?

Mr. O'GORMAN. I ask unanimous consent to lay the bill aside temporarily so that the chairman of the Committee on Agriculture and Forestry can proceed with his appropriation bill.

The PRESIDENT pro tempore. The Senator from New York asks that the unfinished business may be temporarily laid aside. Unless there is objection, such will be the order. The Chair hears none.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. I ask that the Senate proceed with the consideration of House bill 13679, the Agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The PRESIDENT pro tempore. The pending question is on the amendment—

Mr. McCUMBER. Mr. President, that I may not be accused of dilatory tactics, I have just counted the number of Senators present. There are less than 30 and I understand that is not a majority of the Senate. I therefore suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator cut the Chair off from the floor before he had a chance to state the pending question.

Mr. McCUMBER. I beg the Chair's pardon.

The PRESIDENT pro tempore. The Senator from North Dakota suggests the lack of a quorum. The Secretary will call the roll.

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

Ashurst	Kenyon	Owen	Smith, S. C.
Borah	Kern	Page	Smoot
Bristow	La Follette	Perkins	Sutherland
Bryan	Lea, Tenn.	Pittman	Swanson
Burton	Lippitt	Pomerene	Thomas
Chamberlain	Lodge	Robinson	Tillman
Crawford	McCumber	Saulsbury	Vardaman
Cummins	McLean	Shafroth	Walsh
Goff	Martin, Va.	Sheppard	Warren
Gore	Martine, N. J.	Sherman	West
Hollis	Norris	Shively	Williams
Hughes	O'Gorman	Simmons	Works
Johnson	Oliver	Smith, Ariz.	
Jones	Overman	Smith, Ga.	

The PRESIDENT pro tempore. Fifty-four Senators having answered to their names, a quorum of the Senate is present.

Mr. GORE. Mr. President, I am informed this morning that Dr. Galloway has severed his connection with the Department of Agriculture to take effect the 1st of July. I feel that I ought to say, however, before taking the intended step, I owe

it to that department and I owe it to Dr. Galloway and myself to say that the Senator from North Dakota [Mr. McCUMBER] was in error when he stated that the substitute offered for the grain-grading bill on Friday last bore the finger prints of the boards of trade and grain exchanges. Hearings have been in progress for a week before the Committee on Agriculture of the House and a number of the representatives of boards of trade have appeared before that committee and registered their opposition to that substitute.

I now ask unanimous consent to withdraw the pending amendment.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the amendment is withdrawn.

Mr. SMOOT. Do I understand that the amendment has been disagreed to?

The PRESIDENT pro tempore. It has been withdrawn by unanimous consent.

Mr. SMOOT. Of course, that is equivalent to disagreeing to the amendment.

Mr. McCUMBER. Mr. President, it has been stated upon the floor of the Senate that boards of trade have been in conference with the Agricultural Department, and that they have secured a bill which was entirely satisfactory with reference to the inspection and grading of grain, satisfactory both to the Agricultural Department and to the several exchanges in the country. I have no doubt that that is true. I have no doubt that in the drafting of the bill just mentioned by the Senator from Oklahoma there were called in those who had specific knowledge of the operations of the several exchanges. I think it eminently proper that they should be heard. I think, of course, that in securing some provisions in the Lever bill which was presented here they were especially well protected in carrying on certain features of their business that we have been complaining about. But I am making no complaint about that in general.

Now, I want to have the attention of the Senator from Oklahoma. Although the Senator has withdrawn that provision in the bill relating to an increase of \$1,000 in the salary during the term of the present incumbent in the office of the Assistant Secretary of Agriculture, I agree with him that it would be most proper to recognize the efficiency and the good work of Dr. Galloway by inserting in this bill a provision that has been drawn by him and is his own opinion as to what ought to be done in reference to the grading of grain.

I did not agree with every provision of the Lever bill. I said, however, on the floor that it had two good provisions. I agreed with the Senators who opposed my bill that there were at least two good provisions in the Lever amendment. One proposition was for Government standards of grades, and the other was for the uniformity of grades. Beyond that I thought, and still think, that the bill was rather inefficient; but those were two very good features, and those two good features I would like to have in this bill.

I want to read to the Senator a letter which I received from Dr. Galloway in reference to this subject when I asked him if there had been any change of his views, and in which he stated that he had not changed his views whatever, but thought that we could do as well with supervision as though he had the actual inspection under his power. I want to read his letter of March 12, 1914, which he wrote to me. It is as follows:

DEAR SENATOR McCUMBER: I have your favor of March 10 relating further to the inspection and grading of grain by the Federal Government, or under the supervision of the Federal Government, in which you make inquiry as to any legitimate reason why the grain exchanges should oppose Federal inspection.

That was one of the things I asked him—if he knew any legitimate reason that the Department of Agriculture had ascertained why they should oppose this inspection. Further, quoting:

In reply I have to advise that while various objections have been raised by the grain exchanges in opposition to Federal inspection, the results of the investigations of this department do not indicate that either Federal inspection or Federal supervision would in any way be detrimental to the legitimate transactions in grain on any of the exchanges.

Now, just note his words. He says that it would not "in any way be detrimental to the legitimate transactions." Of course, he means to convey by that language the idea that it might be detrimental to the illegitimate transactions upon these exchanges, and the department knows of those illegitimate transactions, and he seeks to obtain in this way some method of control over those transactions that would make them all legitimate.

Following, he says:

It is clearly evident that there is urgent need—

I want Senators to bear this in mind, both the Senators who occupy their seats and those who are out of their seats—

It is clearly evident that there is urgent need for some legislation which will bring about uniformity and reliability in the grading of grain in all markets.

These are words of wisdom by the Assistant Secretary of Agriculture. When he says there is urgent need for some legislation that will bring about uniformity and reliability in the grading of grain in all markets, he means that there is not reliability in the several markets of the United States at the present time. But to make it clear he goes on:

So that the producer—

The farmer—

will have some incentive to grow and market grain of better quality and that the consumer will get the grade that he buys.

There are two things in these words of wisdom that have been uttered by the Assistant Secretary of Agriculture. The one proposition is that there is no encouragement on the part of the farmer to raise a better grade or to care for his grain better, because he can put no dependence whatever upon the certification that is given him on his grain. Also, he says, so that "the consumer will get the grade that he buys." If that means anything on earth, it means that under the present system the consumer does not get the grade that he buys.

Can the Senator draw any other conclusion from that? Can anyone else who will listen to me draw any other conclusion from that? Then he goes on further and says:

The investigations of this department during the past two or three years have led to the conclusion that a system of rigid Federal supervision will be equally as effective as Federal inspection and likewise simpler in its operation. The department, however, stands ready to undertake the enforcement of whatever measure may be enacted by Congress to insure uniformity in the grading of grain entering into interstate and foreign commerce.

I have several other and longer letters from the Assistant Secretary of the Department of Agriculture, which I should like to read, but I notice there are about 18 Senators present at this time in the Senate Chamber, and with only that number present of course I do not feel very much encouraged to impress the matter upon the entire Senate as a body.

However, I want to call the attention of the Senator from Oklahoma to some matters that I think are worthy of consideration at this time. I want to show, if I can, what is meant by this statement of the Assistant Secretary, to the effect that neither the producer nor the ultimate consumer knows what he is getting, under the present system of grading; that the producer is not encouraged to raise any better grain, because he can not depend upon the certification of that grain as being better; and that the miller can not secure the grade that he is entitled to receive.

The PRESIDENT pro tempore. Will the Senator please suspend until the Chair causes the next amendment to be reported to the Senate? There is nothing pending at this time.

The SECRETARY. The next amendment passed over is on page 7, line 5, after the words "Weather Bureau that," to insert "in the judgment of the Secretary of Agriculture," so as to make the clause read:

For the maintenance of a printing office in the city of Washington, for the printing of weather maps, bulletins, circulars, forms, and other publications, including the pay of additional employees, when necessary, \$26,000: *Provided*, That no printing shall be done by the Weather Bureau that, in the judgment of the Secretary of Agriculture, can be done at the Government Printing Office without impairing the service of said bureau.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President, did I understand the Chair to state that the amendment that was just presented was agreed to?

The PRESIDENT pro tempore. Oh, no; it is pending. The question is on agreeing to the amendment.

Mr. KENYON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. I yield.

Mr. KENYON. I did not understand the statement of the Chair as to what amendment is now before the Senate. Will the Chair kindly restate it?

The PRESIDENT pro tempore. On page 7, line 6, where it is proposed to add the words "in the judgment of the Secretary of Agriculture."

Mr. KENYON. I thank the Chair.

The PRESIDENT pro tempore. The Senator from North Dakota will proceed.

Mr. McCUMBER. I know, Mr. President, that very many of the boards of trade do not consider the farmer an important factor in the discussion of commercial problems relating to his

operate with him. You are not giving enough money to do it all yourselves." I think it is very proper that you should not. We are simply asking to be allowed to contribute this money for our own benefit, to be used on our own property, in our own communities. That our request is most reasonable and just, I am sure the sense of right and justice of the Senate will admit.

Mr. McCUMBER. When I made that argument a short time ago the Senator from Virginia [Mr. MARTIN] denied that there was any kind of a copartnership arrangement between the Government and the people who want this work done. It seems to me, from the argument of the Senator from Mississippi, that he establishes that copartnership. That is what I object to. I shall vote against the substitute, and then I shall vote against the amendment offered by the committee. I would simply prevent the Treasury of the United States accepting any donations from any source to help it carry on its functions of government. If any wealthy man in the United States desires to enter upon the investigation of anything that he thinks will be beneficial to the public, there is no law to prevent his doing so, but I want to separate and divorce entirely the Government from acts in connection with the efforts of private individuals to carry on governmental function. I think the senior Senator from Mississippi [Mr. WILLIAMS] is entirely correct in his argument, and that we ought not to encourage that kind of a Government.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi [Mr. VARDAMAN] to the amendment of the committee.

Mr. GORE. In order to perfect the committee amendment, I accept the amendment of the Senator from Mississippi.

Mr. SMOOT. It is quite evident we can not vote on this question to-night, and—

Mr. GORE. I do not think there will be anything more than a formal vote required on this question. Let us perfect the pending amendment, anyway.

Mr. SMOOT. I want to have the amendment pending in the morning. We can not get through with it to-night.

Mr. GORE. The Senator from Utah certainly does not object to the last amendment offered by the Senator from Mississippi?

Mr. SMOOT. I know Senators desire to discuss it, and I therefore say to the Senator that it can not be disposed of to-night.

Mr. OWEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to his colleague?

Mr. GORE. I yield.

#### CITIZENSHIP OF THE FIVE CIVILIZED TRIBES (S. DOC. NO. 478).

Mr. OWEN. I ask unanimous consent to have reprinted Senate document 472 with the corrections proposed. I submitted this request on Saturday, and it was objected to by the Senator from North Dakota [Mr. McCUMBER], but I understand he withdraws his objection.

Mr. CLAPP. What is the document?

Mr. SMOOT. If there is any correction to be made, I ask the Senator to let it go to the Committee on Printing.

Mr. OWEN. The addition consists of only a few lines.

Mr. SMOOT. I will say to the Senator that in my opinion the document will have to have a new number if it is changed in any way.

Mr. OWEN. Then I ask that it be printed with a new number.

Mr. SMOOT. Then I do not care to have it referred.

Mr. CLAPP. What is the document?

Mr. CRAWFORD. Let it be stated.

The PRESIDING OFFICER. The caption of the document will be stated.

The SECRETARY. Senate Document No. 472 of the present Congress and session, entitled "Citizenship of Five Civilized Tribes," a communication from the Assistant Secretary of the Interior to Hon. ROBERT L. OWEN, submitting a list of names of persons apparently equitably entitled to enrollment on the rolls of various tribes composing the Five Civilized Tribes of Oklahoma, and the list approved by attorneys of the Choctaw and Chickasaw Nations.

Mr. OWEN. The addition adds a few names to the list of those whom the department thought ought to be enrolled.

Mr. SMOOT. The Senator sees the reason why I asked that it might go to the Committee on Printing.

Mr. OWEN. I see no objection to giving it a new number.

Mr. SMOOT. By having two documents with the same number one would be asked for and the other might be given.

Mr. OWEN. I agree to that. Let it take a new number.

The PRESIDING OFFICER. The Chair hears no objection, and the document will be reprinted with the corrections, and it will be given a new number.

#### AGRICULTURAL APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. VARDAMAN] to the amendment of the committee.

Mr. SMOOT. If the Senator from Oklahoma does not propose to adjourn, I will suggest the absence of a quorum.

Mr. GORE. All right.

Mr. KERN. I was about to move to adjourn.

Mr. SMOOT. Then I will withdraw the suggestion.

Mr. GORE. I will not withdraw my suggestion that I accept the last amendment tendered by the Senator from Mississippi. I have a right to perfect the committee amendment. I have accepted that form of amendment. I have a right under the rule to perfect the pending amendment by accepting the suggestion of the Senator from Mississippi. I will not consent that it shall go over until we make an effort to perfect it.

Mr. SMOOT. Nobody is trying to take any right away from the Senator. The Senator has a perfect right to do that to-morrow. He has a perfect right to do it to-night. I have not tried to deprive him of any of his rights, but I want to say to the Senator that unless we adjourn I shall, as I said, suggest the absence of a quorum, and we will have a quorum here before action on the amendment.

Mr. GORE. The Senator has a right to suggest the absence of a quorum.

Mr. McCUMBER. I move that the Senate adjourn.

The motion was agreed to, there being on a division—ayes 16, noes 8; and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 5, 1914, at 12 o'clock meridian.

#### NOMINATIONS.

##### *Executive nominations received by the Senate May 4, 1914.*

#### ASSISTANT ATTORNEY GENERAL.

Bert Hanson, of New York City, N. Y., to be Assistant Attorney General (conduct of customs cases), vice William L. Wemple, resigned.

#### UNITED STATES MARSHAL.

John S. P. H. Wilson, of Auburn, Me., to be United States marshal for the district of Maine, vice Henry W. Mayo, resigned.

#### PROMOTIONS IN THE NAVY.

Capt. Walter McLean to be a rear admiral in the Navy from the 10th day of March, 1914.

Asst. Naval Constructor Alexander H. Van Keuren to be a naval constructor in the Navy from the 30th day of April, 1914.

Asst. Naval Constructor Edwin G. Kintner to be a naval constructor in the Navy from the 30th day of April, 1914.

Asst. Naval Constructor Fred G. Coburn to be a naval constructor in the Navy from the 30th day of April, 1914.

Pharmacist Richard F. S. Puck to be a chief pharmacist in the Navy from the 24th day of February, 1914.

#### CONFIRMATIONS.

##### *Executive nominations confirmed by the Senate May 4, 1914.*

#### UNITED STATES DISTRICT JUDGE.

Wilbur F. Booth to be United States district judge for the district of Minnesota.

#### COLLECTOR OF CUSTOMS.

Frank E. Fitzsimmons to be collector of customs for the district of Rhode Island.

#### PROMOTIONS IN THE ARMY.

##### CAVALRY ARM.

Lieut. Col. George H. Morgan to be colonel.

Maj. George H. Cameron to be lieutenant colonel.

Capt. Edward D. Anderson to be major.

Lieut. Col. William C. Brown to be colonel.

First Lieut. Consuelo A. Seoane to be captain.

##### FIELD ARTILLERY ARM.

First Lieut. Lesley J. McNair to be captain.

##### COAST ARTILLERY CORPS.

First Lieut. Henning F. Colley to be captain.

##### INFANTRY ARM.

Lieut. Col. Wilds P. Richardson to be colonel.

Maj. Beaumont B. Buck to be lieutenant colonel.

Capt. Ferdinand W. Kobbé to be major.  
Lieut. Col. William F. Blauvelt to be colonel.  
Chaplain Oscar J. W. Scott to be chaplain with the rank of captain.

## MEDICAL CORPS.

Lieut. Col. Jefferson R. Kean to be colonel.  
Maj. Charles Lynch to be lieutenant colonel.  
Capt. John L. Shepard to be major.

## QUARTERMASTER CORPS.

Lieut. Col. George F. Downey to be colonel.  
Lieut. Col. John M. Carson, jr., to be colonel.

## APPOINTMENTS IN THE ARMY.

## MEDICAL RESERVE CORPS.

*To be first lieutenants.*

George Edward Barksdale.  
Theodore David Burger.  
Ralph D'Alma Denig.  
Charles Marvin Fox.  
Clarence Gunter.  
Lasher Hart.  
Harry Hungate Robinson.  
Charles Wallace Sale.  
Thomas Hugh Scott.  
Fedor Leo Senger.  
Jonathan Mayhew Wainwright.

## POSTMASTERS.

## ARIZONA.

James L. Byrnes, Flagstaff.  
James W. Woolf, Tempe.

## GEORGIA.

Marshall G. Merritt, Trion.

## IDAHO.

Anna McMahan, Spirit Lake.

## INDIANA.

Charles B. Beck, Richmond.  
George B. Davis, Logansport.  
Simon Doenges, Connersville.  
Lewis Sartor, Martinsville.  
Albert T. Sering, Liberty.  
Lucius C. Wann, Warsaw.

## IOWA.

B. M. Jacobsen, Clinton.  
Katherine E. Morecombe, Storm Lake.

## KANSAS.

A. E. Bruner, Highland.  
A. M. Markley, Mound City.  
Henry C. Mayse, Ashland.

## MAINE.

Clarence Mantor, Skowhegan.  
Daniel A. Michaud, East Millinocket.  
Frank A. Millett, Mechanic Falls.

## MINNESOTA.

Gunstein D. Aakhus, Erskine.  
G. E. Comstock, Houston.  
Ole A. Fuglie, Ulen.  
Michael E. Gartner, Preston.  
Otis W. Newton, Morton.  
May B. Rosing, Cannon Falls.  
Charles S. Strout, Monticello.  
Charles A. Tullar, Warren.

## MISSOURI.

John T. Haley, Harris.  
Oscar L. Meek, Koshkonong.

## NEBRASKA.

W. D. Bradstreet, Spencer.  
Thomas A. Kelly, Republican City.  
M. T. Kilmer, Western.  
I. A. Manchester, North Loup.

## NEW HAMPSHIRE.

John R. Willis, Manchester.

## NEW JERSEY.

Anton J. Mikolajczak, Maurer.

## NEW YORK.

James H. Burns, Troy.  
John D. Crosby, Inwood.  
Edward A. Clark, Greene.  
Myron L. Fisher, Spencer.

Daniel Grant, Afton.  
Elbert G. Harris, Cuba.  
Abram Lang, Eden.  
Andrew J. McMahon, Groton.  
James L. Seely, jr., Canisteo.  
Robert F. Talbot, New Berlin.

## NORTH CAROLINA.

T. L. Grant, Old Fort.  
George C. Lynch, Hillsboro.

## NORTH DAKOTA.

George E. Duis, Grand Forks.

## OHIO.

Clarence D. Crumb, Cuyahoga Falls.  
Charles A. Eberle, Dillonvale.  
M. A. Houghton, Oberlin.

## OREGON.

T. B. Vernon, Lakeview.

## SOUTH DAKOTA.

John Knuckey, Clear Lake.

## TEXAS.

Eyve Kennedy, Kirbyville.

## UTAH.

Berdie P. Olson, Ephraim.

## VIRGINIA.

Charles W. Mugler, Newport News.  
Wily W. Ward, South Boston.

## HOUSE OF REPRESENTATIVES.

MONDAY, May 4, 1914.

The House met at 12 o'clock noon.

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

Eternal God, our heavenly Father, whose boundless love encircles all, whose infinite wisdom is displayed in all the works of Thy hands, whose almighty power is everywhere manifest, whose gracious providence has shaped and guided the destiny of men and of nations in all the past, we most fervently pray for all that makes for purity in the soul, for all that makes for righteousness in the Nation, that thus susceptible to the heavenly influences we as individuals and as a Nation may fulfill our destiny to the honor and glory of Thy holy name. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, May 2, 1914, and of Sunday, May 3, 1914, was read and approved.

## GEN. DANIEL E. SICKLES.

Mr. GOULDEN. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for three minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. GOULDEN. Mr. Speaker, last night, Sunday, May 3, in New York City a brave, heroic soldier, Maj. Gen. Daniel E. Sickles, answered the roll call of the Supreme Commander of the Universe. He was the last of the great corps commanders on either side of that memorable struggle from sixty-one to sixty-five.

Gen. Sickles served his country well and faithfully; first as a member of the New York State Legislature in both houses, then as a Member of Congress for four years, beginning with 1856 to the outbreak of the Civil War. Although a Democrat he offered his services to President Lincoln early in 1861, and was commissioned to raise a regiment. This he promptly did, following it with four others, constituting a brigade known as the "Excelsior," of which he was made the commanding officer, with the rank of brigadier general. His previous experience in the State militia as an officer qualified him to drill, discipline, and command troops. In November, 1862, after the Battle of Antietam, where he gallantly led a division of the Third Army Corps, he was made a major general and placed in command of that historic corps, distinguished himself in various battles of the Army of the Potomac, and in an especial manner on July 2, 1863, at Gettysburg, where he lost a leg in the service of his country.

He served as minister to Holland in 1866 to 1869, declining the same position to Mexico, but accepted the appointment to represent this country at the court of Spain.

Gen. Sickles was again elected to Congress in 1894 as a Democrat, serving one term with credit to himself and honor to the Nation.

as time, that in order to accomplish unfair designs and prevent suspicion the guilty party should call the other "thief" first. Great Britain proceeded upon this theory when she charged us with violating the treaty, and some of her friends in Congress have proceeded on the same theory when they charge us with acting in the interest of a monopoly. But the people of the United States can not be deceived by this fallacious accusation. They know that in the law granting free tolls to our coastwise ships there is a clause prohibiting all trust and railroad owned ships from passing through the canal.

The proof before the Inter-oceanic Committee shows that the transcontinental and other railroads protested against the exemption, and proof before the Lobby Investigating Committee shows that the railroads spent a considerable sum of money in the employment of a lobbyist to prevent the incorporation in the law of the provision to prevent ships owned or operated by any railroad, or in which any railroad may have a direct or indirect interest, from competing with traffic through the canal.

But this is not all. The Tehuantepec Railroad, crossing Mexico south of Mexico City, connects Puerto Mexico, on the Gulf or Atlantic side, with Salina Cruz, on the Pacific, and is 190 miles long. It was built under contract with the Mexican Government by S. Pearson & Son, under the personal direction of Sir Weetman Pearson, alias Lord Cowdray, of England. The Mexican Government paid for the building and Sir Weetman negotiated the Mexican bonds. The road, with both the harbor improvements, cost \$65,000,000.

After the road was completed in 1902, Sir Weetman, alias Lord Cowdray, took it over upon a contract with the Diaz government for 51 years, Mexico retaining only the right of inspection. Otherwise the property belongs completely to Lord Cowdray for that period. So it appears that this is essentially a British road.

The exemption of our coastwise vessels from the payment of tolls through the canal will destroy the usefulness of this road.

The American-Hawaiian Steamship Co. is almost its sole customer. It clears its ships in New York for Puerto Mexico. There it unloads, and freights its cargoes over the Salina course by way of Lord Cowdray's railroad. It charges \$12 a ton freight from New York to Honolulu, and vice versa. Of this amount it pays Cowdray's road \$4 on each ton.

In 1911 it carried 788,820 tons, all of which save 90,000 was American coastwise traffic. All these facts appear in the testimony of Mr. Dearborn, president of the road, before the House committee.

The contract between the railroad and the steamship company terminates with the opening of the canal, the result of which will be a yearly loss to the road of \$2,952,280.

President Dearborn explained further that the steamship company would save 12 days now lost in unloading, reloading, and crossing from ocean to ocean.

Lord Cowdray is the English oil king. He owns the Tampico oil fields, in addition to an equal interest with Sir Lionel Carden in those lying near his road. Great Britain is now turning her battleships into oil burners, and depends on Cowdray for the oil to operate them. Doubtless the foregoing facts, among others, caused Great Britain to so quickly recognize Huerta's government. The great interest of Great Britain in protecting her subjects, and incidentally herself, by defeating coastwise-ship exemption is therefore apparent in Mexico. This, connected with the protection of the commerce of the transcontinental railroads of Canada, shows the gigantic British interests that are at stake.

These great interests are warring on our commerce simply because they know that their monopoly will be destroyed by toll exemption of coastwise vessels and the inhibition on trust and railroad owned ships from using the canal. So that instead of the friends of free toll fighting for monopoly, the shoe appears to be on the other foot. The interest of 29 coastwise vessels pales into utter insignificance when contrasted with that of the transcontinental and shipowning railroads and the English-owned Mexican railroad. These great monopolies will be fostered and fattened by denying exemption to the coastwise vessels of the United States.

Much has been said concerning the Suez Canal. It is unfortunate, considering her conduct, that Great Britain should even refer to that subject.

It is claimed for Great Britain that she only asks the United States to accord the same treatment in the Panama Canal that she accords in Suez. This is untrue. While it is true the rules of the convention of Constantinople apply to all vessels in time of war or peace without distinction of flags, "the rights of Turkey as the territorial power," together with the sovereign

rights of the Sultan and the rights and immunities of the Khedive, are reserved. Nor must it be forgotten that Great Britain, who now so earnestly pleads for neutralization, is not bound to that principle in Suez. When the powers interested met in London in 1855, Sir Julian Pauncefote submitted this memorandum defining the British position:

The British delegates in presenting this draft of a treaty as the definite regulation intended to guarantee the free use of the Suez Canal, think it their duty to formulate a general reservation as to the application of these provisions in so far as they may not be compatible with the transitory and exceptional condition of things actually existing in Egypt, and may limit the freedom of action by their government during the period of the occupation of Egypt by the forces of Her Britannic Majesty.

Nothing being accomplished at that meeting in 1857 a new draft of a convention was signed at Paris by Great Britain and France, subject to the concurrence of other powers interested. This draft was submitted to the other powers by Lord Salisbury, accompanied with a note containing the reservation made by Sir Julian Pauncefote as above set out and was signed by the representatives of Great Britain, Germany, Austro-Hungary, Spain, France, Italy, the Netherlands, Russia, and Turkey, subject to the reservation. All the powers named except Great Britain are bound to respect the neutrality of the canal and to guarantee its free use by the ships of commerce and of war of all nations at all times.

As long as Great Britain occupies Egypt, whenever she concludes that it is to her interest to disregard this convention and utilize the canal for purposes of war she is at liberty to do so. She may exclude belligerent ships and close the canal to all commerce, as did Sir Garnet Wolseley in 1882.

The same man—Pauncefote—who thus procured a free hand for Great Britain in the Suez Canal, signed the treaty which it is claimed binds our country to do at Panama what Great Britain refused to do at Suez. Great Britain induced the powers to respect the neutrality of the Suez Canal, although she refused to do it; and now she contends that the United States is bound to guarantee the neutrality of the Panama Canal and give her equal rights of passage through it for all her ships.

But for a moment I call your attention to the dastardly conduct of Great Britain concerning the Suez Canal.

Prior to the opening of that canal the Mediterranean was a closed sea and all the commerce on it from the Far East was carried under the flags of Great Britain and Holland.

When De Lesseps was engaged in constructing the canal for a corporation, Great Britain, seeing that when completed it would admit other nations as competitors to her commerce, through Lord Palmerston placed every obstacle in the way of De Lesseps. He induced Said Pasha to withdraw 20,000 laborers from the canal and engage them in raising cotton. Of course this action delayed the construction of the canal.

However, in 1867, despite all difficulties, the canal was completed. Great Britain at once determined to obtain control of it, and Disraeli inaugurated the necessary steps to accomplish that end. He took advantage of the strained financial condition of Ismail Pasha, who had forced the Khedive to buy a sufficient number of shares in the canal company to give Egypt a certain control in the management, and bought these shares for Great Britain.

Great Britain, in order to accomplish her object, after the completion of the canal, proceeded to make herself its mistress. She fortified Gibraltar, Malta, and Cyprus, on the Mediterranean side of the canal, and at the outlet of the Red Sea she acquired the island of Perim, which she fortified. Having obtained these positions of vantage, she proceeded to occupy Egypt.

Notwithstanding these steps of aggression, Great Britain then professed that she would observe the principle of neutrality regarding the canal, but later, as we have seen, she made her occupation of Egypt the excuse for the reservation made by Pauncefote.

When Arabi Pasha revolted in 1882 he declared he would not violate the neutrality of the canal except at the last extremity, and only in case of some act of English hostility at some point of the canal.

Great Britain, always on the alert, saw her opportunity, and, on the pretense of her ownership of stock in the canal, but really for the purpose of obtaining full control, in August, 1882, forcibly took possession of the canal, tied up shipping at the gates or passing places, and put a gunboat at each end.

Rear Admiral Goodrich, of the United States Navy, reported these facts to his Government with a statement that he had "protested against this act of violence and spoliation."

Great Britain refuses to be bound by the rules which she seeks to make applicable to other nations, "but acts always and

everywhere consistent with the fundamental principles of her foreign policy, seizes whatever she can, holds all she has, and proclaims loudly her desire to preserve equal rights and to distribute the benefits of her Christian civilization."

In order to incite the interior of the country against free tolls it is contended that the exemption of coastwise vessels will not benefit the people except along the coasts.

If the producers of cotton in the interior of Texas and in other Southern States will have a new and cheaper outlet for their cotton, if the farmers of the Central West will have another and cheaper route over rivers connecting with the canal or otherwise by which to ship their grain, cattle, and manufactured articles and will be enabled to obtain articles at much cheaper rates from distant States of the Union than they can by rail, how can it be said that they will not be benefited?

A distinguished Representative said:

When you say that if you reduce the freight rates on the coast the rates in the interior will not be reduced, you might as well say that if you reduce the level of the water along the edges of a great lake that the interior of the lake will not be reduced.

So that while trade will continue between the coasts the people of the Middle West will get lower rates and new markets.

He gives an apt illustration of the coast trade. Canned salmon is one of the large industries along the Pacific coast, amounting to \$30,000,000 last year. It can be shipped through the canal to New Orleans, thence up the Mississippi to St. Louis cheaper than by rail. Such a shipment can be made much cheaper through the canal and will result in material good to the consumer.

Recently an experimental shipment of barley was made from San Francisco to St. Louis by way of Panama. First by ship to Panama, thence by rail across the Isthmus to Colon, thence by ship to New Orleans, thence by barge up the Mississippi to St. Louis. The cost was \$4,200 less by this method than by rail, although the bulk was broken to cross the Isthmus by rail.

Free coastwise ships will result in cheaper lumber, cheaper fruit, cheaper barley, and other articles from the western coast, all of which will be of great benefit to the consumer.

Of course all that has been said concerning shipments from the western coast applies with equal force to shipments from the eastern coast. Nor is there any weight in the argument that railroads will increase their rates. On the contrary, the exact opposite will result.

The railroads, of course, have a great advantage, on account of rapidity of shipment, but to maintain this will be compelled to reduce their rates.

Competition is the life of trade. Suppose the rate should be reduced from New York to Spokane and into Idaho and Montana and that part of the country, so that it is less than from Chicago, what would be the result. Chicago would simply reduce her rates to prevent New York from taking her market.

The persistent fight by the railroads before the committee recently in favor of repeal very plainly shows whether their rates will be reduced.

After expending \$400,000,000 to build the canal, besides the millions we will be compelled in the future to expend to police, defend, and keep it in repair, shall we allow Great Britain, who gave substantially no consideration for the valuable rights she obtained under the treaty, perfect equality with the United States, thus destroying our commerce, weakening our national defense, and surrendering the right to control our domestic concerns? And especially shall we do all these things when she, by attacking the treaty with Panama, is endangering our title to the canal itself?

I have always been an advocate for peace. No one more dreads and despises war; but I am opposed to buying peace with money or by the sacrifice of the Nation's rights. I am opposed to peace at any price. Peace can not reign at the expense of justice and honor unless it be the peace of cowardice, the peace of despotism, or the peace of death.

A nation's integrity is its most priceless possession, and its sacrifice ever has been and ever will be the certain prelude to its destruction.

Our forefathers, in 1776, when this Nation was a weakling, fought and died to vindicate a great principle. They sought no compromise, but with heart and brain inspired with right and patriotism, they wrung independence from Great Britain. Again, in 1812, they fought and died to preserve their commerce and avenge the insults and outrages inflicted upon them by the same power.

The same country is now attempting to violate its treaty and is demanding that we surrender our right to regulate domestic affairs.

The people of the United States did not surrender in 1776; they did not surrender in 1812; and, with the graves of their

forefathers around them, their spirits hovering over them, the inspiration of their deeds within them, and the flag proudly floating above them, they will not surrender now.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). What is the pleasure of the Senate?

Mr. O'GORMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Gallinger	O'Gorman	Shively
Bankhead	James	Oliver	Smith, S. C.
Bradley	Kenyon	Page	Thomas
Bristow	Kern	Porkins	Thompson
Burton	Lane	Pomerene	Vardaman
Chamberlain	Lea, Tenn.	Robinson	West
Chilton	Lee, Md.	Saulsbury	Williams
Clark, Wyo.	Lippitt	Sheppard	Works
Clarke, Ark.	McCumber	Sherman	
Cummins	Martine, N. J.	Shields	

Mr. LANE. I wish to announce the unavoidable absence of the Senator from Minnesota [Mr. CLAPP] on the business of the Senate in connection with committee work.

Mr. POMERENE. I desire to announce that the junior Senator from Missouri [Mr. REDD] is necessarily detained from the Senate on important business.

Mr. SHIVELY. I desire to announce that the senior Senator from Missouri [Mr. STONE] is detained from the Senate on important business. He is paired with the Senator from Wyoming [Mr. CLARK].

The PRESIDING OFFICER. Thirty-eight Senators are present—less than a quorum.

Mr. SHIVELY. I ask that the names of absent Senators be called.

The PRESIDING OFFICER. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. BRYAN, Mr. MARTIN of Virginia, Mr. NORRIS, Mr. OVERMAN, Mr. OWEN, Mr. SMITH of Georgia, Mr. SMOOT, Mr. SWANSON, and Mr. WARREN answered to their names when called.

Mr. LA FOLLETTE, Mr. HOLLIS, Mr. BURLEIGH, Mr. DILLINGHAM, and Mr. CRAWFORD entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

Mr. BRISTOW. Mr. President, I had intended to address the Senate this afternoon on the canal bill, but I understand it is desired to have an executive session. Therefore I shall not undertake to address the Senate to-night, but shall do so to-morrow afternoon, following the address of the junior Senator from New York [Mr. O'GORMAN], unless something should interfere.

Mr. SHIVELY. Mr. President, I desire to say to the Senator from Kansas that it is not the purpose to move at this time for an executive session, but to do so later, if the Senator will proceed with his remarks.

Mr. O'GORMAN. Mr. President, I ask that the canal bill be temporarily laid aside.

The PRESIDING OFFICER. Without objection, that will be done.

Mr. SMITH of Georgia. Before that is done I should like to give notice that on Monday, May 11, immediately after the close of the morning business, I desire to address the Senate upon the Panama Canal bill.

Mr. O'GORMAN. I desire to say a word further. The reference by the Senator from Kansas to an executive session was based upon information which I conveyed to him, and my information was based upon that given to me by Members on this side.

#### PROPOSED INCREASE OF RAILROAD RATES.

Mr. OWEN. Mr. President, on yesterday it was suggested by the Senator from Wisconsin [Mr. LA FOLLETTE] that he had not seen anywhere in the public press any denial from the President of the United States of the newspaper editorials to the effect that the President was in favor of having an increase in the freight rates of the railways.

I wish to have recorded in the RECORD the fact that on the 6th of April the President, in his usual interview at the White House with the various representatives of the leading metropolitan papers of the country, was asked this question by some of them:

They say you are trying to get an increase of the railroad rates, Mr. President?

He replied:

You know, I explained to you gentlemen before that I could not express any opinion about that, because the commission is a semijudicial body, and it would not be proper for me to do so.



## HYACINTHE VILLENEUVE.

H. R. 6260. An act for the relief of Hyacinthe Villeneuve, was read twice by its title.

Mr. SMOOT. Mr. President, a few days ago the Senate passed a bill identical with the one that the Chair has just presented to the Senate. For that reason I desire to ask that immediate consideration of the House bill be granted, and then I shall enter a motion for a reconsideration of the vote—

Mr. OWEN. I feel compelled to call for the regular order on this matter.

Mr. SMOOT. This is the regular order.

Mr. OWEN. I think the unfinished business is the regular order. It should be.

The PRESIDING OFFICER. That, the Chair understands, has been laid aside. The Chair rules that this is the regular order. It is a message from the House of Representatives.

Mr. SMOOT. This is a message from the House of Representatives, laid before the Senate by the Presiding Officer.

Mr. OWEN. What has become of the regular order?

The PRESIDING OFFICER. The Chair understands that it was temporarily laid aside.

Mr. OWEN. A request was made that it be temporarily laid aside, but the request has not been granted by the Senate. It requires unanimous consent.

The PRESIDING OFFICER. The Chair understands that this was at the request of the chairman of the committee.

Mr. OWEN. I understand that, but it has to be laid aside by unanimous consent.

The PRESIDING OFFICER. The Chair is informed that at the request of the chairman of the committee a message of this character may be laid before the Senate at any time.

Mr. OWEN. Mr. President, I shall not insist on this procedure at this time, but I shall insist upon the regular order hereafter.

The PRESIDING OFFICER. The Senate will take cognizance of that.

Mr. SMOOT. I was stating that a bill identical with the one before the Senate passed the Senate the other day, and I now ask that this bill be immediately considered. Then I shall enter a motion to reconsider the vote of the Senate by which the bill passed the Senate the other day.

The PRESIDING OFFICER. A motion is made by the Senator from Utah that House bill 6260 shall be immediately considered.

Mr. GALLINGER. What is the title of the bill?

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The SECRETARY. An act for the relief of Hyacinthe Villeneuve.

Mr. SMOOT. It grants title to a piece of land in North Dakota. The Senator from North Dakota asked unanimous consent the other day for the consideration of the bill; it was granted and the bill passed.

Mr. GALLINGER. I simply imitate the suggestion that so often emanates from the Senator from Utah in saying that this is a bad form of legislation, and that the bill ought to go to a committee; but I shall not make any point against it.

Mr. SMOOT. I wish to say to the Senator that if a bill identical with this had not already passed this body, I never would have asked for the present consideration of the bill.

Mr. GALLINGER. Similar bills have come here under similar circumstances, and the Senator has very wisely suggested that they ought to go to committees; but I shall not make the point.

Mr. SMOOT. Let it go to the committee, then.

Mr. GALLINGER. No; I do not make the point at all. I am willing that the bill shall be considered.

The PRESIDING OFFICER. Is there any objection to the immediate consideration of the bill?

Mr. OWEN. I think it ought to go to the committee.

The PRESIDING OFFICER. Objection is made. The bill will be referred to the Committee on Public Lands.

## ELIZABETH MUHLEMAN.

Mr. OVERMAN. I ask the Chair to lay before the Senate the bill received to-day from the House of Representatives for the relief of Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased.

The SECRETARY. H. R. 12191, an act for the relief of Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased.

Mr. OVERMAN. There is on the calendar a bill (S. 4060) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased, which was reported by me April 1 from the Committee on Claims. I ask that the

bill just received from the House of Representatives be substituted on the calendar for the Senate bill.

The PRESIDING OFFICER. Without objection, that action will be taken.

Mr. OVERMAN. I ask that the Senate bill be postponed indefinitely.

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

## HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 851. An act for the relief of the legal representatives of Napoleon B. Giddings;

H. R. 2728. An act for the relief of George P. Heard;

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

H. R. 4744. An act to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army; and

H. R. 9147. An act to restore First Lieut. James P. Barney, retired, to the active list of the Army.

The following bills were severally read twice by their title and referred to the Committee on Public Lands:

H. R. 1517. An act for the relief of George W. Cary;

H. R. 3334. An act authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass.;

H. R. 4318. An act to authorize the Secretary of the Interior to cause patent to issue to Erik J. Aanrud upon his homestead entry for the southeast quarter of the northeast quarter of section 15, township 159 north, range 73 west, in the Devils Lake land district, North Dakota; and

H. R. 6052. An act for the relief of William P. Havenor.

The following bills were severally read twice by their title and referred to the Committee on Claims:

H. R. 900. An act for the relief of James Lasson;

H. R. 932. An act for the relief of John W. Canary;

H. R. 2705. An act for the relief of David C. McGee;

H. R. 3041. An act to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell;

H. R. 3428. An act for the relief of James Stanton;

H. R. 7633. An act for the relief of the personal representative of Charles W. Hammond, deceased;

H. R. 8808. An act for the relief of Baley W. Hamilton;

H. R. 8811. An act to execute the findings of the Court of Claims in the case of Sarah B. Hatch, widow of Davis W. Hatch;

H. R. 9851. An act for the relief of legal representative of George E. Payne, deceased;

H. R. 10172. An act for the relief of L. V. Thomas;

H. R. 10201. An act for the relief of the heirs of Theodore Dehon;

H. R. 11040. An act to carry out the findings of the Court of Claims in the case of James Harvey Dennis;

H. R. 11381. An act for the relief of the estate of T. J. Semmes, deceased;

H. R. 13240. An act for the relief of the legal representatives of James S. Clark, deceased; and

H. R. 14197. An act for the relief of the legal representatives of Mrs. H. G. Lamar.

H. R. 14229. An act for the relief of Henry La Roque, was read twice by its title and referred to the Committee on the Judiciary.

H. R. 1781. An act providing for the refund of certain duties incorrectly collected on wild-celery seed, was read twice by its title and referred to the Committee on Finance.

## AGRICULTURAL APPROPRIATIONS.

Mr. GORE. I ask unanimous consent that the Senate resume the consideration of the agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

Mr. GORE. I ask that the Secretary read the amendment on page 18, that was passed over when it was first reached.

The PRESIDING OFFICER. Without objection, that will be done.

The SECRETARY. On page 18, line 13, it is proposed to strike out "\$80,580" and insert:

\$180,580. *Provided*, That of the sum thus appropriated, \$100,000 shall be used for furnishing the primary markets in the cotton-growing States with a set of samples as standardized by the Government, and a sample of the bleached and unbleached yarns made from the different grades, showing the waste, tensile strength, and bleaching quality thereof.

Mr. GALLINGER. Mr. President, I will ask the Senator having the bill in charge if that proviso is not in the nature of a subsidy? We have heard a great deal about subsidies to the shipping interests of the country. Before this bill is passed I wish to call attention to various items in the bill that are direct subsidies to certain interests, and this is one of them.

Mr. GORE. Mr. President—

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

Mr. GALLINGER. I yield, because I am seeking information.

Mr. GORE. I do not care to interrupt the Senator from New Hampshire. I thought he had finished.

The PRESIDING OFFICER. The Senator from New Hampshire still has the floor.

Mr. GALLINGER. I am glad to be interrupted, Mr. President. I have raised the question in all seriousness.

Mr. GORE. It was, of course, the desire of the committee to rally as much support in behalf of the Agricultural appropriation bill as possible, and we thought that by inserting a subsidy we would have the unanimous and enthusiastic support, at least, of the senior Senator from New Hampshire.

Mr. GALLINGER. Would the Senator have any objection to my introducing as an amendment to this bill a provision taken from a bill that I introduced to rehabilitate the merchant marine, giving a subsidy to the shipping interests?

Mr. GORE. I have no objection whatever to the Senator introducing any bill or any amendment for which he feels disposed to stand sponsor.

Mr. GALLINGER. Would the Senator support that amendment?

Mr. GORE. I would not.

Mr. GALLINGER. The Senator admits that this is a subsidy, and the other is a subsidy.

Mr. GORE. There are subsidies and subsidies.

Mr. SMOOT. Mr. President—

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

Mr. GALLINGER. I yield to the Senator.

Mr. SMOOT. If that is the object of this amendment, I certainly shall make a point of order against it. I now make the point of order that it is general legislation on an appropriation bill; it increases an appropriation, and is not estimated for.

Mr. SMITH of South Carolina. Mr. President, I wish to call the attention of the Senate to the fact that in this bill we are spending several million dollars for the purpose of demonstrating to the farmer the best method by which we can increase his output. It seems to me it comes with ill grace for any Member on this floor to vote for an appropriation to teach the farmer how to make a larger crop and then make no effort to give him any knowledge as to the value of what he does make.

I am the author of this amendment. I proposed it for the reason that we have before us a demonstration in the form of these yarns, made under an appropriation secured by me to the last Agricultural appropriation bill, showing that the trade on account of the grades which it has arbitrarily fixed is making a difference of anywhere from \$15 to \$20 per bale; whereas by this test of the relative value of the different grades the Department of Agriculture has demonstrated that no such actual difference exists.

You and I are dependent for the textiles of this country upon the southern cotton grower. The only way you can make him prosperous is to make his work profitable. I do not see how any Member on this floor can vote millions of dollars for the purpose of increasing the output, and then make no appropriation whatever to teach those who produce the raw material what it is worth.

I have here a letter from the Department of Agriculture on this very point, which I ask to have read.

Mr. SMOOT. Before the Senator asks to have the letter read, I wish to ask him in all seriousness how it is possible to give information as to the different grades of cotton, showing the waste, the tensile strength, and the bleaching qualities, when it is—

Mr. SMITH of South Carolina. Here it is.

Mr. SMOOT. Wait a minute; I was asking a question. I know that one manufacturer can take half a bale of cotton, and another manufacturer can take the other half of the same bale, and the first one can work the cotton through one mill, and the other manufacturer can work the other half through the other mill, and the tensile strength of the yarn produced will not be the same.

Mr. SMITH of South Carolina. The Senator from Utah is not going to stand here, before an intelligent body of men, and introduce any such argument as that, for the reason that he

knows that No. 1 yarn is a certain number of yards to the pound, and the increased twist determines the number of that yarn.

Mr. SMOOT. The Senator does not go far enough. Why does he not go further and explain, if he knows, about the manufacture of—

Mr. SMITH of South Carolina. Oh, I would leave all knowledge of all affairs to the Senator from Utah.

Mr. SMOOT. I have not asked the Senator to do that; but I do know that I can take a 30 or 40 or 50 run yarn, made by one mill, and take the same number of yarn, or what are supposed to be—

Mr. SMITH of South Carolina. Ah!

Mr. SMOOT. Made by another mill, and the tensile strength will not be the same.

Mr. SMITH of South Carolina. Precisely. Now, I will ask the Senator from Utah a question.

Mr. SMOOT. Therefore, I say, who is going to judge as to what the strength should be? Is the department going to do so? If so, in what mill shall it be made—one in New Hampshire, one in North Carolina, one in South Carolina, or where?

Mr. SMITH of South Carolina. Mr. President, the Senator from Utah, as a matter of course, encyclopedic as he is, will understand that the department has also demonstrated that the speed of the gin had nothing whatever to do with the value of the cotton ginned. Before this appropriation of mine was secured authorizing the department to test it, that was another fiction by which the farmers of this country were systematically robbed.

The manufacturers would get a certain kind of cotton, and on account of its appearance they would declare that it was gin-cut cotton, that it was not in good form, and therefore that the farmers should lose from 1 to 2 cents a pound, or from \$10 to \$15 a bale. The department has proven that the speed of the gin has nothing to do with the quality of the output. The department standardized the grades of cotton, from good ordinary to middling fair—nine grades—five full grades and four half grades. The department took samples from the exchanges of the country and out of the whole made an average which represented the uniform grades of upland cotton produced in the South. It then sent some of each grade of this cotton to the mills at Danville, Va., and some of it to the textile department at Clemson College, S. C., and elsewhere, I believe. It was spun at these places with the same speed, with the same humidity, and with the same mechanical conditions surrounding it. As a result it was found that good ordinary bleached and good ordinary unbleached, as represented on this card, were practically the same as the other grades so far as tensile strength and bleaching qualities were concerned.

As a practical cotton grower, I want to call the Senate's attention to the fact that here is the middle grade; all below that grade brings a lower price and all above it brings a higher price. The trade made a difference of \$15 per bale between middling and good ordinary. Under the impartial test of the department, made at Clemson College and at Danville, it was proven, as shown on this card, that there is practically no difference in the yarns made from the grades from middling fair to good ordinary. But the trade makes a difference of \$15 a bale between middling and good ordinary, and \$30 a bale between middling fair and good ordinary.

The department has impartially spun this yarn under conditions that should characterize every well-organized mill, using upland cotton, under the same mechanical conditions, with the same humidity and the same speed of the spindle, and has reached this result. I ask the Senator from Utah if some mill wants to make a little more time, thereby injuring the fiber by reckless speed, is he going to stand here and advocate that the farmer shall be penalized for such a manufacturer's benefit—that these samples shall not be given the farmer to protect him from this very condition?

Mr. SMOOT. Mr. President, the question asked by the Senator from South Carolina has nothing to do with what the tensile strength and bleaching quality of a certain size yarn may be in different sections of this country. The Senator knows that in some parts of the country the water has a great deal to do with it; again, the machinery has a great deal to do with it, as well as the humidity. This is the case with any size of yarn spun from any graded cotton.

Mr. SMITH of South Carolina. Then does the Senator from Utah mean to say that he is going to penalize the grower of cotton because some manufacturer increases the speed of his spindles to a point where it absolutely breaks the fiber, and because such a manufacturer happens to be located in a place where certain meteorological conditions or climatic conditions make it unprofitable to spin the stuff, when the department

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

#### WORKMEN'S COMPENSATION.

Mr. CHILTON. I am directed by the Committee on Printing, to which was referred the Senate resolution 326, to authorize the printing of Senate Document No. 419, workmen's compensation report, submitted by Mr. BRADY on April 4, to report it favorably.

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

#### THE CONSULAR SERVICE.

Mr. CHILTON. On March 5 the Senator from South Dakota [Mr. STERLING] presented an article entitled "The American Consular Service and Commercial Attachés," written by Mr. J. J. Slechta, of New York, and requested that it be printed as a Senate document, and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, which I ask may be read.

The resolution (S. Res. 356) was read, as follows:

Resolved, That the manuscript submitted by Mr. STERLING on March 5, 1914, entitled "The American Consular Service and Commercial Attachés," by Mr. J. J. Slechta, of New York, be printed as a Senate document.

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

#### ADDRESS BY JUDGE WALTER CLARK.

Mr. CHILTON. On March 25 the Senator from North Carolina [Mr. OVERMAN] presented a copy of an address by Chief Justice Walter Clark, of the Supreme Court of North Carolina, and asked that it be printed as a Senate document, and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, which I ask may be read.

The resolution (S. Res. 357) was read, as follows:

Resolved, That the manuscript submitted by Mr. OVERMAN on March 25, 1914, entitled "Government by Judges," an address delivered by Chief Justice Walter Clark, of the North Carolina Supreme Court, at Cooper Union, New York City, January 27, 1914, be printed as a Senate document.

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

#### THE MISSISSIPPI RIVER.

Mr. CHILTON. On March 5 the Senator from Nevada [Mr. NEWLANDS] presented an article by Barnett E. Moses, on the problem of the Mississippi River, and requested that it be printed as a Senate document, and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, which I ask may be read.

The resolution (S. Res. 358) was read, as follows:

Resolved, That the manuscript submitted by Mr. NEWLANDS on March 5, 1914, entitled "The Problem of the Mississippi River," by Mr. Barnett E. Moses, of the Memphis bar, be printed as a Senate document.

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

#### TREATY-MAKING POWER UNDER THE CONSTITUTION.

Mr. CHILTON. On April 22 the Senator from California [Mr. WORKS] presented an article on the treaty-making power under the Constitution of the United States, prepared by Henry St. George Tucker, and requested that it be printed as a Senate document, and it was referred to the Committee on Printing for action. I am directed by the Committee on Printing to report the following resolution, which I ask may be read.

The resolution (S. Res. 359) was read, as follows:

Resolved, That the article submitted by Mr. WORKS on April 22, 1914, entitled "The Treaty-Making Power Under the Constitution of the United States," by Henry St. George Tucker, of Lexington, Va., be printed as a Senate document.

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

#### MARKETING OF APPLES.

Mr. CHILTON. On December 19 the Senator from Washington [Mr. POINDEXTER] presented an article on Western Apples: How and When to Use Them, by Mr. John P. Hartman, of Seattle, Wash., and requested that it be printed as a Senate document. I am directed by the Committee on Printing to report the following resolution, which I ask may be read. I call the attention of the Senator from Washington [Mr. POINDEXTER] to the resolution, who, I think, is in a hurry for it.

The resolution (S. Res. 354) was read, as follows:

Resolved, That the manuscript submitted by Mr. POINDEXTER on December 19, 1913, entitled "Western Apples: How and When to Use Them," by Mr. John P. Hartman, of Seattle, Wash., be printed as a Senate document.

Mr. POINDEXTER. I ask unanimous consent for the immediate consideration of the resolution.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, I shall not object to the resolution, as it is a small matter; but I will object to other similar requests, because I think that if we are ever to get rid of the business on the calendar we must have the bills as they are reported go to the calendar. Then Senators will become sufficiently interested in them to enforce the consideration of bills on the calendar.

Mr. POINDEXTER. I realize the force of what the Senator says, and I would not make the request only from the fact that this matter has been unreasonably delayed.

The resolution was considered by unanimous consent and agreed to.

#### BILLS INTRODUCED.

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

By Mr. GALLINGER:

A bill (S. 5518) granting an increase of pension to John F. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 5519) to reestablish the Circuit Court of the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. McLEAN:

A bill (S. 5520) granting an increase of pension to Elizabeth R. Frink (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 5521) granting an increase of pension to Maggie Daugherty (with accompanying papers); to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 5522) for the relief of James W. Kingon; to the Committee on Claims.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. SWANSON submitted an amendment proposing to appropriate \$200,000 for a new dry dock at Norfolk Navy Yard, Norfolk, Va., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

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

#### OMNIBUS CLAIMS BILL.

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

#### SENATE OFFICE BUILDING COMMISSION.

Mr. GALLINGER. Mr. President, I desire to make a brief statement.

In the sundry civil appropriation act of April 28, 1904 (Stat. L., vol. 33, pt. 1, p. 481), a commission was created to acquire a site and construct the building known as the Senate Office Building. The commission, as created, was composed of Senators Cullom, of Illinois; GALLINGER, of New Hampshire; and Cockrell, of Missouri. When Senator Cockrell left the Senate, Senator Teller, of Colorado, was appointed to the vacancy. Since then Senators Cullom and Teller have died, so that I am now the only surviving member of the commission.

The law provides that—

Any vacancy occurring by resignation or otherwise in the membership of the said commission shall be filled by the presiding officer of the Senate.

I am informed, Mr. President, by the Superintendent of the Capitol Building and Grounds that it is important that the vacancies on the commission shall be filled, as the work has not been completed, and it is necessary that the commission shall be consulted from time to time. In view of that fact I venture to suggest that the vacancies be filled by the Vice President, as provided by law.

The VICE PRESIDENT. The Vice President fills the vacancies on the commission by the appointment of the Senator from North Carolina [Mr. OVERMAN] and the Senator from Indiana [Mr. KERN].

#### PANAMA CANAL TOLLS.

Mr. CHILTON. Mr. President, I desire to give notice that on Thursday next, the 14th instant, at the conclusion of the remarks of the Senator from New Hampshire [Mr. GALLINGER],

I shall submit some observations on the Panama Canal tolls question.

ESTATE OF THOMAS B. MCCLINTIC, DECEASED.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 661) for the relief of the widow of Thomas B. McClintic, deceased.

Mr. BRYAN. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. BRYAN, Mr. MARTIN of Virginia, and Mr. CRAWFORD conferees on the part of the Senate.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4163) 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.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4352) 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.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4260) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4352) 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.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4637) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 16294. 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; and

H. R. 16345. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

DEPOSITS OF STATE BANKS AND TRUST COMPANIES.

The VICE PRESIDENT. Morning business is closed.

Mr. OWEN. I ask unanimous consent for the consideration of the bill (S. 4966) proposing an amendment as to section 19 of the Federal reserve act relating to reserves, and for other purposes. If the bill involves any debate whatever I shall not press it at this time. It simply modifies the Federal reserve act by inserting these words:

If a State bank or trust company is required or permitted by the law of its State to keep its reserves either in its own vaults or with another State bank or trust company or with a national bank, such reserve deposits so kept in such State bank, trust company, or national bank shall be construed within the meaning of this section as if they were reserve deposits in a national bank in a reserve or central reserve city for a period of three years after the Secretary of the Treasury shall have officially announced the establishment of a Federal reserve bank in the district in which such State bank or trust company is situated.

Under the law as it stands it would remove some of the deposits which now are held by State banks and trust companies, being the deposits and reserves of other State banks and trust companies, and it was thought best not to disconcert or interfere with the present order more than was necessary in the establishment of the Federal reserve system.

Mr. SMOOT. Mr. President, I have not had time to examine the bill, and I do not particularly make objection to its consideration now on my own account, but I do feel that there ought to be some questions asked in regard to the measure, and I understand that a number of Senators are interested in it.

Mr. OWEN. I ask that the bill go over, in view of the Senator's statement.

Mr. BURTON. Mr. President, before the bill goes over, I call the attention of the Senator from Oklahoma to one point in it which seems not to have attracted notice. The existing law provides:

Any Federal reserve bank may receive from the member banks as reserves, not exceeding one-half of each installment, eligible paper as described in section 14 properly indorsed and acceptable to the said reserve bank.

There was considerable discussion upon that provision of the law when the bill was pending last year. It was thought by some of us altogether objectionable to allow commercial paper to be used for the reserves of banks. This proposed amendment changes the existing law, so that eligible paper as described in section 13, properly indorsed and accepted by the said reserve bank, may be used. The quantity of paper available for discount under section 13 is much greater than that under section 14. I have only hastily compared this bill with the existing law, but I think it proposes a very material change; and as the bill is to go over, I ask the attention of the Senator from Oklahoma to that fact.

Mr. OWEN. I thank the Senator for calling attention to it.

Mr. WILLIAMS. Mr. President, this matter being up reminds me of another related matter, about which I want to make just one observation. I ask the attention of the chairman of the Banking and Currency Committee, and I hope that the committee will remedy the evil to which I am about to refer. I am satisfied that it was an oversight.

The currency bill as it passed provides that to the extent to which member banks can lend upon real estate they must lend upon real estate situated in the reserve district. The lines of the districts run very uncertainly. For example, take the line that runs through the State of Mississippi; it goes from the northern border of Hinds County. The banks below there do business at one place and are members of one district, and those above are members of another. I suggest to the Senator from Oklahoma that he bring to the attention of his committee an amendment permitting the banks to lend upon real estate either in the reserve district within which a particular bank is situated or in the State in which it is situated. For example, a bank at Jackson can not lend on real estate in Madison County or in Yazoo County—adjoining counties. I give an illustration in my own State, because I am better acquainted with the situation there than anywhere else. It seems to me that condition ought to be remedied at the very earliest opportunity.

ATCHISON, KANS., May 1, 1914.  
Senator THOMPSON, Washington, D. C.:

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

EUGENE HOWE, *Editor Atchison Globe.*

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

Mr. OLIVER. I call for the regular order.

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

#### PANAMA CANAL TOLLS.

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

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

The Secretary read as follows:

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

REFORM CLUB TARIFF COMMITTEE FAVORS REPEAL OF PANAMA CANAL FREETOLLS BILL.

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

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

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

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

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

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

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

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

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

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

BYRON W. HOLT, *Chairman.*

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

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

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

The Secretary read as follows:

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

#### THE TELEPOST.

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

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

Mr. GALLINGER. Mr. President, I object.

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

#### NAVAL APPROPRIATIONS.

Mr. THORNTON. By direction of the Committee on Naval Affairs I report back favorably with amendments the bill (H. R. 14031) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, and I submit a report (No. 505) thereon. I desire to give notice that I shall call up the bill for consideration at the earliest practicable moment, and I shall endeavor at that time to press it to its final passage as rapidly as is consistent with its proper consideration.

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

#### REPORTS OF COMMITTEES.

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

Mr. HITCHCOCK (for Mr. LEA of Tennessee), from the Committee on Military Affairs, to which was referred the bill (H. R. 8683) for the relief of Lucien P. Rogers, reported it with an amendment and submitted a report (No. 507) thereon.

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

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

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

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

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

#### BILLS INTRODUCED.

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

By Mr. BRANDEGEE:

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

By Mr. THOMAS:

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

By Mr. POMERENE:

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

By Mr. PITTMAN:

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

By Mr. THOMPSON:

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

By Mr. CUMMINS:

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

By Mr. SHEPPARD:

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

By Mr. NORRIS:

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

By Mr. HOLLIS:

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

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

By Mr. SMITH of Michigan.

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

By Mr. ROBINSON:

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

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

By Mr. OWEN:

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

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

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

By Mr. ROBINSON:

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

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

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

#### RURAL CREDITS.

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

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

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

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

#### OMNIBUS CLAIMS BILL.

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

#### PANAMA CANAL TOLLS.

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

#### AMENDMENTS TO APPROPRIATION BILLS.

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

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

#### PANAMA CANAL TOLLS.

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

#### WATER SUPPLY FOR THE ARMY.

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

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

may be connected, if feasible, with increased facilities for the distribution of ammunition and food and water to advanced forces.

#### ADDRESS BY PRESIDENT WILSON AT BROOKLYN NAVY YARD.

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

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

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

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

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

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

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

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

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

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

#### QUESTION OF CANAL TOLLS.

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

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

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

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

EDITOR BROOKLYN DAILY EAGLE.

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

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

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

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

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

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

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

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

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

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

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

JOSEPH CLBERTSON CLAYTON.

#### PRODUCTION OF OIL IN OKLAHOMA.

Mr. OWEN. Mr. President, I wish to call the attention of the Senate to the resolutions which I am about to read, which I think are of very great importance to the country as well as to the State of Oklahoma. The resolutions were passed at a meeting of the Independent Development League of Oklahoma,

held at Oklahoma City, Okla., on the 23d day of April, 1914. They are as follows:

#### Resolutions.

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

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

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

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

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

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

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

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

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

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

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

OKLAHOMA CITY, OKLA., April 25, 1914.

SECRETARY OF THE INTERIOR,  
Washington, D. C.

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

Respectfully,

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

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

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

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

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

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

Mr. OLIVER. I second the call.

PANAMA CANAL TOLLS.

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

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

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

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

PRESIDENTIAL APPROVALS.

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

On May 9, 1914:

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

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

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

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

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

On May 12, 1914:

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

HOUSE BILL REFERRED.

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

PANAMA CANAL TOLLS.

The VICE PRESIDENT. The morning business is closed.

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

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

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

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

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

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

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

FORMER ATTITUDE OF SENATORS.

My distinguished friend, the junior Senator from New York, opened his address upon this subject a few days ago by having

read the list of Senators who in 1912 voted against striking the provision of the canal bill which permitted coastwise vessels to pass through the canal free, and he seemed deeply concerned lest Senators now may vote for the repeal due to undue influence, and he seemed to think that by so voting they would yield a proper service of their own country to a service of Great Britain.

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

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

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

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

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

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

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

PRESIDENT TAFT AND SECRETARY KNOX ADMIT IT IS A SUBSIDY.

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

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

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

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

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



fabrics, leather, and rubber, which was referred to the Committee on Manufactures.

Mr. SMITH of Maryland presented a petition of sundry citizens of Baltimore, Md., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry woman-suffrage organizations of Delaware, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of New Castle County and of Sussex County, in the State of Delaware, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Cheswold and Leipsic, in the State of Delaware, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of Henry Elsfelder, Robert Holz, Fritz Gobel, and 528 other citizens of Vanderburgh, Spencer, Gibson, Warrick, Posey, Dubois, and Perry Counties; of D. Johnson, Duke Jones, Warford Hart, and 785 other citizens of Evansville; and of John Bender, John Denn, jr., Albert Graves, and 40 other citizens of Dubois County, all in the State of Indiana, protesting against the passage of Senate joint resolutions 88 and 50 and House joint resolution 168, providing for nation-wide prohibition by constitutional amendment, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Evangelical Church of Nappanee, Ind., favoring the passage of the so-called Smith-Hughes bill, providing for a "Federal motion-picture commission," which was referred to the Committee on Education and Labor.

He also presented a memorial of the Indiana Federation of Clubs, protesting against polygamy in the Mormon Church and favoring an amendment to the Constitution of the United States prohibiting polygamy, etc., which was referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

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

A bill (S. 4725) providing for the establishment of a lobster-rearing station at some suitable point on the Atlantic coast (Rept. No. 511); and

A bill (H. R. 5884) granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal. (Rept. No. 512).

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 34) authorizing the President to give certain former cadets of the United States Military Academy the benefit of a recent amendment of the law relative to hazing at that institution, reported adversely thereon, and the joint resolution was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 5052) to reinstate Donald Marion McRae as a cadet at the United States Military Academy, reported adversely thereon, and the bill was postponed indefinitely.

#### ESTATE OF GEORGE WRIGHT, DECEASED.

Mr. BRYAN, from the Committee on Claims, reported the following resolution (S. Res. 361), which was read, considered by unanimous consent, and agreed to:

*Resolved*, That in compliance with the request of the assistant clerk of the Court of Claims, pursuant to an order of the court, under date of May 8, 1914, the Secretary of the Senate be, and he is hereby, instructed to return to the Court of Claims the order of dismissal in the following case, namely, George Wright, deceased, against the United States, No. 14978, subnumbered 14, and the said court is hereby authorized to proceed in said case as if no return therein had been made to the Senate.

#### BILLS INTRODUCED.

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

By Mr. SAULSBURY:  
A bill (S. 5543) to acquire the manuscript of Charles Chaillé-Long, containing an account of the unveiling of the McClellan Statue; to the Committee on the Library.

By Mr. JOHNSON:  
A bill (S. 5544) granting a pension to Timothy Stone; and  
A bill (S. 5545) granting an increase of pension to Lizzie U. Ricker; to the Committee on Pensions.

By Mr. SMITH of Maryland:  
A bill (S. 5546) granting an increase of pension to John L. Shields (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5547) granting an increase of pension to Anna B. Davis (with accompanying papers); to the Committee on Pensions.

A bill (S. 5548) for the relief of George H. Rarey (with accompanying papers); to the Committee on Claims.

By Mr. SMITH of Arizona:

A bill (S. 5549) granting an increase of pension to Elizabeth Pilsipher; to the Committee on Pensions.

By Mr. OWEN (by request):

A bill (S. 5550) to secure to the United States a monopoly of means for the transportation of oil by pipe lines; to provide for the acquisition by the Department of the Interior of the trunk pipe lines, pumping stations, and terminal facilities, and to operate the same; to the Committee on Interstate Commerce.

By Mr. DU PONT:

A bill (S. 5551) granting a pension to Ellen Davis; to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. RANDELL submitted five amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

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

Mr. ASHURST submitted an amendment authorizing the Secretary of the Navy to procure by contract armor of the best quality for any or all vessels heretofore or herein provided for, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

#### DEVELOPMENT AND CONTROL OF WATER POWER.

Mr. BURTON submitted the following resolution (S. Res. 362), which was read and referred to the Committee on Printing:

*Resolved*, That 1,000 additional copies of Senate Document No. 274, Sixty-second Congress, second session, entitled "Hearings on the Development and Control of Water Power Before the National Waterways Commission," be printed for the use of the Senate document room.

#### PROPOSED DRY DOCK, NORFOLK, VA.

Mr. SWANSON. Mr. President, I ask unanimous consent to have printed in the Record without reading a statement of Mr. E. E. HOLLAND, Representative of the second Virginia district, in which is located Norfolk. It is not a very long statement, but it shows the advantages of the lower Chesapeake Bay as a naval base. It contains a great deal of valuable information, and as the naval appropriation bill is soon to come before the Senate I think the statement will be of much interest to Members of the Senate. I therefore ask that it may be incorporated in the Record.

Mr. HITCHCOCK. What is the request?

Mr. SWANSON. It is that a very short statement, which will not take two pages, may be printed in the Record, made by Mr. HOLLAND, a Member of Congress from the second Virginia district, in regard to the advantages of Norfolk and the lower Chesapeake Bay as a naval base. It contains a great deal of valuable information, and as the naval appropriation bill will come up in the Senate in a few days, I think it will be a matter of interest to Senators to read it. I simply want to have it printed in the Record, where Senators will see it. There is no necessity to have it read at the desk. It will not take more than a page and a half, I think.

Mr. HITCHCOCK. It is rather unusual for the Senate to order the publication of a speech by a Member of the other body.

Mr. SWANSON. It is not a speech made in the House. It is a statement, and I think it would be of interest to Senators to have it appear in the Record. I hope the Senator from Nebraska will not object.

Mr. HITCHCOCK. I am wondering when we are going to reform by excluding from the Record matters which are not properly a part of it.

Mr. SWANSON. We have not been doing that. We put petitions in the Record. A great deal of this matter has been included in a petition of the people of Norfolk, but I think this is a better and clearer statement of the situation.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia?

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

STATEMENT OF HON. E. E. HOLLAND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA.

MR. HOLLAND, Mr. Chairman and gentlemen of the committee, I thank you very much for this opportunity of laying before you Norfolk's claims to the proposed dry dock. Virginia has no representative on your committee and on this account may be placed at some disadvantage. Your permission, however, to appear before you and discuss Norfolk's case with you, as best I can, is an evidence of your desire to be fair and impartial in your consideration of it, and to hear all that can be said on either side before any conclusion is reached. If you will permit me first to present our case and will then ask me such questions as you may desire me to answer, I shall very much appreciate it.

This is not, and should not be made, a sectional or political question. The fact is I had hoped that the time had come when we could consider questions of this kind in a spirit of broad patriotism and solely with reference to the good of the Navy and the good of the Nation. I had believed that the time had come when the narrow sectional spirit of other days had been abandoned, and when, with clearer vision, we could see beyond the limits of our own particular States and find need for improvements not to be located therein. Politics and sectionalism should never be allowed to interfere with our naval progress.

I am willing that this committee shall impartially consider the particular merit of each yard, and then vote for such improvements at each yard as will best promote the interest of the Navy and of the Nation, and without reference to the location of the improvement or to the interest of any particular individual or to any particular State therein. I have a strong conviction that patriotism demands that we shall follow such a course.

I wish that it shall be distinctly understood that I am not opposed to appropriations required for improvements actually needed at stations other than Norfolk. I am absolutely unwilling that my desire for needed improvements at the Norfolk yard shall in any way influence me to oppose needed or even similar improvements at other yards. I am opposed, however, to the mistaken policy of developing any yard without reference to its adaptability for the purposes for which its location best suits it. Such a policy has been too long followed, has resulted in large and unnecessary expenditures, and has not contributed to the military value or usefulness of the yards. In the interest of economy, as well as in the interest of the efficiency of the Navy, such a policy ought to be abandoned.

Everybody knows that every yard is not suitably located for ship-building and that every yard is not suitably located for ship docking, and that it is a useless waste of money to provide such equipment and facilities at points where they will not be needed or used for such purposes.

Hastily considered extensions, and without reference to any particular plan or purpose, ought not to be made, and the yards ought to be developed so as to make them of most value for general navy-yard work, and at the same time of most service to the Navy. If you will follow some well-matured plan, a practical and logical development can be had, the expenses of operation lessened, and the actual service of the yards increased. So far as I am concerned, I will say to you, in all frankness, that I do not ask for any improvements at the Norfolk yard that will not contribute to the public good and to the greater efficiency of the Navy.

Having made this general statement of my position with reference to navy-yard improvements and extensions, I desire now to submit to you for your consideration the reasons which have convinced me that certain improvements ought to be made at the Norfolk yard.

I can say nothing in favor of the Norfolk Navy Yard that has not repeatedly been said by Army and Navy experts, men whose trained judgment ought to be entitled to your confidence and to your serious consideration.

For the past 100 years every Secretary of the Navy and every commandant of the yard, with hardly a single exception, has made recommendations for its improvement and extension, and naval boards appointed from time to time to examine and report on its condition have repeatedly declared "that no yard belonging to the United States from its geographical position is more important."

As early as the year 1839, before the passions of the great Civil War had subsided, and when the area of the Norfolk yard was smaller by 272 acres than it is to-day, a naval board composed of Rear Admiral Stringham, Admiral Stribling, and Commodore S. P. Lee, appointed by the then Secretary of the Navy to investigate the condition of navy yards and make recommendations concerning them, reported with regard to the Norfolk Navy Yard as follows:

"This is considered the best site on the Atlantic seaboard for a large navy yard. It is situated near the capes of the Chesapeake Bay on the Elizabeth River. Its natural features—proximity to the sea, central position on the coast, mild climate, secure defense by land and sea, a large accessible harbor, safe from wind, sea, and ice; grand extent of fit and inexpensive land, supplying the most abundant and convenient water front, and almost natural basins, like Paradise Creek—are extremely favorable for the construction of a great and national navy yard for all purposes which modern naval warfare requires."

As late as 1912 Secretary of the Navy Meyer testified before the Committee on Naval Affairs as follows:

"I studied the conditions on the Atlantic coast from Charleston to Portsmouth and put the matter up to the General Board of the Navy, and after they had given their opinion I further assigned it to the joint Army and Navy board for consideration, and they reported that the ideal plan for the Navy would be to have two great naval bases on the Atlantic coast in harbors which would receive and could maintain the entire fleet and its auxiliaries. It appeared self-evident that the only two places which could receive the fleet and all its auxiliaries were Hampton Roads, where we have the Norfolk Navy Yard, and Narragansett Bay. If we were freshly confronted with the duty of locating and building the naval stations required on the Atlantic without regard to existing stations, the interests of the Navy and the Nation would be best served by the establishment of one first-class station on the coast north of the Delaware, equipped for docking, repairing, and provisioning at least half of the entire fleet, and one station of the same capacity at Norfolk."

And Admiral Mahan, generally recognized as one of our greatest naval experts, in *Naval Strategy*, pages 169-170, makes the following statement:

"Chesapeake Bay and New York, on our Atlantic coast, are two points clearly indicated by nature as primary bases of supply, and consequently for arsenals of chief importance. For these reasons they are

also proper ports of retreat in case of a bad defeat, because of the resources that should be accumulated in them."

These statements, if any reliance whatever can be placed in the judgment of Army and Navy experts, furnish the most conclusive evidence that the Norfolk Navy Yard ought to be made one of the great naval bases of the country. Such a naval base should have ample docking and repair facilities and should be so equipped that ships could go there on short notice and be docked, repaired, coaled, supplied, and sent out again with a minimum loss of time. And if the interest of the Navy and of the Nation can be best served by the establishment of such a base, and this is the overwhelming opinion of all Army and Navy experts, then its equipment with proper docking and repair facilities for such a purpose ought not longer to be neglected. It already meets all the other essential requirements for such a naval base.

First, it is located on deep water. The Norfolk-Portsmouth Harbor, on which it is located, is one of the very best on the Atlantic coast, and is accessible at all seasons of the year. It has been so pronounced by ship captains of every nation of the world, by the greatest masters of rail and water transportation in this country, and by every naval board that has been appointed to examine it. It is free from obstruction, free from severe storms, and free from damage by ice. The depth of water from the yard to the sea, only 27 miles distant, is 35 feet, and additional depth, when desired, can be easily obtained and at comparatively small cost. The width of the channel is now 400 feet—will soon be increased to 600 feet—and is sufficiently wide to enable the largest ships of the Navy to reach it without difficulty. There is so little silting in the channel that this width and depth can be easily maintained. And the average range of tide in the river is only about 23 feet, and never interferes with the safe and easy navigation of the harbor.

Some one, it is true, has suggested that the yard is located "on a little river"; but it is also true that the Norfolk-Portsmouth Harbor, in which it is located, together with Hampton Roads, which is a part of it, is big enough to handle annually more than 23,000,000 tons of water commerce, valued at more than a billion and a half dollars, and is also big enough to float the combined navies of the world.

Some doubt having been expressed as to the depth of the channel, I submit herewith a letter from the Chief of Engineers, United States Army, which reads as follows:

OFFICE OF THE CHIEF OF ENGINEERS,  
October 4, 1913.

HON. E. E. HOLLAND,  
House of Representatives.

SIR: Replying to your letter of the 2d instant, I have the honor to inform you that the project for the improvement of Norfolk Harbor provides for a depth of 35 feet at mean low water, and on June 30, 1913, there existed a channel from deep water in Hampton Roads to above the Norfolk Navy Yard of not less than 35 feet at mean low water, but the controlling depth over Thimble Shoal, between Hampton Roads and the ocean was on June 30 only 34 feet at mean low water. It is expected, however, that the full project depth of 35 feet will soon be available over this shoal.

Very respectfully,  
W. M. T. ROSSELL,  
Chief of Engineers, United States Army.

This project has now been completed and a survey has been asked for, with a view to securing a depth of 40 feet. With such a depth any battleship of the Navy can reach the station without difficulty. Two of the Navy's largest dreadnaughts did reach it and were successfully docked at this station only a few months ago.

The modern dreadnaught when leaving a navy yard, with all ammunition, coal, and stores aboard, will have a mean draft of 29 feet 9 or 10 inches, and probably an extreme draft of more than 30 feet. I have the following letter as my authority for this statement:

BUREAU OF CONSTRUCTION AND REPAIR,  
January 15, 1914.

MY DEAR MR. HOLLAND: Referring to your inquiry of the 12th instant, I have the honor to inform you that the battleships *New York*, *Texas*, *Neada*, and *Oklahoma* have a mean draft, under normal displacement—that is, with two-thirds coal, two-thirds ammunition, and two-thirds stores aboard—of 28 feet 6 inches. When leaving a yard, with all coal, ammunition, and stores aboard, they will have a mean draft of 29 feet 9 or 10 inches. Depending upon the distribution of stores, it is probable that each of these vessels will have an extreme draft at one end or other of the ship of more than 30 feet. With the increase in size of ships, it is unquestionable that drafts will be further increased.

Very sincerely,  
R. M. WATT,  
Chief Constructor, United States Navy.

The Philadelphia yard is located on the Delaware River. The Delaware River has a probable depth of 30 feet 1 inch at mean low water. It will take years of time and millions of money to complete the authorized project of 35 feet for that river. I have the following letter as my authority for this statement:

OFFICE OF CHIEF OF ENGINEERS,  
January 15, 1914.

HON. E. E. HOLLAND,  
House of Representatives.

SIR: I acknowledge receipt of your request of the 13th instant. I have the honor to advise you that the maximum draft that can be carried over the shallowest part of the Delaware River from the sea to the navy yard at Philadelphia is 30.1 at mean low water. The mean range of tide varies from 5.3 feet at Philadelphia to 6 feet at the head of the Delaware Bay. The width of this channel is 600 feet in the straight reaches and somewhat wider at the heads.

Second, the annual report of the Chief of Engineers for the year ending June 30, 1913, shows that the 35-foot channel for this section of Delaware River was on that date about 123 per cent completed. The estimated cost of this channel is \$10,920,000, of which \$4,110,600 has been appropriated to date, leaving \$6,809,200 yet to be appropriated.

Third, during the past fiscal year approximately \$1,000,000 was expended in furthering the work on this project. At this rate 10 years would be required to complete the improvement. The present plans contemplate an expenditure of approximately \$2,000,000 a year, which would thus cut the time for prosecuting the work down to five years. As a matter of fact, however, the length of time which will be required to carry this work to completion will depend upon the rate at which appropriations for the work are made by Congress.

Very respectfully,  
EDW. BURN,  
Colonel, Corps of Engineers, Acting Chief of Engineers.

had initiated valid coal claims prior to withdrawal to complete their entries and acquire title to the lands covered thereby. By Executive order of July 2, 1910, the withdrawal of November 12, 1906, was ratified, confirmed, and continued in full force and effect, and the public lands and lands in national forests in the District of Alaska in which workable coal is known to occur were withdrawn from location, settlement, sale, or entry and reserved for classification and in aid of legislation providing for the disposal of coal lands. This withdrawal is still in force, and there has been as yet no law passed by Congress providing for the disposal of the coal deposits in these withdrawn lands. There is accordingly no authority of law for the granting of permits to parties to mine coal on the public lands in Alaska for use in the operation of a dredger or for any purpose.

There is now pending before Congress certain legislation which provides for a system of leasing the public coal lands in Alaska, and until Congress provides some method by which the public coal lands in that district may be opened up and developed this office can grant you no relief.

Very respectfully, CLAY TALLMAN,  
Commissioner.

Mr. WALSH. In the same connection I send to the desk a brief editorial from the Washington Times of May 16, and ask that it be read.

There being no objection, the matter referred to was read, as follows:

PASS THESE MEASURES

There may be some excellent reasons for hurrying the adjournment of Congress, but none of them is good enough to justify ending the session before the conservation measures now reported from the House Public Lands Committee shall have passed. With all deference to pet features of the administration program, the opinion is ventured that more people are concerned in behalf of these conservation bills than in behalf of trades commission and antitrust acts.

For a decade or thereabouts these problems of dealing with the public lands, both in the States and in Alaska, have been before Congress and the country. They have been considered from every angle. There is no need for longer delay. Secretary Lane has given his approval to a series of measures for control of water powers, Alaskan lands, and other details of public-land administration. There is every reason for confidence that the measures are safe and desirable. They have been reported from the House committee. The Western States and the great northwestern territory need to have their opportunity of progress and development restored to them, and these measures will do very much toward restoring it.

President Wilson has indicated that he would be glad to see these bills become laws at the current session, but it is not understood that he includes them in the program on which he insists. Probably they will not be passed unless they are brought within the irreducible minimum of Executive demands. There is enough and violent opposition to prevent their passage unless the whole power of the administration is placed behind them. Every consideration of the real public interest of the great West demands that this be done.

CALLING OF THE ROLL.

Mr. HOLLIS. 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	Hitchcock	Norris	Smith, S. C.
Bankhead	Hollis	O'Gorman	Smoot
Borah	Hughes	Overman	Sterling
Brady	Johnson	Page	Stone
Brandegee	Jones	Phelan	Sutherland
Bristow	Kenyon	Poincxter	Thomson
Ryan	Kern	Pomerene	Tillman
Burleigh	La Follette	Ramsdell	Townsend
Barton	Lane	Reed	Vandaman
Catron	Lee, Tenn.	Robinson	Walsh
Chamberlain	Lee, Md.	Saulsbury	West
Crawford	Linnitt	Shenard	Williams
Culberson	Lodge	Sherman	Works
Connally	McCumber	Smith, Ariz.	
Ohlneham	Martin, Va.	Smith, Ga.	
Gallinger	Martine, N. J.	Smith, Md.	

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent on important business. He is paired on all votes with the junior Senator from Missouri [Mr. REED]. I desire this announcement to stand for the day.

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

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of McPherson, Hays, and Sterling, in the State of Kansas; of Chicago, Ill.; of Saxonburg and Pittsburgh, Pa.; of Atlantic Highlands, N. J.; of St. Joseph and Amoret, Mo.; of Portland, Oreg.; of Fedora, S. Dak.; of Santa Ana, Cal.; of Longmont, Colo.; and of West Charlton, N. Y., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of the Philadelphia Yearly Meeting of the Religious Society of Friends, of Pennsylvania, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented petitions of sundry citizens of Lincoln and Chadron, in the State of Nebraska, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey. Mr. President, I have received a letter from some of my constituents in New Jersey, accompanied by a preamble and resolution adopted by the American Association, of Elizabeth, N. J., with the request that they be incorporated in the Record. I ask that the resolution may be appropriately referred and printed in the Record. There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the Record, as follows:

AMERICUS ASSOCIATION,  
83 SOUTH PARK STREET,  
Elizabeth, N. J.

Whereas the President of the United States, after watchful waiting for the past several months over the condition of affairs in Mexico in looking after the interest of our citizens in that country and, if possible, to avoid any severe clash with our neighbors on our southern border, and living in hope the trouble existing in Mexico would be adjusted by her people in such a manner as would be satisfactory to both the people of Mexico and the United States; Whereas the self-made dictator Huerta has seen fit to not only oppose every good measure advanced by President Wilson since said Huerta assumed the Presidency of Mexico, but has from time to time made the lives of our citizens dangerous and their financial interest interfered with, which forced our President to land our soldiers on Mexican soil and, if necessary, to declare war against the said Huerta: Therefore be it

Resolved, That we, the members of the Americus Association, of Elizabeth, N. J., here assembled in the celebration of the fortieth anniversary of our association, pledge ourselves to support the President of the United States in the stand he takes on the Mexican question and that we hold ourselves ready to supply and fill any position the governor of New Jersey sees fit to call us in upholding the respect of our country and the honor of our flag.

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

Mr. GALLINGER presented the petition of Charles A. Wing and sundry other citizens of New Hampshire, praying for an explicit indorsement of the President's pledge made at Mobile, Ala., that the United States would not seek expansion by the conquest of contiguous territory, which was referred to the Committee on Foreign Relations.

Mr. SMITH of Arizona presented memorials of sundry citizens of Winkelman, Dos Cabezas, and Florence, in the State of Arizona, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented resolutions of the common council of Stamford, Conn., favoring the enactment of legislation to provide pensions for civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. CATRON presented memorials of sundry citizens of Santa Fe, N. Mex., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

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

Mr. CRAWFORD presented a petition of the Commercial Club of Helena, Mont., praying for the enactment of legislation to provide a prompt issuance of patents by the Department of the Interior to homestead settlers, which was referred to the Committee on Public Lands.

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

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

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

Mr. WORKS presented a memorial of sundry citizens of Sacramento, Cal., and a memorial of the French Hospital Society, of San Francisco, Cal., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the convention of the Enworth Leagues of Los Angeles, Cal., and of sundry citizens of Healdsburg, Cal., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Stockton, Cal., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. COLT presented a petition of sundry citizens of Block Island, R. I., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. JONES presented the petition of Arthur Simmons, president of the American Foreign Labor Exclusion League, of Tacoma, Wash., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. OWEN presented a petition of sundry citizens of Nowata, Okla., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. JOHNSON presented a petition of Local Branch 166, National Association of Letter Carriers and Postal Employees, of Biddeford, Me., and a petition of sundry citizens of the State of Maine, praying for the enactment of legislation to provide compensatory time for Sunday services performed by employees of the Post Office Department, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Eden, Me., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of Local Lodge No. 136, Brotherhood of Railroad Trainmen, of Fort Wayne, Ind., praying for the enactment of legislation granting pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented memorials of J. M. Bogner, Charles Snow, Paul Owen, and 223 other citizens of Vigo County, and of Otto Kenney, Frank Gallagher, C. W. Allen, and 183 other citizens of Fort Wayne, in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

#### BILLS INTRODUCED.

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

By Mr. BRISTOW:

A bill (S. 5596) granting an increase of pension to Andrew H. McWhorter (with accompanying papers);

A bill (S. 5597) granting a pension to Lucinda R. Hanson (with accompanying papers); and

A bill (S. 5598) granting an increase of pension to Christian C. Fleck (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 5599) granting a pension to Clara Branch (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 5600) authorizing the appointment of Maj. George A. Armes, retired, to the rank and grade of colonel on the retired list of the Army without increase of pay; to the Committee on Military Affairs.

By Mr. PITTMAN:

A bill (S. 5601) to establish a commission form of government in the administration of national affairs in Alaska, and for other purposes; to the Committee on Territories.

By Mr. RANSELL:

A bill (S. 5602) for the relief of heirs or estate of Joseph Hernandez, deceased (with accompanying papers), to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 5603) granting a pension to Alice Tumbridge; and A bill (S. 5604) granting a pension to Lewis Larsen; to the Committee on Pensions.

A bill (S. 5605) authorizing the Secretary of War to make certain donation of condemned cannon and cannon balls; to the Committee on Military Affairs.

By Mr. BURLEIGH:

A bill (S. 5606) granting a pension to William B. Wall; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5607) for the relief of Henry von Hess (with accompanying papers); to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 5608) providing for the building of roads in the diminished Colville Indian Reservation, State of Washington; to the Committee on Indian Affairs.

By Mr. COLT:

A bill (S. 5609) granting an increase of pension to Sarah J. Tillinghast (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 5610) granting a pension to Clara A. Packard (with accompanying papers);

A bill (S. 5611) granting an increase of pension to Benjamin F. Neddo (with accompanying papers); and

A bill (S. 5612) granting an increase of pension to Henry M. Bennett (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5613) granting an increase of pension to James D. Brooks; to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRADY submitted an amendment authorizing the accounting officers of the Treasury to credit the account of William Schult, of Lewiston, Idaho, late deputy United States marshal, with the sum of \$101 expended by him in traveling on official business, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

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

Mr. BARKHEAD submitted two amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

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

#### SURVEY OF FLORIDA WATERS.

Mr. BRYAN. For my colleague [Mr. LETCHER] I submit a resolution and ask unanimous consent for its present consideration.

The resolution (S. Res. 365) was read, as follows:

*Resolved*, That the Secretary of War be, and hereby is, directed to furnish the Senate with all of the data and information available touching the improvement of the navigable waterway from the navigable waters of the Caloosahatchee River to the navigable waters of Lake Okechobee, Fla., heretofore procured under the act of Congress approved June 25, 1910, providing for a survey of the Kissimmee and Caloosahatchee Rivers and Lake Okechobee and its tributaries, with a view to adopting a plan of improvement of said waters which will harmonize as nearly as may be practicable with the general scheme of the State of Florida for the drainage of the Everglades.

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

Mr. BURTON. I should like to understand the resolution. Does it provide for the appropriation of a certain amount of money?

Mr. BRYAN. It is simply a resolution calling upon the Secretary of War for certain information.

Mr. BURTON. Is it a Senate resolution or a joint resolution?

Mr. BRYAN. It is a Senate resolution, calling upon the Secretary of War for information.

Mr. BURTON. I will state that some years ago the question was several times raised whether under the law the War Department was authorized to submit a report merely on a Senate resolution, and the decision was in the negative. That was along about the year 1903 or 1904. To whom is this resolution addressed?

Mr. BRYAN. It is addressed to the Secretary of War.

Mr. BURTON. I suppose when it reaches the Secretary of War he will consider the question. There are very valid objections to allowing a report to be made merely on a resolution of either House. It involves a certain degree of partiality. I shall not, however, object. Let the question be tried out hereafter.

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

The resolution was considered by unanimous consent and agreed to.

#### TRUSTS AND THE CONSTITUTION.

Mr. SMOOT. I have a copy of a monograph by Hugo Clark and Bartlett Brooks on the trusts and the Constitution. I present it by request, and I ask that it may be referred to the Committee on Printing with the view to having it printed as a public document.

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

#### TRANSPORTATION OF PARCEL-POST MATTER.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The SECRETARY. Senate resolution 363, by Mr. SMITH of Georgia, requesting the Joint Committee on Postage on Second-Class Mail Matter and Compensation of Transportation of Mails to report.

I have not given the matter any attention, and the statements made as to those difficulties may be entirely unreliable.

Mr. OWEN. Mr. President, is it not a fact that the General Motors Co. also holds the stock and bonds of 15 or 20 of these so-called independent concerns or companies?

Mr. REED. I put a complete list of them in the RECORD, as far as I had them. There may be others.

#### PRODUCTION OF OIL IN OKLAHOMA.

Mr. OWEN. Mr. President, some days ago I introduced a bill, Senate bill 5550, with regard to public ownership of pipe lines, desiring that the matter might be considered. The State of Oklahoma now has an output of about 75,000,000 barrels of oil. Recently there have been the most drastic cuts in the price of the oil in Oklahoma, in the Healdton field it being cut down to 50 cents a barrel.

I desire to place in the RECORD a declaration in regard to this matter by the independent oil refiners, favoring this bill, through their counsel. I do not wish to take the time of the Senate to read it, but I should like to have it appear in the RECORD, if there be no objection.

The VICE PRESIDENT. Is there any objection?

Mr. SMOOT. I will ask the Senator whether it is very long?

Mr. OWEN. Yes; it is quite long.

Mr. SMOOT. Would the Senator be just as well satisfied with making it a public document?

Mr. OWEN. No; I would not.

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

The matter referred to is as follows:

DECLARATION ON BEHALF OF INDEPENDENT OIL MEN ADVOCATING THE GOVERNMENT OWNERSHIP AND OPERATION OF PIPE LINES FOR THE TRANSPORTATION OF PETROLEUM IN INTERSTATE COMMERCE.  
(By C. D. Chamberlin, general counsel the National Petroleum Association, Cleveland, Ohio.)

[Senate bill 5550.]

#### DECLARATION.

This declaration on behalf of the independent portion of the petroleum industry in support of the Government ownership and operation of pipe lines for the transportation of oil in interstate commerce involves two essentials—the desirability and the validity of such action on the part of Congress.

Petroleum is among the most wonderful of nature's products, and perhaps exceeds any other in the number of differing forms and uses when finally manufactured. More than 2,000 principal and by-products are said to be found in the list of commercial articles produced in whole or in part from petroleum. In one form or another it enters every home and industry—a necessity to the poor, a luxury to the rich.

While the substance has been known for centuries, the petroleum industry is but a half century old, and during that comparatively short period by its monopolization has made one man the richest in history. During four-fifths of the time since the birth of the industry the most implacable commercial contest has waged between monopoly and its competitors ever recorded in industrial annals. The struggle has been more than commercial; it has been physical, political, social, and legal, and finally has engaged even the power of the sovereignty of the Nation and the end is not yet.

The natural divisions of the petroleum industry under normal conditions are four: (1) Production, (2) transportation, (3) manufacture, and (4) merchandising.

#### PRODUCTION.

##### 3. Discovery in commercial quantities.

While it is true that petroleum as a substance has been known for hundreds of years, its discovery in commercial quantities was made about the year 1840 in connection with the production of salt in the salt wells or salt springs in northwestern Pennsylvania by Samuel Kier, who bottled and sold it for medicinal purposes under the name of "Kier's Petroleum or Rock Oil," and was used chiefly as a liniment.

In 1854 George H. Bissel, a graduate of Dartmouth College and by profession a journalist and teacher, saw a sample of this bottled "rock oil" in the laboratory of his old college and was impressed with the commercial possibilities of the product, and at once organized the Pennsylvania Rock Oil Co., the first oil company in the United States. Mr. Bissel sent a sample of the oil to Prof. Silliman, who made an analysis which predicated its commercial value. The company employed Edwin L. Drake to locate and drill a well near Titusville, Pa., which he completed in 1859. The well was only 70 feet deep, and was drilled through the rock by means of a spring pole. It took three months' time to complete it, and cost \$3,000. The well came in at 25 barrels a day, and the oil sold at \$18 a barrel.

The second well was drilled by William Barnsdall, a Titusville tanner. This was completed on February 1, 1860, and was also a 25-barrel well. In five months he had sold over \$16,000 worth of the oil.

Production progressed rapidly from that time on, so that by the end of 1860 the total production of petroleum in the State of Pennsylvania amounted to 500,000 barrels. The average price for which the oil sold was \$20 a barrel. (See pp. 12-38, Production of Petroleum in 1912, by Dr. David T. Day, Director of the Petroleum Division of the United States Geological Survey.)

##### 2. The fields of production in the United States.

The field of production known as the Pennsylvania or Appalachian field, in which petroleum was first produced in commercial quantities by Col. Drake in 1859, extended rapidly over the entire western portion of Pennsylvania into New York and in a southwesterly direction, following the mountain trend, through West Virginia, southern Ohio, Kentucky, and Tennessee, and with the close of the year 1912, had produced nearly 2,000,000,000 barrels of crude oil.

In the year 1876 the production of California was 12,000 barrels of petroleum; in the year 1887 Colorado produced 76,000 barrels; in the year 1889 Indiana produced 33,600 barrels; in the same year Illinois

produced 1,460 barrels and Kansas 500 barrels; in 1896 Texas produced 1,450 barrels; in 1894 Wyoming produced 2,000 barrels; in 1900 Oklahoma produced 6,000 barrels; and in 1902 Louisiana produced 548,000 barrels. The above dates mark the discovery of substantial fields of oil in these several States.

The total amount of oil produced in California ending with the year 1912 was 542,000,000 barrels; in Colorado, over 10,000,000 barrels; in Indiana, over 100,000,000 barrels; in Illinois, nearly 200,000,000 barrels; in Kansas, 49,000,000 barrels; in Texas, 168,000,000 barrels; in Oklahoma, 300,000,000 barrels; in Wyoming, nearly 2,000,000 barrels; and in Louisiana, over 63,000,000 barrels; the total production of the United States ending the year 1912 being 2,820,426,549 barrels, having a total value of \$2,338,032,130.

In area the Pennsylvania or Appalachian field is greatest in extent and its production has been greatest, but for some years past has been gradually decreasing, its highest point having been reached in the year 1891, when it produced over 54,000,000 barrels of petroleum. The area of the Indiana field is limited and has probably been defined, since its production has been gradually decreasing during the last five years. The Illinois field is also a field of limited production and has likewise been decreasing during the last five years. The midcontinent field, including Kansas, Oklahoma, northern Texas, and Louisiana, rivals the Appalachian field in the extent of its territory and is not wholly defined, its production having rapidly increased during the last five years. The Texas field proper is essentially that portion of Texas bordering upon the Gulf, and has likewise been decreasing, so that in all probability its extent is defined. The California field, at present producing the largest amount of any field of production in the United States, extends over the entire southern half of the State and has shown the most rapid increase in production during the last five years of any field within the United States.

##### 3. The amount of production.

The rapidity with which this wonderful industry has developed is perhaps most graphically shown by stating the total production by decades. In 1860 there were produced in the United States 500,000 barrels of petroleum; in 1870, 5,260,000; in 1880, 26,286,000; in 1890, 45,823,000; in 1900, 63,660,000; in 1910, 209,557,000. In 1913 the estimated amount by Dr. David T. Day on the data that he has already compiled shows the total production to be 242,000,000 barrels, which has added over \$250,000,000 to the Nation's wealth.

##### 4. The world's production.

The United States, the first country to produce oil in commercial quantities, has during the entire period maintained its place as first in the rank of producing countries. In the year 1912, as shown in Dr. Day's report above referred to, at page 137, the other countries, in order of their rank, were Russia, Mexico, Roumania, Dutch East Indies, Galicia, India, Japan, Peru, Germany, Canada, and Italy, the total production for the year being 351,178,236 barrels, of which amount the United States produced 222,113,218 barrels, or 63.25 per cent. No other single country produced more than 5 per cent except Russia, which produced less than 20 per cent. From these figures it is plain how important this industry is to the United States and to the world.

##### 5. Value.

The total value in dollars of the production of petroleum in the United States for the year ending 1912 is reported by Dr. Day in his report for that year as \$2,338,000,000. Adding the value of the production for the year 1913 would bring the total up to the enormous figure of \$2,600,000,000; and it must be remembered that this is merely the value of the oil at the mouth of the well. The amount of property invested in production, refining, transportation, and marketing of this product in the United States has never been estimated, but must run into the hundreds of millions of dollars, and the increased value of the various products obtained by the process of manufacture renders the total value produced by the industry almost incalculable. Its value in money, however, tells but a small part of the worth of the petroleum industry to the human family. No other product is so rich in its various uses, and no other product has become so essential to the material, social, and political progress of the country.

#### TRANSPORTATION.

##### 1. The vehicles of transportation.

When oil was first produced the only method of transportation known from the well to the refinery was by means of the ordinary wooden barrel, which was loaded upon a wagon and drawn to the nearest refinery or the nearest railroad station, and in the latter case loaded upon a car and transported to a refining point or to seaboard for export.

Much of the oil produced in the early development of the Pennsylvania field was barreled and loaded upon barges and floated down the streams to refineries located at Pittsburgh, Pa. The loss by reason of defective coopeage suggested the building of a tank upon the barge and carrying the oil in bulk. This in turn suggested the building of a tank upon a car, the first tank cars being merely cars mounted with wooden tanks, which were rapidly succeeded by the cylindrical iron tank cars. The tank barge, floated upon the ocean, the Great Lakes, and the navigable rivers for the transportation of oil in bulk.

With the advent of the tank containers in transportation the pipe line suggested itself as a convenient and less expensive method of transporting the oil from the well to the refinery or to the railroad station. Gen. S. D. Karns, of Parkersburg, W. Va., in 1860, was the first to use the pipe line for the transportation of oil. This pipe line was laid from Burning Springs to Parkersburg, W. Va., the oil flowing by gravity a distance of 36 miles. A few years later J. S. Hutchison, the inventor of the rotary pump, conceived the idea of forcing the oil through pipes by means of his pump. The first pipe line through which oil was forced in this manner was laid from the Sherman farm, near Titusville, Pa., to the terminus of the railroad at the Miller well, a distance of about 3 miles, the pipes being made of cast iron.

In 1862 a bill was introduced in the Pennsylvania Legislature to authorize the construction of a pipe line from Oil Creek to Kittanning, but this bill was defeated by those interested in teaming oil.

Samuel Van Syckle, of Titusville, Pa., was the first to put down a working pipe line. It was only 3 miles long, extending from Hithole to Miller's farm, and carried but eight barrels of oil per day. By the end of the year 1871 more than 20 pipe lines had been constructed in northwestern Pennsylvania. In the year 1872 the free pipe line bill was passed by both houses of the Pennsylvania Legislature, being the first pipe line legislation. In the same year the American Transfer Co. began to build and acquire by purchase pipe lines in the vicinity of Oil Creek and in the lower oil fields. This was the first Standard Oil Co. pipe line.

In the year 1874 the Pennsylvania Legislature passed a bill regulating pipe-line companies, requiring them to make monthly statements of runs, stocks, and receipts. In the same year a large number of independent pipe lines were consolidated under the name of the United Pipe Lines, and this association or merger was the first step taken in the direction of settling the question of transportation of oil by pipe lines for all time. It erected hundreds of 35,000-barrel oil tanks to store the oversupply of oil, made pipe-line connections to all of the tanks at the wells, and built pumping stations where they were needed to handle the oil.

In 1880 the business of the American Transfer Co. was transferred to the United Pipe Lines, and in 1884 the United Pipe Lines were transferred to the National Transit Co., all of which were Standard Oil properties, and the National Transit Co. became the Standard Oil Co.'s agency for acquiring, operating, and promoting transportation of petroleum by pipe line throughout all of the fields of the United States, except in the State of California.

### 2. Control of transportation.

At page 33 of the "Report on the transportation of petroleum," May 2, 1906, by the Commissioner of Corporations, it is said:

"The petroleum industry affords a striking example of the importance of the transportation problem. The cost of transportation is an exceedingly large factor in the cost of oil to the consumer. Consequently, any difference in transportation costs, as between different producers and refiners of oil, has a powerful influence upon their respective positions in competition.

"The importance of transportation, with respect to petroleum, grows chiefly out of the fact that petroleum and most of its products are low-priced commodities. They are heavy in proportion to their value. Moreover, the value of the raw material, crude petroleum, is a large proportion of the total cost of the finished product, while the cost of refining is comparatively small, and a reasonable profit to the refiner is also a comparatively small factor per unit of product. Even an apparently slight difference in transportation rates may, therefore, enable one refiner to sell at a profit while his competitor is losing money."

And, at page 29 of the same report, it is stated:

"Chief among the advantages which, aside from present railroad discriminations the Standard possesses, are the immense pipe-line systems of the company, which enable it at low cost to collect crude oil at highly favorable locations for refining. The great majority of the competitors of the Standard are located in, or very near to, oil-producing territories, and are thus dependent upon railroads for the transportation of oil almost the entire distance from the wells to the final consumer. The Standard Oil Co., on the other hand, often transports its crude oil hundreds of miles in pipe lines in order to refine it at points much nearer to great consuming markets."

The Interstate Commerce Commission, in its report on "Railroad discriminations and monopolies in coal and oil" in obedience to public resolution No. 8, approved March 7, 1906, entitled "Joint resolution instructing the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies in coal and oil; and report on the same from time to time," which report was made to the Senate and House of Representatives under date of January 28, 1907, at page 5, said:

"The main purpose of this report is to point out in a general way the methods by which the Standard Oil Co. has built up and perpetuated this monopoly, and the relation of the agencies of transportation to that monopoly. At the basis of the monopoly of the Standard Oil Co. in the production and distribution of petroleum products rests the pipe line."

"The advantages which the possession of these pipe lines give to the Standard are apparent upon the surface. The refiners of the independent producer who, as a rule, has no pipe line of any considerable extent, and who generally depends upon that of the Standard for his supply of crude material, are located for the most part near the source of the crude supply. \* \* \*

"The possession of these pipe lines enables the Standard to absolutely control the price of crude petroleum and to determine, therefore, the price which its competitor in a given locality shall pay. \* \* \* In any industry whoever controls the avenues of transportation of either the raw material or the finished product can speedily drive all competitors out of existence. The production and distribution of petroleum is no exception to this rule. While there may be a feeble competition in limited areas, even that must rest largely upon the sufferance of the Standard Oil Co. so long as it has practically the exclusive use of its present system of pipe lines. \* \* \*

"We have in this record a vivid account of several attempts of this character—the construction and operation of pipe lines by independent concerns—and whoever has listened to this testimony will readily appreciate why success was difficult of attainment in these cases and why capital might well hesitate before embarking in such an enterprise. In the past every obstacle has been thrown in the way of such undertakings, and especially have they been opposed by the railroads of the country, whose right of way has generally stood as a Chinese wall against all attempts to extend pipe lines. This can be understood from a railway standpoint, for the pipe line takes the traffic which the railway otherwise obtains. What is difficult of comprehension is that the railway has in the cases brought to our attention extended to the Standard every facility for the construction of pipe lines, while doing all in its power to prevent their construction by the competitors of the Standard."

### 3. Cost of transportation.

In the report of the Commissioner of Corporations on the "Transportation of petroleum," May 2, 1906, at page 60, it is stated:

"The advantage of the location of the seaboard refineries and of the Whiting refinery grows out of the fact that the cost of pipe-line transportation to them from the oil fields is much less than the cost of rail transportation which the competitors have for the most part to pay in order to reach the same points. The Bureau of Corporations has not secured exact information as to the cost to the Standard Oil Co. of transporting oil through its great trunk pipe lines. The reports of the Prairie Oil & Gas Co., which is controlled by the Standard, show, however, that the operating expense of transporting crude oil through the trunk pipe line from Humboldt, Kans., to Sugar Creek, Mo., a distance of about 117 miles, is less than 1 cent per barrel of 42 gallons, and it is highly probable that the operating expense does not increase proportionately with an increase of distance. Even supposing expense to increase proportionately with distance, the operating cost of transporting oil from the Appalachian oil fields to New York Harbor, an average distance of about 300 miles, would still be less than 3 cents per barrel, if the figures of the Prairie Oil & Gas Co. may be taken as typical. \* \* \*

"An allowance of 5 per cent for depreciation and 5 per cent for interest upon the actual investment of the Prairie Oil & Gas Co. in its pipe line from Humboldt to Sugar Creek is equal to about 33 cents per barrel of crude oil (42 gallons) transported during the first five months of 1905. But the pipe line does not seem to have been used during this period to more than half its full capacity, and its capacity has since been increased more than one-half at a much less than proportional increase of investment. Even if the line is operated at considerably less than its full capacity, therefore 2 cents per barrel is a sufficient allowance for interest and depreciation, provided, of course, that the oil fields continue to produce largely for a long period. \* \* \*

"A liberal allowance for the entire cost of transporting crude oil by trunk pipe line from the Appalachian field to the Atlantic seaboard would not exceed 10 cents per barrel of 42 gallons, or about one-fourth of a cent per gallon. It is quite likely that the cost is less than 8 cents per barrel, or about one-fifth of a cent per gallon. \* \* \*

"This estimated cost of transportation by pipe line is only about one-fourth the cost of rail transportation from the refineries of the independent concerns in these oil fields to the seaboard and to Chicago, respectively. The freight rate from western Pennsylvania refineries to New York Harbor is almost exactly 1 cent per gallon, and to Chicago about 1½ cents."

### 4. Monopoly of control and use of pipe lines.

The report of the Commissioner of Corporations, heretofore referred to, at page 37 says:

"The Standard Oil Co. has all but a monopoly of the pipe lines in the United States. Its control of them is one of the chief sources of its power. While in the older oil fields pipe lines are by the State laws common carriers, there has been little attempt by the States to regulate their charges. The Federal Government has not as yet exercised any control over pipe lines engaged in interstate commerce. The result is that the charges made by the Standard for transporting oil through its pipe lines for outside concerns are altogether excessive, and in practice are largely prohibitive. Since the charges far exceed the cost of the service, the Standard has a great advantage over such of its competitors as are forced to use its pipe lines to secure their crude oil."

### MANUFACTURE.

#### 1. Ownership and location of refineries.

The refineries owned and operated by the Standard Oil companies may be roughly divided according to location as follows: Seaboard, Eastern Interior, Lima-Indiana, Mississippi Valley, Texas, California, and Rocky Mountain territory refineries. The Standard Oil Co. of New Jersey owns the Bayonne works, at Bayonne, N. J.; the Eagle works, at Constable Hook, N. J.; the Bayway works, at Bayway, N. Y.; the Baltimore works, at Baltimore, Md.; the Baton Rouge works, at Baton Rouge, La.; and the Parkersburg works, at Parkersburg, W. Va. The Standard Oil Co. of New York owns the Pratt works, at Brooklyn, N. Y.; Long Island works, at Long Island City; Sone & Fleming works, at New York, N. Y.; and the Buffalo works, at Buffalo, N. Y. The Atlantic Refining Co. owns the Philadelphia works, at Point Breeze, near Philadelphia, Pa.; the Eclipse works, at Franklin, Pa.; and the Pittsburgh works, at Pittsburgh, Pa. The Vacuum Oil Co. owns the Olean works, at Olean, N. Y. The Solar Refining Co. owns the works at Lima, Ohio. The Standard Oil Co. of Ohio owns the works at Cleveland, Ohio. The Standard Oil Co. of Indiana owns the works at Whiting, Ind., the works at Sugar Creek, Mo., and the works at Wood River, Ill. The Standard Oil Co. of Kansas owns the works at Neodesha, Kans. The Standard Oil Co. of California owns the works at Point Richmond and also the works at El Segundo, Cal. The Magnolia Refining Co. owns the works at Beaumont, and also the works at Corsicana, Tex. The United Oil Co. owns the works at Florence, Colo. These are the plants owned and operated by the various Standard Oil Co. interests, all of which were controlled by the holding company, the Standard Oil Co. of New Jersey, prior to May, 1911, when the holding company was required by court decree to return its stock to the stockholders of the various subsidiary companies.

Of the refineries independent of the Standard interests, there are at present 38 located in the State of Pennsylvania—2 at Markus Hook, near Philadelphia; the remainder at Bradford, Warren, Titusville, Oil City, and Pittsburgh, Pa., or in the immediate vicinity of those points. In Kansas there are 16 independent refineries located in the Kansas producing district; in Ohio 6—1 at Marietta, 2 at Cleveland, 1 at Findlay, and 3 at Toledo; in Oklahoma there are 27 located in the field of production; 4 in Illinois; 7 in Texas; 3 in New York; 1 in New Jersey; 4 in Louisiana; 2 in Wyoming; 1 in Missouri; 1 in Arkansas; and 44 in California.

#### 2. Products and processes.

The products of petroleum are so numerous and varied that any specific description of them would be beyond the necessities of this declaration; and the same is true concerning the processes of manufacture. The Commissioner of Corporations, in his Report on the Petroleum Industry, part 1, published May 20, 1907, at page 254, states:

"Petroleum is a mixture of numerous hydrocarbons. The process of refining consists of the separation, through distillation, of the crude oil into certain fractions and the purification and standardization of these so that they meet commercial needs. The chief characteristics of the several divisions which indicate their serviceability for commercial uses are gravity, inflammability, color, and viscosity. \* \* \* As the vapor comes from the still there is no immediate break in its character, but instead a gradual change, so that any fraction has the average quality of the vapors coming over between the limits set for it. If these limits be not too widely separated, the fraction is comparatively homogeneous. By changing the limits, both the quantity and quality of the fraction is affected. \* \* \* Much skill may be exercised, not only in making the original separations, but also in manipulating the products so as to obtain the highest quality and the largest yield of the more valuable products. The number of possible products is so large and each is subject to so wide a range in quality that the refining business is more intricate than is perhaps ordinarily supposed."

At page 258 of the same report the commissioner gives the separations resulting from refining Pennsylvania crude by two processes, the first known as the "tar process," now practically abandoned, and the second known as the "cylinder stock process." By the first process the products obtained are:

1. Cymogene and rhigolene—usually not condensed.
2. Crude naphtha, redistilled, giving—
  - a. Gasoline (chiefly 86° to 90° Baume).
  - b. Gasoline or naphtha (chiefly 68° to 76° Baume).
  - c. Benzine.
  - d. Gas naphtha.



The Commissioner of Corporations, in his report above referred to, at page 425, says:

"While the prices of illuminating oil in the principal foreign markets have for years been relatively lower than the prices in the United States, this disparity became especially conspicuous during the years 1903, 1904, and 1905. During those years the domestic prices stood at a much higher level than for many years before, while prices in the principal foreign markets, particularly in 1904 and 1905, were sharply reduced, with the result that the average price in leading foreign markets, like the United Kingdom, Germany, and the Orient, stood at times from 2 to 3 cents below the average price in the United States, transportation costs, difference in quality of oil, etc., being taken into account."

And on page 427 of the same report:

"The policy of the Standard Oil Co. in charging much higher prices in the domestic than in the foreign trade is an injustice and injury to the American consumer which is not compensated for by any material advantage to American producers of crude oil or to American labor." (See Report of the Industrial Commission, vol. 1, p. 570.)

The Interstate Commerce Commission, in its report to Congress in obedience to public resolution No. 8, approved March 7, 1906, made January 28, 1907, at page 13, says:

"The only knowledge this commission has of the competitive methods of the Standard Oil Co. is derived from the evidence taken in this investigation. We have already said that this testimony was under oath; that the witnesses were subject to cross-examination by the attorneys of the Standard Oil Co.; that that company was given permission to explain or rebut the facts shown. This evidence, if true, demonstrates that in the past the competitive methods of that company have been unfair and often disreputable; that its motto has been the destruction of competition at any cost, and that this policy has been pursued without much reference to decency or conscience. It is significant that the larger independent refiners sell the greater part of their product in foreign countries. One of these testified that 75 per cent of his product went abroad, and that he could compete with the Standard Oil Co. in Germany, where its methods in this country would not be tolerated, but that he could not compete with it here."

And at page 4 of the same report the commission said:

"Refined oil is sent from the Standard Co.'s refinery at Whiting, Ind., which is practically the same as Chicago, to both New Orleans and Denver, the distance being almost exactly the same, and the actual cost to the railway of transporting petroleum to these two points is not much different. The rates upon which it moves, however, is about 2 cents per gallon higher in case of Denver than in case of New Orleans, and the cost to the Standard Co. at these two cities differs to that extent. The price paid by the consumer in New Orleans was said to be 8½ cents a gallon; in Denver, 20 cents a gallon. Our impression from this whole record before us is that the chief effort of the Standard Oil Co. in the past has been to destroy competition, and that its principal profit has come from eliminating, in one way or another, its competitor."

TRANSPORTATION BY PIPE LINES.

As this declaration deals with the question of transportation by pipe lines, and advocates the ownership by the Government of such pipe lines engaged in the transportation of petroleum in interstate commerce, this question will be discussed under the following heads: I. The monopolistic nature of pipe lines; II. The desirability of Government ownership and operation of interstate pipe lines; III. The practicability of Government ownership and operation of interstate pipe lines; and IV. The validity of Government ownership and operation of interstate pipe lines.

I. THE MONOPOLISTIC NATURE OF PIPE LINES.

1. The cost of transportation of petroleum by pipe line is so low as to preclude other means of transportation in any large volume.

In the report of the Commissioner of Corporations on the "Transportation of petroleum," published May 2, 1906, at page 60, it is stated:

"The reports of the Prairie Oil & Gas Co., which is controlled by the Standard, show, however, that the operating expense of transportation of crude oil through the trunk line from Humboldt, Kans., to Sugar Creek, Mo., a distance of 117 miles, is less than 1 cent per barrel of 42 gallons. \* \* \* An allowance of 5 per cent for depreciation and 5 per cent for interest upon the actual investment of the Prairie Oil & Gas Co. in its pipe line from Humboldt to Sugar Creek is equal to about 2½ cents per barrel of crude oil (42 gallons) transported during the first five months of 1905. But the pipe line does not seem to have been used during this period to more than about half its full capacity; and its capacity has since been increased more than one-half at a much less than proportional increase of investment. Even if the line is operated at considerably less than its full capacity, therefore, 2 cents per barrel is sufficient allowance for interest and depreciation."

The Commissioner of Corporations in his "Report on the petroleum industry," part 1, published May 20, 1907, at page 231, gives the estimated cost of transporting oil through the trunk pipe lines of the Standard and Tide Water Cos. The cost per barrel for operating expense is stated to be 3.32 cents; depreciation (5 per cent on investment of \$15,543,000), 2.51 cents; interest on investment, at 10 per cent, 5.01 cents; total, 10.84 cents. With interest on investment at 5 per cent the cost, including interest and depreciation, would be 8.34 cents per barrel.

The cost is also given, at page 233 of the same report, for transporting oil by pipe line from Lima, Ohio, to Bear Creek, Pa., as follows: Operating cost, 1.98 cents per barrel; depreciation (5 per cent on investment of \$5,500,000), 2.28 cents; 5 per cent on investment, 2.28 cents; making a total cost of 6.54 cents per barrel.

On page 234, same report, the cost is also estimated for transporting oil from Lima, Ohio, to seaboard, as follows: Operating expense, 5.30 cents per barrel; depreciation, 4.79 cents; interest, at 5 per cent, 4.79 cents; total cost, 14.88 cents. Also, on page 237, the cost from Lima, Ohio, to Whiting, Ind., including interest and depreciation, is given at 5.02 cents per barrel; and, at page 238, from the midcontinent field to Griffith, Ind., the cost is given as being about 9 cents per barrel, making the through charge, equivalent to the sum of the local charges, 28 cents per barrel from the midcontinent field to seaboard, including 5 per cent depreciation and 5 per cent interest on investment.

The rail rate on petroleum in carload lots from western Pennsylvania to New York Harbor is 16½ cents per 100 pounds, which is equivalent to 45 cents a barrel. To Philadelphia the rail rate is 14½ cents per 100 pounds, which is equivalent to 39 cents a barrel, which is the pipe-line charge. And without further comparisons it may be said, generally, that the pipe-line tariffs published by such pipe-line companies as

are professedly common carriers are practically the same as the rail rates, although no tariffs are published by the Prairie Oil & Gas Co. for transportation from the midcontinent field to Griffith, Ind., or by the Ohio Oil Co. or Tide Water Pipe Co. from the Illinois field to seaboard.

The conclusion of the Commissioner of Corporations, at page 239, same report, referring to the rate to New York, says:

"It is obvious, therefore, that the rate of 45 cents was altogether extortionate, and it is no wonder that no use whatever was made of it by independent shippers."

At page 240 the following table is given, showing a comparison of selected rates by the Standard's pipe lines, with estimated cost of transportation:

[Cents per barrel of 42 gallons.]

From—	To—	Distance by pipe line.	Published rate.	Operating cost and depreciation.	Operating cost, depreciation, and interest at 10 per cent.	Difference between published rate and—	
						Operating cost and depreciation.	Operating cost, depreciation, and interest.
Preble, Ind. ....	Lima, Ohio. ....	Mi.	P. c.	Per ct.	Per ct.	Per ct.	Per ct.
Do. ....	Cleveland, Ohio. ....	49	15.0	0.8	1.6	14.2	13.4
Downs, W. Va. ....	Franklin, Pa. ....	252	25.0	4.3	8.3	23.7	19.7
Scioto, Ohio. ....	do. ....	129	25.0	2.2	4.3	22.8	20.7
Margantown, W. Va. ....	Philadelphia, Pa. ....	140	25.0	2.4	4.6	22.0	20.4
do. ....	do. ....	274	39.0	4.7	9.0	34.3	30.0
Coming, Ohio. ....	do. ....	402	39.0	6.8	13.3	34.2	25.7
Cygnat, Ohio. ....	do. ....	530	15.0	9.0	17.5	44.5	36.0
Do. ....	Unionville, N. Y. ....	546	52.0	9.3	18.0	42.7	34.0
Lima, Ohio. ....	Philadelphia, Pa. ....	577	53.5	9.8	19.0	43.7	34.5
Do. ....	Unionville, N. Y. ....	593	52.0	10.1	19.6	41.9	32.4
Griffith, Ind. ....	Buffalo, N. Y. ....	604	52.5	10.3	19.9	42.2	32.6
Do. ....	Philadelphia, Pa. ....	766	68.5	13.0	25.3	55.5	43.2
Do. ....	Unionville, N. Y. ....	782	67.0	13.3	25.8	53.7	41.2

<sup>1</sup> Part of distance is estimate.

The Interstate Commerce Commission, in their report under public resolution No. 8, approved March 7, 1906, under date of January 28, 1907, at page 5, said:

"The expense of pumping oil is very much less than the cost of transporting it by rail. It was said that the actual cost of pumping a barrel of oil 100 miles was about 2 cents; and while this must vary with different conditions, the estimate seems to be sufficiently high on the average. The cost to the Standard of transporting a barrel of oil from the Kansas field to the Atlantic seaboard would not be much, if any, above 30 cents."

2. The right of way must be secured by grant of sovereign power.

At page 11 of the brief for the United States, in the Supreme Court of the United States, in United States et al. v. The Ohio Oil Co. et al., Nos. 481, 482, 483, 506, 507, and 508, appeals from the United States Commerce Court, which cases are commonly known as the "Pipe Line cases," the following statement is made:

"It may be further stated that the pipe lines in question were located in part upon or across the rights of way of various railroad companies, upon or across public highways, and that said pipe lines are and always have been located, maintained, and operated over public highways or on the rights of way of railroad companies; and that petitioners' predecessors in title did at certain points lay the pipe lines in question along or across public highways and streets in said State; and that at various points petitioner's pipe lines are laid and are being operated upon, along, or across the rights of way of railroad companies engaged in interstate commerce." (No. 482; R. 86-88.) In its answer the United States alleges that the predecessor in title of petitioner did for long distances lay said pipe line, along, and across certain of the navigable rivers of the United States, including the Hudson River, any private use whereof is contrary to the public policy of the United States. (No. 482; R. 35.) Petitioner does not deny that its pipe was so laid, though it does deny that what it did in that behalf is contrary to the public policy of the United States."

And at page 14 of the same brief:

"Its line to Griffith, Ind., is the only pipe line extending from the mid-continent field eastward. This is laid in part over the right of way of the Atchison, Topeka & Santa Fe Railway Co. from Sibley, Mo., to Joliet, Ill., a distance of about 500 miles (No. 506; R. 32-33), and portions of the company's lines are laid over the public domain in the Indian Territory and Oklahoma." (No. 506; R. 41 to 61, inclusive.)

The above instances of the use of railroad companies' rights of way, navigable rivers, public territory, and highways might be repeated with respect to the lines of all trunk pipe lines. In addition to which it appears in the record of the "Pipe Line cases," above referred to, that in the States of New York, Pennsylvania, West Virginia, Ohio, Indiana, Oklahoma, and Texas pipe-line companies are organized as common carriers, having the right of eminent domain and the power to condemn private property. It is true that the grant of the right of eminent domain comes from the State instead of national sovereignty, but if these rights are used to provide instrumentalities of interstate commerce, such interstate commerce and such instrumentalities, by reason thereof, fall under the control of the Federal Government to the same degree as though the Government itself had exercised its power of eminent domain for the establishment of a post road or a Government railroad.

3. The cost of construction of interstate pipe lines is beyond the range of ordinary business investment.

In part 1 of the "Report on the petroleum industry," by the Commissioner of Corporations, published May 20, 1907, at page 217, the cost per mile of the pipe line laid from Humboldt, Kans., to Kansas City, Kans., and from Chanute, Kans., to Humboldt, and from Caney, Kans., to Neodesha, Kans., is given. For the 8-inch lines from Humboldt to Kansas City, 117½ miles long, the cost per mile was as follows: For pipe, \$4,381.07; for fittings, \$7.63; for right of way, \$78.47; for construction, \$1,030.38; making a total cost per mile of \$5,497.55.



The 6-inch line, from Chanute to Humboldt, 83 miles: For pipe, \$2,799.94; fittings, \$0.10; right of way, \$8.03; construction, \$573.78; total, \$3,381.85.

The 6-inch line, from Caney to Neodesha, 33 miles: For pipe, \$2,531.99; fittings, \$0.31; right of way, \$40.03; construction, \$606.26; total, \$3,178.59.

From the record of testimony, volume 7, on pages shown in the following table, in the case of the United States of America v. The Standard Oil Co. of New Jersey et al., in the District Court of the United States for the Eastern District of Missouri, the following is a summary of the investments and net profits of the various pipe line companies as of December 31, 1906:

Name of company.	Plant investment.	Net profit per year.	Page.
Buckeye Pipe Line Co.....	\$15,326,661.49	\$7,028,568.40	164
Southern Pipe Line Co.....	4,326,822.17	4,649,306.28	172
Indiana Pipe Line Co.....	4,652,699.75	2,513,553.09	180
Crescent Pipe Line Co.....	973,000.86	490,357.74	181
Eureka Pipe Line Co.....	7,155,544.59	2,435,105.83	189
Northern Pipe Line Co.....	2,795,474.57	1,591,614.22	197
South West Penn Pipe Line Co.....	3,122,591.59	373,383.67	198
New York Transit Co.....	5,824,466.13	2,349,282.59	206
National Transit Co.....			
East Ohio Gas Co.....			
New Dominion Oil & Gas Co.....	11,801,636.00	10,689,349.20	233
Cumberland Pipe Line Co.....			
Connecting Gas Co.....			

In the same record of testimony, volume 8, page 619, the plant investment of the Prairie Oil & Gas Co. is stated as \$19,005,445.27; but as this company has no pipe-line charges, its profits in transportation are not shown; and since the same is true concerning the Ohio Oil Co. and the Tidewater Pipe Co., a statement concerning these companies need not be made.

It is very evident, therefore, that the construction of interstate pipe lines is of such magnitude as to be beyond the resources of ordinary capital.

4. Duplication of plants an economic waste.

At page 649 of Volume II of the "Report on the petroleum industry," by the Commissioner of Corporations, published August 5, 1907, the following is stated:

"The advantage of the possession of a number of plants is intimately connected with the existence of the pipe-line system of transporting crude oil. In the absence of such a system there would, of course, be refineries in different parts of the country, because there are crude-oil fields in different parts of the country, but most of the refineries would be found in or very near to the oil fields, and there would be no advantage in locating refineries, as the Standard has done, at a number of points distant from the oil fields but convenient to centers of consumption and distribution. The transportation of refined petroleum products by rail costs no more than that of crude oil by rail. Consequently, if the Standard did not possess a great pipe-line system the advantage which it could derive from the ownership of a number of refineries would be quite limited. It is true, even under these conditions, if the Standard had refineries at each of the great oil fields it would have an advantage in the cost of transportation to certain markets, but such a situation would not be likely to arise. On the contrary, it would naturally be expected that in each of the important oil fields there would be competing refineries. To a large extent, therefore, the advantage of the Standard connected with the possession of numerous refineries resolves itself into its advantage through the control of the pipe-line system."

In Senate Document No. 399, Sixty-third Congress, second session, entitled "Government Ownership of Electrical Means of Communication," at page 10, it is stated:

"It is needless here to enter into the manifold advantages and benefits that would accrue to the people from a uniform telephone service. The telephone has now become an indispensable aid to business and a means of social intercourse to which all classes properly aspire. As it has done with the mails, it is the duty of the Government to make this facility available to all of its citizens without discrimination."

"There is only one other alternative, the enforcement in accordance with law of a condition of competition in the telephone and telegraph business. Without considering whether this could be done effectually in the case of an enterprise inherently so monopolistic, it is sufficient to note that while the execution of such a plan would be fraught with difficulty, its effect would not be to improve service and reduce rates, but the reverse. Competition applied to this public utility has clearly been shown to result in waste and inefficiency due to duplication. Not artificial restraint but natural development under Government control is the true policy for the public interest."

The similarity of the monopoly of communication by electrical means and the monopoly of transportation by pipe lines is striking. There is no room for a second system of pipe lines. A duplicated plant would not only add to the cost of the entire plant investment, but would likewise increase the cost of operating and expense. The production of crude oil is located. There are defined fields. The points to which crude oil is desired to be transported is also fixed. Transportation by pipe line is entirely unlike transportation by rail, where all kinds of commodities from all places of production are transported to all points of consumption. A single commodity is transported through the pipe line from the point of production to the point of manufacture. The plant can be used for no other purpose and in no other place. Any duplication of the present properties would be an economic waste; any increase in the quantity of transportation can be most economically done by adding to the existing plants.

5. Transportation by pipe lines susceptible to restriction in service by owner.

The characteristics of transportation of petroleum or other substance by pipe line tend always to a restricted use. From the point of production to the point of delivery there is but one line. Lateral branches for service to others do not mark pipe-line transportation. Pipe lines are generally built to a required capacity, and unless the transportation increases additions are not made. The quantity and capacity are generally balanced one with the other as nearly as possible. The owner,

for various reasons, can require a certain character of petroleum to be presented in certain quantities to avoid mixture during the process of passing through the line.

As illustrative of the restrictive regulations, reference may be made to the joint tariff of the National Transit Co. in connection with the New York Transit Co., I. C. C. No. 1, effective August 28, 1906, as follows:

"REGULATIONS.

"This company will receive crude petroleum for interstate transportation only to established delivery stations on its own lines and lines of connecting pipe line companies on the following conditions:

"First. It will receive crude petroleum for interstate transportation when the shipper has provided the necessary facilities for receiving said petroleum as it arrives at destination.

"Second. It will forward such crude petroleum when there has been tendered to it by the shipper, individually, or by him and others, a quantity of the same kind and quality of crude petroleum amounting in the aggregate to not less than 75,000 barrels, all of which shall be consigned for delivery to the same delivery point.

"Third. All such crude petroleum will be accepted for transportation only on condition that it shall be subject to such changes in quality while in transit as may result from the mixture of said petroleum with other petroleum in the pipe lines or tanks of this or the connecting company or companies.

"Fourth. Orders for the shipment of any specified kind of such crude petroleum shall only become effective when orders from the shipper, in connection with orders from others shippers, for the same kind and quality of petroleum shall amount in the aggregate to 75,000 barrels or more, consigned to the same point of delivery; and, subject to this requirement, orders for shipment shall become operative in the order in which they shall have been received.

"Fifth. Crude petroleum will only be accepted for transportation when free from all liens and charges.

"Sixth. This company is not engaged in the transportation of refined oil, and will not therefore accept the same for transportation."

Referring to joint tariff of the Indiana Pipe Line Co., in connection with the Buckeye Pipe Line Co., Northern Pipe Line Co., National Transit Co., and New York Transit Co. (I. C. C. No. 1, effective Aug. 28, 1906), the same regulations are incorporated, with the exception that the quantity is increased from 75,000 to 300,000 barrels of crude petroleum as the minimum shipment.

The above regulations characterize all of the tariffs filed by the various pipe-line companies, acknowledging their obligations as common carriers to the public.

II. THE DESIRABILITY OF GOVERNMENT OWNERSHIP AND OPERATION OF INTERSTATE PIPE LINES.

1. Monopolies should be owned and operated by the Government.

It is a well-settled principle that the grant of a monopoly can be acquired only from sovereign power, and the sovereign power granting such monopoly may operate it for the benefit of all.

Whenever a monopoly is granted to private individuals or enterprises it should be properly guarded and regulated so that the interest of the public shall not be exploited or individual rights invaded.

In the report of the Industrial Commission, volume 1, page 797, in 1899, Mr. John D. Rockefeller stated:

"To perfect the pipe-line system of transportation required in the neighborhood of fifty millions of capital. This could not be obtained or maintained without industrial combination. The entire oil business is dependent upon this pipe-line system. Without it, every well would shut down and every foreign market would be closed to us."

A power so vast in its consequences can not safely repose in unregulated private interests. The temptation to its abuse is unavoidable. The public is helpless against it except through the intervention of the Government. Complete safety to the public is only attainable by Government ownership and operation.

If the distribution of the mail were in the hands of a private monopoly instead of in the hands of the Government, what opportunities for exploitation would exist if the institution controlling it were endowed with vast capital and vast power similar to that which controls the pipe-line system? Or supposing that the great systems of railways were to combine and refuse to carry for the public generally, except were to combine and refuse to carry for the public generally, except under prohibitive restrictions, and were to force every producer and manufacturer to sell his commodities to the railways at the railway company's prices and force the consuming public to buy such commodities from the transportation company at prices fixed by the transportation company to the consumer; and yet this condition is exactly similar to that which exists at present, as a practical matter, through the private ownership of the pipe-line systems.

2. The Government would operate interstate pipe lines to public advantage instead of private gain.

Taking the Postal Department of this Government as best illustrating the public advantages resulting from Government operation of a monopoly, it is plain that the greatest benefits to the public have thereby been accomplished. It is in accord with the fundamental declaration of "public welfare," for which the Government was formed.

Referring to Senate Document No. 399, of the Sixty-third Congress, entitled "Governmental ownership of electrical means of communication," at page 8, it is stated:

"The telegraph and telephone systems have long been recognized as necessary adjuncts to a complete postal service. As with all other privately-controlled public utilities, these facilities have been extended in our country only in proportion as the service to be performed has insured substantial dividends for the stockholders. Under private ownership, therefore, the telegraph and telephone are for the masses. Under Government ownership, through the postal machinery, which is conducted in the interest of the whole people and already reaches every man's door, the benefits of these facilities could be extended to the masses.

"It is obvious that the longer the acquisition by the Government of these facilities is deferred the greater will be the cost. Moreover, it is economic waste to permit private enterprise to build up vast properties that must eventually be taken over by the Government in resuming its constitutional monopoly at a cost out of all proportion to the value of the parts of such properties that may be utilized to advantage in the postal system."

The pipe-line system in the hands of the Government would be made to reach out its lines to all fields of production and to each producer having a reasonable quantity to offer for transportation. It would afford the opportunity of such transportation and delivery

to all buyers of such crude petroleum indifferently and without unreasonable restriction.

**3. Government ownership and operation of interstate pipe lines would encourage development and conservation.**

Prospecting for the discovery of oil would be encouraged by the knowledge that wherever found the producer would have the certainty of being able to transport his oil to an available market to the best advantage. Whenever oil was discovered in large quantities the ability of the Government to furnish facilities for its transportation would be undoubted, and the enormous waste to sudden and flush production which has characterized the history of this industry would thereafter be avoided. The refiner would have the certainty of being able to acquire his crude supplies delivered at his plant at a minimum and reasonable transportation charge.

**4. Discrimination would be prevented through Government ownership and operation of interstate pipe lines.**

While the regulatory power of the Government over interstate commerce has constantly in view the prevention of undue discrimination, it is obvious that under Government ownership instead of regulation of interstate pipe lines there would exist no discriminations such as unavoidably creep in with respect to private operation of all instrumentalities of interstate commerce.

**5. Governmental ownership and operation of interstate pipe lines would result in the standardization of the different crudes in the different fields.**

The history of the petroleum industry shows that the prices of the different crudes produced in the different fields of production have heretofore been fixed in an arbitrary way. As the Interstate Commerce Commission observed, such control of transportation enabled the owners of the instrumentalities of transportation to arbitrarily fix the price to be paid to the producer and also the price to be paid by the consumer for the finished commodity. While some relation to value would necessarily be observed, no equivalence would be maintained based upon the inherent refining values of the different kinds of crude oil produced. The operation of the pipe-line systems would enable all refiners to obtain their crude from whatever field of production was most advantageous for their purposes, and would necessarily fix the standard of value to each class of crude oil.

**6. Governmental ownership of pipe lines would prevent the abandonment of production before exhausted.**

The history of the production of petroleum has shown that the opening of large pools of flush production has been followed by a marked reduction in the price paid for the crude oil. The result has always been to make unprofitable the production of oil in the older and partially exhausted fields and the abandonment of such fields by reason of the low prices of crude, thereby losing enormous quantities of oil that would otherwise have been produced. The question of the conservation of the production of petroleum and the prevention of premature abandonment of fields before exhausted is an important one, and is entirely in line with the policy of conservation wisely adopted by this Government in all matters under its control. Frequently several strata of underlying sands are saturated with oil, which if production had been continued in a partially developed field would have been found to be more prolific than the first stratum. Undoubtedly many millions of dollars worth of oil lies in such deeper strata of sands in abandoned territory.

An interesting paper has recently been issued by the Bureau of Mines in its Bulletin No. 51, by L. G. Huntley, treating of the causes of declining yield, all of which might be controlled by proper regulations if the Government owned and operated the instrumentalities of oil transportation. The waxy sediment that obstructs the passage of the oil into the well is a prolific cause of waste. The decline of gas pressure in the oil districts decreases the production. Decrease of oil supply within the drainage area of a well on account of near-by development decreases production. Also flooding by salt water, flooding by fresh water; also by the use of improper casing, unwise rate and time of pumping, and failure to clean, due to poor management—all are sources of waste which might, by proper surveillance, be eliminated.

**7. Government ownership of pipe lines would aid the Navy Department in securing supplies of fuel oil.**

It is perhaps unnecessary to point out the advantages of the use of oil as a fuel in the Navy Department, since that has been demonstrated by the department itself. It is a well-known fact that the requirements of the Navy Department this year of fuel oil will be nearly three times the quantity used last year. In the Associated Press, on December 30, 1913, the following item appeared:

"The new twin-screw oil-burning torpedo boat destroyer *Parker*, largest of its class and called the 'destroyer of destroyers,' has been turned over to the Government by the builders here. The *Parker* will be equipped with four 4-inch rapid-firing guns and four twin 8-inch torpedo tubes. One hundred men, including four officers, will be assigned to the ship. With its tanks loaded to their capacity of 300 tons of oil, the *Parker* is capable of 7,000 miles at cruising speed, or 800 miles at its highest velocity."

The American Review in a recent issue published a very interesting article, from which we quote:

"In a great war, such as all the European nations are preparing for, there will be no such thing as the respecting of the rights of the non-belligerents who are not powerful enough to protect themselves. In the same way the oil fields of the lesser powers would undoubtedly be seized by the first nation, or coalition, that felt it could further its own ends by their possession. Of such are the great fields of Roumania and the Dutch Indies, Sumatra and Borneo. The oil fields of Mexico would also be included in this list but for the fact that the protecting wing of the Monroe doctrine renders them fairly safe from European aggression. If the United States, however, became hard pressed for oil, as might happen in a war, this 'law of might and expediency' would undoubtedly be invoked to justify our seizure of the Mexican fields."

At the present time the Government is investigating the desirability of building and operating a pipe line of its own for the primary purpose of protecting the Navy in securing its supplies of fuel oil. Its investment in such a proposition would necessarily be considerable. Fuel oil, however, is manufactured and not produced, and this would require the investment by the Government in a refinery. A Government refinery, if built, would necessarily be operated in competition against privately owned refineries, and would not and could not be extended to the monopoly of the refining business in the hands of the Government, because by its nature the refining business is not such a natural

monopoly as the transportation of oil by means of pipe lines. It would thereby invade the realm of private enterprise, which is undesirable.

By means of the acquisition and operation of existing interstate pipe-line systems, however, the Navy would be fully protected, not only by pipe lines and refineries located at such points, but also at all seaboard points where refineries are already established from which the Navy could secure its supplies of fuel oil in competitive markets. It would also be able to select the best quality of fuel oil under standard specifications which could be manufactured at interior points and transported through the pipe lines for delivery in large quantities to seaboard points.

Since the ownership and operation by the Government of pipe lines would prevent the arbitrary fixing of prices in any field of production, the Navy Department would be protected from an arbitrary advance in the price in any one particular field while the price in other fields was arbitrarily reduced. At the present time the price of Pennsylvania crude is \$2.50 per barrel. Crude which is of nearly equal value is sold in the midcontinent field at 90 cents a barrel. The power that can make this artificial difference in prices can exactly reverse those prices, if to its advantage to do so.

**8. Revenue would be produced to the Government through its ownership and operation of pipe lines.**

From the information that the Government has already acquired through its investigation of the oil industry, it is obvious that the pipe lines have been the chief source of profit to the monopoly existing in the petroleum industry since the abolition of the railroad rebate. From the table shown on page 32 of this declaration, stating the plant investments and yearly profits for the year 1906 of the various pipe-line companies filing reports with the Interstate Commerce Commission, as required by the act to regulate commerce, it may be seen that there would be a sufficient guaranty of revenue to the Government accruing from its operation of pipe lines, even at a reasonable rate; and, as a transportation tax is one most easily collected and of little hardship upon the consuming public—an indirect tax—its burden would rest very lightly upon those who paid such revenue.

The cost of transportation by means of pipe lines, as compared with the value of the service, is inconsiderable, and as there is nothing intricate in pipe-line operation inasmuch as it requires but a small number of employees, the Government would be able to keep the expense of operation at a minimum. Plant cost and maintenance, as compared with the value of the service, is lower with respect to pipe lines than any other means of transportation. Depreciation of plant, or obsolescence, is an almost negligible factor. From the nature of the commodity transported frictional wear is almost entirely eliminated. Iron pipes are invariably laid underneath the surface of the ground, and consequently are not affected by atmospheric changes nor by contact with other activities. There is no deterioration of the metal itself from the oil transported, which is in itself a preservative, and the pipe when laid is covered with an adequate preservative coating. Terminal and station facilities are not costly and are easily and quickly provided. The volume of transportation, the plant considered, is enormous. So that every opportunity exists to provide a permanent revenue to the Government, at small cost of operation and without burden upon the public, through governmental operation of pipe lines.

**III. PRACTICABILITY OF GOVERNMENT OWNERSHIP AND OPERATION OF INTERSTATE PIPE LINES.**

**1. Such Government ownership and operation in harmony with other governmental enterprises.**

The acquisition and operation of interstate pipe lines is entirely in harmony with what the Government has undertaken of an industrial nature, such as the Postal System, including the Parcel Post System, the Forestry Department, the Alaskan railroad, Panama Canal, irrigation dams, and many other activities undertaken by the several executive departments of the Government.

**2. Valuation of interstate pipe lines within the scope of the Interstate Commerce Commission.**

In connection with its work of valuation of railroads the valuation of the properties of the interstate pipe lines would be an easy matter for the Interstate Commerce Commission, with all of its equipment for arriving at valuations, so that said commission could accurately and quickly return an estimate of what the Government should pay for such properties.

**3. Pipe lines could be readily operated by the Department of the Interior.**

On account of the vast properties of the Government which are placed under the jurisdiction of the Department of the Interior, the operation of interstate pipe lines could be readily undertaken by that department without great expense and with best results, since the necessary administrative control of other governmental properties has already established the machinery for the general superintendence of a proposition of this kind.

**4. The cost of acquisition of interstate pipe lines by the Government not prohibitive.**

While the cost of the properties to be acquired by the Government for the operation of a system of interstate pipe lines is not accurately available, reference to the capitalization of the various pipe-line companies, or to the plant investments of such companies, as shown by their balance sheets, will be of assistance in determining this cost. Taking the figures as shown in such balance sheets and making due allowance for the investments of such pipe-line companies in producing properties, large storage farms where oil is accumulated and stored for future shipment, refinery investments, etc., it will be found that the amount necessary to compensate the owners of such pipe-line properties would be much less than the sums expended on many of the projects already undertaken by the Government.

The total cost can be roughly estimated by taking the total mileage of the trunk pipe lines and multiplying that by a careful estimate of the average cost per mile, based upon the investigation of costs shown in the extensive report of the Commissioner of Corporations.

However, the cost could not reasonably be urged against the practicability of Government ownership, since, whatever that might be, the Government would have it within its power to recoup such cost by the imposition of transportation charges, and that without burdening the industry. In fact, the present pipe-line transportation charges are such that any reasonable rates which the Government might fix would at once work a reduction in the cost of petroleum and its products to the ultimate consumer.

From every standpoint of view, therefore, it is entirely practicable for the Government to acquire and operate interstate pipe lines.

IV. THE VALIDITY OF GOVERNMENT OWNERSHIP AND OPERATION OF INTER-STATE PIPE LINES.

1. *Fundamentally such ownership and operation would be in harmony with the purposes of government as expressed in the preamble of the Constitution—the "general welfare" of the people.*

In the Commentaries on the Constitution of the United States, by Joseph Story (vol. 1, p. 338), it is stated:

"The importance of examining the preamble for the purpose of expounding the language of the statute has been long felt and universally conceded in all juridical discussions. It is an admitted maxim in the ordinary course of the administration of justice that the preamble is a key to open the mind of the makers as to the mischiefs which are to be remedied and the objects which are to be accomplished by the provisions of the statute."

Having in mind, then, the purposes of the Constitution, any of its specific provisions or the powers delegated to Congress thereunder would be interpreted in relation to such declarations found in the preamble.

And at page 362, in discussing the "general-welfare" clause, the same author says:

"We pass in the next place to the clause to 'promote the general welfare.' And it may be asked, as the State governments are formed for the same purpose by the people, why should this be set forth as a peculiar or prominent object of the Constitution of the United States? To such an inquiry, two general answers may be given: The States separately would not possess the means; if they did possess the means, they would not possess the power to carry the appropriate measures into operation."

First, with respect to the means, the great enterprises entered upon by the Federal Government have, in the extent of their expenditures, been beyond the revenues of many of the States. And even if such projects could be contributed to by the revenues of the States as a whole, by their unanimous consent, a just distribution of the whole burden would be extremely difficult and an almost insurmountable problem.

And, second, with respect to the powers of the State, the powers of a State can not extend beyond the territory of its sovereignty, and, consequently, are confined to all of those matters which are internal; can not attempt to regulate affairs extending beyond its own territory. Commerce among the States must be controlled by the Federal Government, because its powers alone are commensurate with such commerce.

At page 364 the same author says:

"If a system of regulations, on the other hand, is prepared by a general government, the inequalities of one part may, and ordinarily will, under the guise of wise councils, correct and ameliorate those of another. \* \* \* The navigation and commerce, the agriculture and manufactures, of all the States have received an advancement in every direction by the Union which has far exceeded the most sanguine expectations of its warmest friends."

"But the fact alone of an unlimited intercourse, without duty or restriction, between all the States is of itself a blessing of almost inconceivable value. It makes it an object with each permanently to look to the interests of all, and to withdraw its operations from the narrow sphere of its own exclusive territory. Without entering here into the inquiry how far the General Government possesses the power to make or aid the making of roads, canals, and other general improvements which will properly arise in our future discussions, it is clear that if there were no General Government, the interest of each State to undertake or to promote in its own legislation on any project would be far less strong than it now is, since there would be no certainty as to the value or duration of such improvements, looking beyond the boundaries of a State. \* \* \*

"Independent of the exercise of any authority by the General Government for this purpose, it was justly foreseen that roads would be everywhere shortened and kept in better order; accommodations for travelers would be multiplied and meliorated; an interior navigation on our eastern side would be opened throughout the whole extent of our coast; and, by canals and improvements in river navigation, a boundless field opened to enterprise and immigration, to commerce and products, through the interior States, to the farthest limits of our western territories."

It is true that the above-quoted language refers to things as they were 80 years ago, before the advent of railroads, telegraphs, telephones, and pipe lines, but the fact that the great commentator saw that the powers of the Government could be exercised, unless forbidden by the Constitution, along these avenues, shows that the same principles when applied to this question will be seen to be in entire harmony therewith.

2. *It is an exercise of the Government's constitutional grant of power to regulate commerce among the States.* (Federal Constitution, Art. I, sec. 8, par. 3.)

In volume 2, page 2, Story on the Constitution, it is stated:

"The want of this power (as has been already seen) was one of the leading defects of the Confederation, and probably, as much as any one cause, conduced to the establishment of the Constitution. It is a power vital to the prosperity of the Union, and without it the Government would scarcely deserve the name of a national government and would soon sink into discredit and imbecility. It would stand as a mere shadow of sovereignty, to mock our hopes and involve us in a common ruin."

If from the facts heretofore stated relating to the use made by the private pipe-line companies to control commerce among the States the conclusion is inevitable that these instrumentalities are not now regulated by this power of the Government, it stands as a "mere shadow of sovereignty" with relation to these instrumentalities, unless by the exercise of that power it can and does effectually regulate the commerce which flows through them. That it is commerce over which the power of the Government extends and that the Government has the power to regulate such commerce was well established in the early case of *Gibbons v. Ogden* (9 Wheat, 1), in which Chief Justice Marshall, at page 196, said:

"It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed; This power, like all others vested in Congress, is complete in itself, may be exercised to its fullest extent, and acknowledges no limitations other than are prescribed in the Constitution."

As to the means by which this commerce can be regulate, this is amply set forth in the celebrated case of *McCulloch v. Maryland* (4 Wheat, 167), the syllabus of which is:

"The Government of the Union is a Government of the people; it emanates from them; its powers are granted by them, and are to be exercised directly on them and for their benefit."

"The Government of the Union, though limited in its powers, is supreme within its sphere of action, and its laws, when made in pursuance of the Constitution, form the supreme law of the land."

"There is nothing in the Constitution of the United States similar to the Articles of Confederation, which exclude incidental or implied powers."

"If the end be legitimate and within the scope of the Constitution, all means which are appropriate, which are plainly adapted to that end, and which are not prohibited, may constitutionally be employed to carry it into effect."

As said by the Supreme Court in *re Debs* (158 U. S. Rep., 564):

"Constitutional provisions will not change, but their operation extends to new matters as the mode of business and habits of life of the people vary with each succeeding generation. The law of the common carrier is the same to-day as when transportation on land was by coach and wagon, and on water by canal boat and sailing vessel, yet in its actual operation it touches and regulates transportation by modes then unknown—the railroad trains and steamships. Just so it is with the grant of power to the National Government over interstate commerce. The Constitution has not changed; the power is the same, but it operates to-day upon modes of interstate commerce unknown to the fathers, and it will operate with equal force upon any new modes of such commerce which the future may develop."

And, again, in *Pensacola Telegraph Co. v. Western Union Telegraph Co.* (96 U. S. Rep., 1, 24 L. ed., 708):

"They extend from the horse and wagon to the stage coach, from the sailing vessel to the steamboat, from the coach and steamboat to the railroad, from the railroad to the telegraph, as these new modes are successively brought into use to meet the demands of increasing population and wealth. They were intended for the government of the business to which they relate at all times and under all circumstances."

In *Interstate Commerce Commission v. Brimson* (154 U. S. Rep., 456), it is said:

"Congress has plenary power, subject to the limitations imposed by the Constitution, to prescribe the rule by which commerce among the several States is to be governed. Congress may, in its discretion, employ any appropriate means not forbidden by the Constitution to carry into effect and accomplish the objects of power given to it by the Constitution."

Cases might be multiplied upon this question of power and what it includes and the means that the Government may make use of in putting such power into effect, as the "commerce clause" has been considered by the court of last resort more frequently in the last half of the Nation's existence than any other clause in the Constitution. But this is not necessary, either to substantiate the power or the means of exercising such power so long as the power and means are exercised with respect to the regulation of commerce among the States.

3. *Interstate transportation of oil by pipe lines is a monopoly of such nature as to properly reside in the Federal Government.*

In *United States v. Knight* (156 U. S. Rep., 1) Mr. Chief Justice Fuller, at page 12, made use of the following language:

"The power to regulate commerce is the power to prescribe the rule by which commerce shall be governed, and is a power independent of the power to suppress monopoly. But it may operate in repression of monopoly whenever that comes within the rules by which commerce is governed or whenever the transaction is itself a monopoly of commerce."

Again, in *Pearson v. Great Northern Railway Co.* (161 U. S., 646), the Supreme Court said:

"There is, and has been, for the past 300 years, both in England and in this country, a popular prejudice against monopolies in general which has found expression in innumerable acts of legislation. We can not say that such prejudice is not well founded. It is a matter upon which the legislature is entitled to pass judgment. At least there is sufficient doubt of the propriety of such monopolies to authorize the legislature, which may be presumed to represent the views of the public, to say that it will not tolerate them unless the power to establish them be conferred by clear and explicit language."

In *Texas & Pacific Ry. Co. v. Interstate Commerce Commission* (162 U. S., 197) it is stated:

"Before we consider the phraseology of the statute it may be well to advert to the causes which induced its enactment. They chiefly grew out of the use of railroads as the principal modern instrumentalities of commerce. While shippers of merchandise are under no legal necessity to use railroads, they are so practically. The demand for speedy and prompt movement virtually forbids the employment of slow and old-fashioned methods of transportation, at least in the case of the more valuable articles of traffic. At the same time the immense outlay of money required to build and maintain railroads, and the necessity of resorting, in securing rights of way, to the power of eminent domain, in effect disable individual merchants and shippers from themselves providing such means of carriage. From the very nature of the case, therefore, railroads are monopolies, and the evils that usually accompany monopolies soon began to show themselves and were the cause of loud complaints."

Again, in *Swift v. United States* (196 U. S., 375), Mr. Justice said:

"No more powerful instrumentality of monopoly could be used than an advantage in the cost of transportation."

4. *Privately owned pipe lines from their very nature trespass upon public rights.*

In the investigation by the Interstate Commerce Commission, "In the matter of pipe lines," Docket No. 4199 (I, and S.), after taking a large amount of testimony, the commission formulated seven questions of law upon which it requested counsel for the proponents and respondents to argue before the commission. The fourth question propounded by the commission was:

"Does the utilization by a pipe line of the right of way of a common carrier railroad impress upon that pipe line the obligations of a common carrier?"

The question arose by reason of the fact that the testimony before the Interstate Commerce Commission showed that in a great many instances the rights of way acquired by railroad companies had been utilized by pipe-line companies by arrangement with the railroad companies and without the consent of the abutting property owners. For instance, along the line of the Santa Fe, for more than 300 miles, the private pipe line of the Prairie Oil & Gas Co. extended. Other instances are referred to of other pipe lines occupying the rights of way of railroad companies, and in every instance, where necessary, such pipe lines crossed the rights of way belonging to the railroad companies.

The fifth question propounded by the Interstate Commerce Commission was:

"Does the utilization by a pipe line of a highway acquired for or dedicated to the public use impress upon that pipe line the obligations of a common carrier?"

This question arose from the facts shown in the record that in many instances private pipe lines, so called, extended along public highways, and in all instances, where necessary, crossed such highways, consent usually having been obtained from county commissioners or road commissioners in districts through which such pipe lines passed.

It will thus be seen that in the rights of way enjoyed by pipe-line companies, obtained by private arrangement and not by the exercise of eminent domain, that such pipe lines are necessarily trespassers upon public rights.

Very nearly all pipe-line companies, especially those that are so-called private pipe lines, are purchasers as well as transporters of crude oil. In coupling together the control of purchase and transportation, it necessarily follows that the sellers are at the mercy of the buyers, because the product must be transported in order to be available for use, and hence, have a market value. Since the pipe lines furnish the only means of reaching a final market, this leaves the seller of crude oil entirely at the mercy of the buyer and transporter, and consequently, deprives the seller of the right to freely enter the market to dispose of his products, differing in that respect from other sellers of other products. The means of transportation as well as the product transported being owned by the pipe-line companies, the product is then directed to such receivers of the transportation as the pipe-line companies shall elect, and again they interpose their power to prevent buyers generally from securing this commodity. From the fact that the stockholders of the large Standard refineries and the stockholders of these pipe-line companies are practically the same, it is obvious that this situation will continue as long as the present status of the pipe-line companies exist.

While it may be true that the evils above described might be overcome in a measure by proper procedure under the existing laws, the fact remains that they have not been, and probably will not be without further remedial legislation, although these questions have been before our Federal tribunal.

##### 5. For proper Government purposes private property may be taken.

The fifth amendment of the Federal Constitution provides that private property shall not be taken for public use without due compensation. This provision does not prevent the United States Government from taking property by the right of eminent domain, subject to reimbursement to the owner of the property. In *United States v. Jones* (109 U. S., 513) it was said:

"The power to take private property for public uses, generally termed the right of eminent domain, belongs to every independent government. It is an incident of sovereignty, and, as said in *Boom v. Patterson* (98 U. S., 106), requires no constitutional recognition. The provision found in the fifth amendment of the Federal Constitution and in the constitutions of the several States, for just compensation for property taken, is merely a limitation upon the use of the power. It is no part of the power itself, but a condition upon which the power may be exercised. \* \* \* The proceeding for the ascertainment of the value of the property and consequent compensation to be made is merely an inquisition to establish a particular fact as a preliminary to the actual taking, and it may be prosecuted before commissioners or special boards or the courts, with or without the intervention of a jury, as the legislative power may designate. All that is required is that it shall be conducted in some fair and just manner, with opportunity to the owners of the property to present evidence as to its value and to be heard thereon."

In *Kohl v. United States* (91 U. S., 367) it was held that no State can interfere with the United States' right of eminent domain.

##### 6. Such ownership will protect producers and refiners from commercial duress.

In *re Debs* (158 U. S., 582), the court said:

"The strong arm of the National Government may be put forth to brush away all obstructions to the freedom of interstate commerce and the Nation and all its militia are at the service of the Nation to compel obedience to its laws."

In the "Pipe Line cases," before the Supreme Court of the United States, Nos. 481, 482, 483, 506, 507, and 508, considered together, the Solicitor General, in his brief before that court, at page 56, said:

"In practical result—and that is the thing courts and legislatures are concerned with—the small well owner is in a position closely resembling that of the mine owner in *Strickley v. Highland Boy Gold Mining Co.* (200 U. S., 527), who had no right of way out of his mines, or the owner of the arid land in *Clark v. Nash* (198 U. S., 361), who had no means of bringing water in, and was allowed to use his neighbor's irrigation ditch. The shipment of oil except by pipe line is a practical impossibility. No other means of transportation can possibly compete with it. Without a pipe line the oil producer is, as it were, shut in by an impassable barrier.

"But even these analogies do not adequately express the difficulties of the small producer. The possibilities of duress are even greater in the case of oil wells than in the case of mines and arid lands. The mine owner can shut up his mine and hold it, but the wells once opened can not be closed to await a more convenient season. And if they could be, or if they were not opened in the first place, the owner of the oil land would only lose instead of gain by waiting, because oil lies in great subterranean reservoirs, and the pumping of the wells upon adjacent lands would drain the common source. (*Ohio Oil Co. v. Indiana*, 177 U. S., 190.) Therefore the small producer is compelled either to sell his oil or to sell the wells themselves to the owner of the pipe lines at whatever terms the latter may choose to offer. He is caught beneath the sheer weight of capital and has no alternative except to yield.

"The court below says that there is no connection between monopoly and a situation where the greater number of oil producers are virtually compelled to sell their output to the owners of private pipe lines"; but Mr. Justice Holmes said, in *Swift v. United States* (196 U. S., 375, 402):

"No more powerful instrument of monopoly could be used than an advantage in the cost of transportation."

"It is largely the use of this potent instrument that has built up these enormous capitalizations, that has paid these enormous dividends, that once at least has thrown the oil industry of the whole United States into the hands of a single group of capitalists. The evidence in the Standard Oil case proves this; the statistics in the Government reports prove it; the facts were in the mind of Congress when it passed this legislation. Congress has declared the possibility of its

recurrence a menace to the public welfare. Congress has struck down monopoly full grown. It now seeks to destroy the source from which it sprang.

"But the court below says that Congress is quite mistaken; that pipe lines have no relation to monopoly; that the right to injure the public in general and one's neighbors in particular is merely one of the legitimate and inviolable advantages arising from the acquisition of the substantial amounts of property."

##### 7. Such ownership would prevent the evils sought to be remedied by the principle embodied in the "commodities clause" of the act to regulate commerce.

At page 70, in the Solicitor General's brief in the "Pipe Line cases" above referred to, the following language is used:

"The commodities case, *United States v. Delaware & Hudson Co.* (213 U. S., 366), is directly in point. It was there held that Congress could prohibit common carriers from carrying their own coal, despite the fact that many of the companies affected had invested enormous sums of money in the business of mining prior to the passage of the law. There is no substantial distinction between that case and the present. In both the motive of Congress was the same—to prevent an unconscionable use of an advantage in the means of transportation. In the one case the owner of a railroad is forbidden to carry his own coal, unless he first parts with ownership; in the other the owner of a pipe line is forbidden to carry his own oil, unless he transports also the oil of others for reasonable compensation. The same reasoning which supported the one supports the other."

The Solicitor General might have noted further the difficulties attending even the application of the principle of the "commodities clause" to pipe lines if the "commodities clause" were to be extended in the control of pipe lines by regulation. In the instances of the *Prairie Oil & Gas Co.* and the *Ohio Oil Co.* the evidence in the "Pipe Line cases" shows that these companies are engaged in producing as well as purchasing and transporting oil. As producers and purchasers they claim the right to use the pipe lines which they have built and own to carry their own commodities. Unless such pipe lines are held to be common carriers by the Supreme Court, their status will remain the same as it is at present. If they are held to be common carriers, in order to make them effectively such, further legislation extending the application of the "commodities clause" to pipe lines will be necessary. The organization of a producing company to purchase and take over the producing properties will be a fiction supported by a mere matter of bookkeeping to avoid the effectiveness of the provisions of the "commodities clause" principle. The stockholders, who are the real parties at interest, will continue to be the same as now. The great bulk of transportation offered to the pipe lines will be by the owners of the producing and purchasing companies, whose stockholders are the same as those of the pipe-line companies. If such pipe lines are owned and operated by the Government, no such embarrassment and complications can arise.

##### 8. Government ownership and operation of transportation in interstate commerce not forbidden by any provisions of the Federal Constitution.

In the broad declaration of Federal powers in *McCulloch v. Maryland*, supra, it was said:

"If the end be legitimate and within the scope of the Constitution, all means which are appropriate, which are plainly adapted to that end, and which are not prohibited, may constitutionally be employed to carry it into effect."

During the early period in the history of this Government, when constitutional construction was less liberal than it afterwards became, unless there was a specific grant of power, the Federal Government was slow to act. There is no such specific grant of power as to permit the Government to appropriate money for internal improvements. On March 3, 1817, President Madison vetoed a bill to set apart the bonus and Government dividends of the national bank as a fund for constructing roads and canals and improving navigable rivers, on the ground that the Constitution did not provide for the expenditure of money for internal improvements. On March 14, 1818, the House of Representatives passed a resolution declaring the Congress had the power to appropriate money for such improvements, and on March 3, 1823, the first bill was passed for the construction of internal improvements, since which time, without specific authority, but on the ground that the end was legitimate and not forbidden by the Constitution, huge enterprises have been undertaken by the Government, such as the construction of the Panama Canal, the Alaskan Railroad, great irrigation projects, the improvement of rivers and harbors, all of which are of undoubted advantage and promote the general welfare. While the doctrine of the conservation of natural resources is fully accepted as a Federal policy, it is equally important that the Government should guard all of its natural resources from the encroachments of private monopoly, that the entire welfare of the people may thereby be promoted.

Since, therefore, there is no prohibition in the Constitution, and since the Government has already entered the field of ownership and transportation, there can be no question on this ground but what the Government would be justified in such ownership and operation of interstate pipe lines.

##### 9. State laws recognize the public interest in pipe lines by requiring them to become common carriers.

In very nearly all of the States in which oil is produced in quantities, and through which pipe lines pass, are to be found statutes providing that pipe lines shall be common carriers, thereby indicating the public interest residing in such means of transportation.

##### ARKANSAS.

The Statutes of Arkansas of 1911 (*Kirby's Digest*, pp. 253, 254; title "Eminent domain—oil and gas companies") provide:

"Sec. 2991a. Any corporation organized by virtue of the laws of this State for the purpose of developing and producing mineral oil or petroleum or natural gas in this State, and marketing the same, or transporting or conveying the same by means of pipes from the point of production to any other point or points, either to refine or market such oil or conduct such gas to any point to be used for heat or light, may construct, operate, and maintain a line or lines of pipes for that purpose along and under the public highways and the streets of cities and towns with the consent of the authorities thereof, or across and under the waters and over any lands of the State, and on the lands of individuals, and along, under, or parallel with the rights of way of railroads and the turnpikes of this State: *Provided*, That the ordinary use of such highways, turnpikes, and railroad rights of way be not obstructed thereby or the navigation of any waters impeded, and that just compensation be paid to the owners of such lands, railroad rights

of way, or turnpikes by reason of the occupation of such lands, railroad rights of way, or turnpikes by said pipe line or lines."

## CALIFORNIA.

Pomeroy's Code of Civil Procedure of California, 1901, title 7, page 692, provides:

"Sec. 1237. Eminent domain is the right of the people or Government to take private property for public use. This right may be exercised in the manner provided in this title.

"Sec. 1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses: \* \* \*"

## 10. Oil pipe lines.

## COLORADO.

The Revised Statutes of Colorado, 1908, chapter 45, 689, provide:

"Sec. 2436, subsection 22: Any foreign or domestic corporation organized or chartered for the purpose, among other things, of conducting or maintaining a pipe line for the transmission of power, water, air, or gas for hire to any mine or mining claim or manufacturing, milling, mining, or public purpose, shall have the right of way for the construction, operation, and maintenance of such pipe line or pipe lines, for such purposes, through any lands, without the consent of the owner thereof, where such right of way is necessary for the purpose for which said pipe line shall be used."

"Sec. 2439, subsection 25: Any such corporation or corporations organized or chartered for any or all of the purposes hereinbefore mentioned shall be deemed a common carrier or common carriers and shall fix and charge only a reasonable and uniform rate to all persons who desire the use of any such tunnel, pipe line, electric power transmission line, or aerial railway."

## ILLINOIS.

The Legislature of Illinois in 1913 passed an act entitled "An act to provide for the regulation of public utilities," which provides in part as follows:

"Sec. 10, subparagraph (a): May own, control, operate, or manage, within the State, directly or indirectly for public use, any plant, equipment, or property used or to be used for or in connection with the transportation of persons or property or the transmission of telegraph or telephone messages between points within this State; or for the production, storage, transmission, sale, delivery, or furnishing of heat, cold, light, power, electricity, or water; or for the conveyance of oil or gas by pipe line," etc.

## INDIANA.

Burns's Annotated Indiana Statutes, Volume II, chapter 40, provide:

"Sec. 5148. Whenever three or more persons desire to form a company to lay on, over, or underneath the ground iron pipes or tubes, to erect pumps and pump stations and tanks for storing oil, and also to erect telegraph lines along said line or lines of pipe, and to carry on by means thereof the business of transporting and storing petroleum, they shall make, sign, and acknowledge before some officer capable to take acknowledgments of deeds, a certificate in writing which shall state the corporate name adopted by the company, the object of its formation, the amount of capital stock, the term of its existence (not, however, to exceed 50 years), the number of directors and their names, who shall manage the affairs of such company for the first year, and the names of the counties in which its operations are to be carried on, and the county where its principal office shall be located, and file the same in the office of the recorder of such county, which shall be placed upon the record, and a duplicate thereof in the office of the secretary of state."

## KANSAS.

Dassler's General Statutes of Kansas, 1909, chapter 48, article 4, title "Transportation of oil," provide:

"SECTION 1. All pipe lines laid, built, or maintained for the conveyance of crude oil within the State of Kansas are hereby declared to be common carriers and said conveyance of oil shall be in the manner and under the restrictions of this act provided."

## KENTUCKY.

Carroll's Kentucky Statutes, 1909, chapter 93a, title "Oil and gas—condemnation of land for," provide:

"Sec. 3766b. All corporations or companies organized for the purpose of constructing, maintaining, or operating oil or gas well or wells or pipe lines for conveying, transporting, or delivering oil or gas, or both oil and gas, are hereby vested with the right and power to condemn lands and material in this Commonwealth, or the use and occupation of so much thereof as may be necessary for constructing, maintaining, and operating such pipe line or lines, and all necessary machinery, pumping stations, appliances, and fixtures, including tanks, telephone and telegraph lines, for use in connection therewith, together with rights of ingress and egress to examine, alter, repair, maintain, and operate or remove such pipe line or lines, all such being hereby declared to be a public use."

## LOUISIANA.

The Acts of the State of Louisiana, 1906, page 54, Act No. 39, approved June 29, 1906, provide:

"SECTION 1. That corporations, whether domestic or foreign, organized with the power of constructing and operating pipe lines for the transportation of oil or gas, or either, shall have the right to appropriate rights of way for such pipe lines and for telegraph and telephone lines incident to the operation of such pipe lines, and lands for pumping and tank stations, making part of such lines, or of storage stations connected therewith and necessary to the purpose thereof."

And Act No. 36, declaring pipe lines common carriers, provides:

"Sec. 1. That all pipe lines through which gases, oil, or other liquids are conveyed from one point in the State to another point in the State for a consideration, are hereby declared to be common carriers, and are placed under the control and subject to regulation by the Railroad Commission of Louisiana."

## NEBRASKA.

Sections 4575 and 4581, chapter 64, Compiled Statutes of Nebraska, 1911, provide—

"That any company, corporation, or association formed or created for the purpose of transporting, transmitting, or conveying petroleum or other like oil, and desiring or requiring a right of way for the laying and maintaining of any pipe line for such purpose within the State of Nebraska, and being unable to agree with the owner or lessee of any land, lot, or right of way on the amount of compensation for the

use and occupancy of so much of any lot, land, real estate, or right of way as may reasonably be necessary for the laying, relaying, and maintenance of any such pipe line, shall have the right to acquire the same for such purpose, as hereinafter provided \* \* \*"

## NEW YORK.

Birdseye, Cumming & Gilbert's Consolidated Laws of New York, 1909, volume 5, page 6311, article 6, title "Pipe lines corporations," provide:

"Sec. 50. The pipe lines of every such corporation shall be open for transportation to the public use, and all persons desiring to transport products through such pipe line shall have the absolute right upon equal terms to such transportation in the order of application therefor on complying with the general requirements of such corporation, as to delivery for and payment of such transportation; but no application for such transportation shall be valid beyond or for a greater quantity of products than the applicant shall then own and have ready for delivery for transportation to such corporation, and every such corporation shall provide suitable and necessary receptacles for receiving all such products for transportation, and for storage at the place of delivery until the same can reasonably be moved by the consignee, and shall be liable as common carriers therefor from the time the same is delivered for transportation until a reasonable time after the same has been transported to the place of consignment and ready for delivery to the consignee, which time shall be fixed by general regulation by the corporation, and shall not be less than two days from and after the same shall be ready for delivery and notice thereof given to such consignee; and all rates and charges of every description, for or on account of or in any manner connected with the transportation of any products, shall be fixed by such corporation by general rules and regulations which shall be applicable to all parties who shall transport any products through such pipe line, or deliver or contract to deliver products for transportation, and shall be written or printed and exposed to public view and at all times open to public examination."

## OHIO.

Page and Adams Annotated Ohio General Code, Volume IV, pages 1002, 1003, provides:

"Sec. 10132. Such company or companies, for the purpose of transporting natural gas, oils, water, and electricity, shall be a common carrier and subject to all the duties and liabilities of such carriers under the laws of this State."

## OKLAHOMA.

Snyder's Constitution of Oklahoma, 1908, page 226, article 9, provide:

"Sec. 4. All oil pipe-line companies shall be subject to the reasonable control and regulation of the corporation commission, and shall receive and transport each other's tonnage or oils, or commodities, under such rules and regulations as shall be prescribed by law or such commission."

Section 786, chapter 11, article 1, provides:

"Every one who offers to the public to carry persons, property, or messages is a common carrier of what he thus offers to carry."

## PENNSYLVANIA.

Pepper and Lewis Digest, 1910, volume 1, page 1903, title "Pipe line companies," provides:

"Sec. 458. \* \* \* That any company organized for such purposes, under the provisions of said act, shall have the right to transport, store, insure, and maintain pipes, tubing, tanks, offices, and such other construct, and machinery devices, or arrangements as may be necessary, and to enter upon, use, and occupy such lands as may be requisite for the purposes of the company; and for rights of entry upon lands, rights of way, and the use of materials necessary for the construction, maintenance, and operation of said lines of pipes and fixtures as aforesaid they shall be entitled to all the rights and privileges, and be subject to all the limitations and restrictions, of railroad companies as contained in the act relating to railroad companies approved February 19, 1849, and the supplements thereto: *Provided, however,* That nothing herein contained shall be construed to authorize the construction of any railroad."

## TEXAS.

Herron's Supplement to Sayles's Texas Civil Statutes, 1897-1906, chapter 13a, page 104, title "Oil, gas, salt, etc., corporations," provide:

"SECTION 1. Any number of persons, not less than three, may organize themselves into a corporation for the purpose of storing, transporting, buying, and selling oil and gas, salt, brine, and other mineral solutions in this State.

"SEC. 3. Such corporation shall have power to store and transport oil and gas, brine, and other mineral solutions, and to make reasonable charges therefor.

"SEC. 6. It shall be unlawful for any corporation organized under this act to discriminate against any person, corporation, firm, association, or place in the charge for such storage or transportation, or in the service rendered; but shall receive, store, or transfer oil or gas for any person, corporation, firm, or association upon equal terms, charges, and conditions with all other persons, corporations, firms, or associations for like service."

## WEST VIRGINIA.

West Virginia Code, 1906, chapter 62C, title "Transportation of petroleum or other oils or liquids," provides:

"Sec. 2830. Any company heretofore or hereafter organized for the purpose of transporting petroleum or other oils or liquids by means of pipe line or lines shall be required to accept all petroleum offered to it in merchantable order, in quantities of not less than 2,000 gallons, at the wells where the same is produced, making at its own expense all necessary connections with the tanks or receptacles containing such petroleum, and to transport and deliver the same at any delivery station, within or without the State, on the route of its line of pipes which may be designated by the owners of the petroleum so offered."

## WYOMING.

The constitution of Wyoming, section 7, article 10, title "Corporations," provides:

"All corporations engaged in the transportation of persons, property, mineral oils and mineral products, news or intelligence, including railroads, telegraphs, express companies, pipe lines, and telephones, are declared to be common carriers."

Congress itself has recognized the public interest in interstate transportation by pipe lines in its amendment to the act to regulate commerce of 1906. It was undoubtedly the intention of Congress to include all pipe lines, whether common carriers or private (so called), engaged in the transportation of petroleum in interstate commerce.

The Interstate Commerce Commission, upon its own motion, after investigation, decided that such was the intention of Congress, and ordered such "private pipe lines," so called, to file tariffs and charges and rules and regulations with said commission. Those pipe lines, however, which did not profess to be common carriers secured an injunction against said order of the commission by application to the Commerce Court, which said order sustained, and the question has been appealed to and now is under consideration by the Supreme Court of the United States.

While there can be no question of the general recognition of the public interest in all State and interstate transportation of petroleum or gases by pipe lines, yet from all the facts heretofore set out it must be obvious that such control and regulation will always be attended with its embarrassing features, and that the entire interest of the public in such utilities can never be adequately accomplished or perfected until Congress shall exercise its sovereign power in the acquisition and operation of all interstate pipe lines.

#### PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. TOWNSEND. Mr. President, I ask permission to print as a part of my remarks a letter written on March 27, 1914, to J. P. Tumulty, Esq., Washington, D. C., by J. H. O'Neill. I do not agree with the writer that the railroads are entitled to the higher rates they ask. I do not agree that the depressed conditions mentioned by him are due to too low rail rates. I insert this letter from a Democrat to the President's secretary because the facts mentioned have a bearing on the prosperity issue which has been raised this afternoon.

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

The matter referred to is as follows:

FEDERAL TRUST CO.,  
Boston, Mass., March 27, 1914.

J. P. TUMULTY, Esq.,  
Washington, D. C.

MY DEAR MR. TUMULTY: Pardon me for bothering such a very busy man as you, but I know you are interested in the success of the party, and I want you to believe that I have no other object in writing. I have writer Judge Clements and Secretary McAdoo, urging them to do something to hasten the case of railroad rates. In my opinion, anything would be better than nothing.

It is impossible to blink at the fact that slowly but surely business is getting to a standstill. For the first six months of the administration business was first class; for the second six months it was fair, but to-day it is dragging. One of the oldest machine shops in New England, down in Biddeford, Me., laid off 250 men; the New Haven shops at Readville have shut down, throwing 1,500 men out, and the Boston & Maine shops at Biddeford, in this State, which have a capacity of employing 8,000 men, will not open. Now, these two latter may, of course, be blamed to local railroad conditions, but that is not true in the case of the Biddeford shop, nor in the case of the Pennsylvania Railroad Co., which has recently thrown out 15,000 men, 8,000 of them east of Pittsburgh. The Sturtevant Blower Works here has just let 250 men go. My information is that this is true pretty generally throughout the country.

For the past 30 years I have believed that the nub of any question in this country was the railroad situation; that when the railroads were prosperous the country was prosperous. While I admit that the railroads have done many, many things for which somebody should go to jail, I do not see why the present generation should be punished for the faults of those who have gone before. A 10 per cent increase in freight rates, as I pointed out to Judge Clements, on a case of shoes shipped from Boston to San Francisco would mean an additional cost of 1 cent per pair, but this 10 per cent increase in freight rates would mean \$3 a week in the pockets of hundreds of thousands of men who would have to buy shoes, because it would give them work.

As I wrote Mr. McAdoo, I think in regard to many corporations, they ought to adopt the old Chinese custom, and when crimes are committed by corporations some heads should be lopped off and dropped into the basket—be cut close off to the shoulders. But we are facing a condition to-day, not a theory. Now, mind me, I do not own a share of railroad stock, and do not know that I ever shall, but I am writing you as one who can put in a word at the right place close up, and as you are a practical man, like myself, and know conditions as I think I know them, from practical experience, I hope that you will do your best to see that something is done, and done at once.

Should the roads not be allowed to increase their rates, then they must face bankruptcy or make a reduction in wages. I am opposed to a reduction in wages—radically and unalterably. Wages are none too good now. If it may be claimed that the railroad capitalization is excessive, I will admit it, but I do not think that the workingman, working for his day's wage, should be the one to be punished; rather give them a fair wage, a chance to live, and punish the fellows who have put the water into the road and arranged to squeeze it out. This is not a difficult thing to do, although it may take some time.

Now, I take the liberty of writing you on account of the friendly spirit you showed when I met you with Congressman MURRAY, and also because I believe you to be a practical man, who realizes, as I do, what these facts mean. Do this thing, and, in my opinion, the Republican Party need not nominate a candidate against us in 1916; do not do it, and I do not think there is the least necessity of our nominating one.

I may be in Washington some time next month, and, if so, I shall take the liberty of calling on you to say "How are you?"

With kindest regards, I am,  
Yours, very truly,

J. H. O'NEIL.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Nebraska [Mr. NORRIS] in lieu of the amendment proposed by the committee.

Mr. O'GORMAN. May I ask what is the amendment to which the Chair refers?

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. In lieu of the amendment at the end of the bill offered by the committee, the Senator from Nebraska offers the following—

Mr. O'GORMAN. The Chair was speaking, then, of the amendment of the Inter-oceanic Canals Committee.

Mr. President, the tolls bill has been nominally before the Senate all day; but owing to the peculiar rules of this body everything else has been discussed, and no opportunity has been given to the Senators who desired to be heard on this question to present their views.

I would ask at this time unanimous consent to make the tolls bill the business of the Senate to the exclusion of all other business until a vote can be reached, but I understand that making that request at this hour would involve calling the roll. I shall, however, make that request to-morrow morning; and I hope nothing will be presented to the Senate in the way of a discussion that will interfere with the tolls bill, and an opportunity to take a vote upon it at the earliest practicable moment.

Mr. SMITH of Georgia. Mr. President, I had thought of suggesting that instead of adjourning to-day we take a recess until 10 o'clock to-morrow morning.

Mr. SMOOT. I hope the Senator will not do that.

Mr. SMITH of Georgia. Or a recess until 8 o'clock to-night.

Mr. SMOOT. Oh, no; not to-night. If the Senator will leave that matter until to-morrow and see if a unanimous-consent agreement can be reached, such as the Senator from New York gave notice he would ask, I think more than likely it will be granted, and then we can go right along and get through with the bill in the early part of the week.

Mr. CUMMINS. Mr. President—

Mr. O'GORMAN. Unless the Senator from Iowa wishes to proceed—

Mr. CUMMINS. Will the Senator from New York yield for a moment?

Mr. O'GORMAN. Yes.

Mr. CUMMINS. I desire only to suggest that the unanimous-consent agreement which he has proposed, which he says he will bring before the Senate to-morrow, ought to contain a provision that will give the President of the Senate power to confine the discussion taking place here to the bill before the Senate. Otherwise it will accomplish nothing, inasmuch as we have had the canal bill before us all day long and not a word has been said with regard to it.

Mr. O'GORMAN. Mr. President, I agree with the suggestion of the Senator from Iowa. The unanimous-consent agreement would amount to nothing unless Members should respect the spirit of it, refrain from injecting other matters into the discussion until such a time as a vote is had upon the unfinished business.

Mr. CUMMINS. Of course I do not suggest that for the purpose of having it written into the agreement, but I do suggest it in order to create a proper spirit in the Senate if the agreement shall be made. I suspended a speech upon this question yesterday in order to permit the Members of the Senate to attend a very notable and worthy ceremony which was about to take place. I have been waiting all day long for an opportunity to resume the observations I was then making upon the canal bill. While I suppose I have no technical right to the floor, I hope that before many volumes shall have been filled with extraneous discussion I may be permitted to finish the argument I began.

Mr. OWEN. Mr. President, on Thursday, April 16, 1789, this was the rule of the Senate:

VIII. While a question is before the Senate no motion shall be received, unless for an amendment, for the previous question, or for postponing the main question, or to commit it, or to adjourn.

IX. The previous question being moved and seconded, the question from the Chair shall be: "Shall the main question be now put?"

I think the time has come to restore this venerable rule of the United States Senate, and to have a cloture in the Senate; to have the previous question.

The Senate of the United States has lost in large measure the respect of the people of the United States and of Senators on this floor by the abuse of the privilege of free speech in this body. I wish to enter my protest against the continuance of the custom which permits unending debate upon any question. I wish to enter my emphatic dissent from the practice of the Senate.

Last summer I called attention to this matter and introduced a proposed modification of the rule, establishing the previous question in the Senate, or at least permitting the Senate, by a vote of the majority of its Members, to terminate at some time any question before the Senate. The matter of unanimous

consent which is in vogue in this body has the effect of denying to the majority of the Senate the right to conduct the affairs of the Senate. It permits any bill or any number of bills to be used for the purpose, or at least with the effect, of killing time ad libitum; and in that way the majority is excluded from discharging its obligations to the people of the United States.

The Democratic Party, although in nominal control of this body, is absolutely unable to carry out its pledges to the people of the United States because of the obstruction of the business of this body by unlimited debate, a debate to which nobody listens. Senators rise on this floor and talk for hours—

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator if a cloture rule requiring him to address himself to the subject before the Senate would not preclude him from making his present speech?

Mr. OWEN. It would; and it would preclude the Senator from Georgia from making many speeches he has delivered on this floor.

Mr. SMITH of Georgia. I should like to have the Senator call attention to them.

Mr. OWEN. I will hunt through the Record and try to do so. If not, he is the only exception.

Mr. GALLINGER. Mr. President—  
The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. I had concluded what I wished to say.

Mr. GALLINGER. It would also have prevented the Senator from Oklahoma from filibustering for six or eight hours a little while ago to defeat a bill which the Senator did defeat.

Mr. OWEN. If the Senator is referring to the occasion when I objected to Arizona being kept out of the Union, I plead guilty. I will say to the Senator, moreover, that so long as our rules permit that kind of thing any Senator with sufficient resolution can do as he pleases on the floor of this body. I do not think it ought to be permitted. I am opposed to it for myself, and I am opposed to it for the Senator from New Hampshire.

Mr. GALLINGER. It is a matter of regret to some of us that the Senate has lost the reputation it formerly enjoyed in the estimation of the Senator from Oklahoma; and yet I apprehend the Senate will go along and transact its business exactly as it would have done if the Senator from Oklahoma had not read his lecture to the Senate to-day. There is no trouble about it. The Senator has offered his amendment to the rules, and I apprehend that the Senator will live to be as old as I am, at least, before it shall be adopted.

Mr. OWEN. Mr. President, I thank the Senator from New Hampshire for his lecture read to the Senator from Oklahoma; but I advise him that no amount of lecturing or hectoring on his part will abate one iota the opinion of the Senator from Oklahoma on this question.

I serve notice on the Senator, and on the Senate, too, that at some convenient time the unanimous consent in this body will be discontinued.

Mr. KENYON. Mr. President—  
The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Iowa?

Mr. OWEN. I have yielded the floor.  
Mr. KENYON. I wish to ask the Senator a question, if he pleases.

Mr. OWEN. I shall be glad to answer any question I can.  
Mr. KENYON. Where is the Senator's amendment now? What is the status of it?

Mr. OWEN. It is lying, as all matters of this kind lie, in the bosom of the committee.

Mr. KENYON. What does the Senator propose to do about it? I am very much in sympathy with his amendment, and I wish to support it. I wish to have an opportunity to vote on it. Why does not the Senator press it?

Mr. OWEN. Because of the hope that the matters which have so urgently pressed upon the attention of the Senate might be disposed of, and because that matter itself, under the rules of the Senate, would be made a subject of unlimited debate and would preclude the consideration of anything else at this time.

Mr. KENYON. I wish the Senator could get it in the program of work for the summer.

Mr. OWEN. If I were making the program, it would be the first on the list.

Mr. SMOOT. Mr. President, the Senator referred to the fact that the majority in this body could not control legislation, and complained that the time was wasted by unnecessary talk.

Mr. OWEN. Yes; there is no question whatever about it.  
Mr. SMOOT. Mr. President, to be perfectly honest in this matter, as far as the discussion of to-day is concerned, if the

Senator had been in the Chamber he would have known that the great majority of the time of this body has been taken by members of the majority party.

Mr. OWEN. Oh, well, this is the practice of the Senate, and Senators avail themselves of it; but it is a bad practice, and against the practice I enter my emphatic protest. There are many other Senators here who are silent now who realize as well as the Senator from Oklahoma the unwisdom of this rule, and the fact that it is impairing the standing of the Senate, and is degrading the Senate in the respect of the people of the United States.

Mr. GALLINGER. Mr. President, I have been a Member of this body for 23 years, and I do not recall a single important measure that has ever been before the Senate that has not been voted on, with one exception, and that was defeated by a Democratic filibuster.

I think we have attended to the business of the country diligently. We have debated questions of importance at great length, it is true; they needed such debate; but they have always been voted on, and a majority of the Senate has determined whether or not they should become laws.

I do not think the evil is so great as the Senator from Oklahoma imagines it to be. I feel quite sure that if we should adopt the rule that prevails in another body, where debate on these great questions is almost absolutely forbidden, we would live to rue the time when we made the change.

Mr. SMITH of Georgia. Mr. President, I rose to ask the Senator from Iowa at what hour it would suit him to-morrow morning to speak.

Mr. CUMMINS. Personally, one hour would suit me as well as another, but I see no reason for convening earlier than the usual time. There is no difficulty about this matter, Mr. President. If we will adhere to the subject before the Senate, we will finish the debate very soon.

Mr. SMITH of Georgia. What I wished to say was that if it would suit the Senator from Iowa, promptly after 11, I hope, although we can not make a unanimous-consent agreement this afternoon, the Senator from New York will move to take up the bill immediately after the approval of the Journal to-morrow, and that without taking any time for morning business to-morrow we may proceed with the unfinished business.

Mr. CUMMINS. I have no objection to convening at 11 o'clock and going forward immediately with what I have to say. We have a very important meeting of the Committee on Interstate Commerce at 10 o'clock to-morrow, which I feel I must attend. I hope there will be no effort made to convene the Senate before the usual time.

Mr. SMOOT. I wish to say to the Senator from Georgia that we have the matter in our own hands. We can object to anything outside of the routine morning business, and that will not take over 10 minutes in the morning. We can object to any consideration of outside matters.

Mr. SMITH of Georgia. Of course, one certain way to avoid it would be to take a recess until 11 o'clock to-morrow morning, and then have no morning hour.

Mr. BRISTOW. Mr. President, I desire to express my opinion, and I think it is the opinion of a great many Senators on this side of the Chamber. I do not speak for them except that I have heard expressions in conversation in the cloakroom. There is no desire on the part of anyone on this side, so far as I have had any conversation with Members, to delay a vote upon the tolls bill. The time that has been taken to-day has been taken by the majority. There has nothing been injected in this debate and no bill has been used upon the part of anyone on this side of the Chamber to delay the discussion. It seems to me if the majority want to keep the tolls bill before the Senate, so that we may consider it hour after hour, we will get to a vote, and those of us who attempt to attend to business faithfully will not be required to be here at unusual hours, either morning or evening.

So far as I am concerned, I do not want to put any obstacle in the way of a prompt disposition of this measure. I do not intend, if I can help it, to spend another summer in working day and night continuously with a program before us that will keep us here at least until October. I am willing to stay until October, if it is so decreed by those who are in control of the legislation of the country, but I am not willing to spend unusual hours so as to impair my health and the health of other Members of this body.

Mr. SIMMONS. Mr. President, I wish to say in reply to the Senator from Kansas [Mr. Bristow] that I think I know the feeling of Members on this side and on the other side, too. There seems to be a feeling on both sides of the Chamber unusually strong that we should get to a vote upon this question as speedily as possible. I do not believe there is any disposition

on either side to filibuster. For what has happened to-day the gentlemen who have participated are solely responsible, and I do not think it has been done by them with any view to postponing the vote upon the tolls bill, although it has had that effect.

I wish to give notice that if some other Senator does not do so, immediately after the reading of the Journal to-morrow I shall object to the consideration of any measure except the tolls bill.

Mr. O'GORMAN. In order to insure expedition in the consideration of the tolls bill to-morrow, I move that the Senate take a recess until 11 o'clock to-morrow, at which time the Senator from Iowa will be permitted to proceed with his discussion.

Mr. OLIVER. Will the Senator from New York withhold that motion for a moment?

Mr. O'GORMAN. Yes.

Mr. OLIVER. Inasmuch as evidently no business will be transacted to-morrow except in connection with the tolls bill, I wish to say that after to-morrow I shall be compelled to be away for at least 10 days, and I wish to ask unanimous consent for the present consideration of House bill 14242. It is a bill to increase the cost of the public building at Harrisburg, and one in which our people are greatly interested. It is a House bill and has been favorably reported from the Committee on Public Buildings and Grounds of the Senate.

Mr. O'GORMAN. I yield for that purpose.

PUBLIC BUILDING AT HARRISBURG, PA.

Mr. OLIVER. I ask the Senate to proceed to the consideration of the bill (H. R. 14242) to increase the limit of cost for the erection and completion of the United States Federal building at Harrisburg, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to so amend the provision in section 2 of the public-building act of June 25, 1910, for the enlargement, extension, remodeling, or improvement of the post office and courthouse at Harrisburg, Pa., as to increase by \$75,000 the limit of cost fixed by that act for the work; and the Secretary of the Treasury is authorized to enter into contracts for the completion of the enlargement, extension, remodeling, and improvement of the building within the limit of cost as hereby extended.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS.

Mr. O'GORMAN. I move that the Senate take a recess until 11 o'clock a. m. to-morrow.

Mr. BRISTOW. Let me suggest to the Senator from New York that a single objection will prevent any delay at all by reason of the morning business. A Senator can not make a speech or do anything else that will consume time except by unanimous consent, and it is in the power of the Senator from New York to object.

Mr. SMITH of Georgia. There are resolutions coming over upon which Senators will have a right to speak.

Mr. O'GORMAN. Unless the Senator from Kansas has some business that he thinks ought to be presented to-morrow morning, I believe the wiser course is simply to take a recess, so that as soon as we convene the consideration of the tolls bill may be resumed.

Mr. BRISTOW. I have no desire to open up any debate upon resolutions that are pending. There is routine business that comes in which sometimes ought to be attended to at once. I will make no objection to the motion of the Senator.

Mr. O'GORMAN. Very well. I move that the Senate take a recess until 11 o'clock a. m. to-morrow.

The motion was agreed to; and (at 6 o'clock and 6 minutes p. m.) the Senate took a recess until to-morrow, Saturday, June 6, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 5, 1914.

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

Rev. Ulysses G. B. Pierce, D. D., of All Souls Church, Washington, D. C., offered the following prayer:

Our Father who art in heaven, ere we turn to the labors to which Thou hast called us, we pause to acknowledge Thy goodness and to implore Thy guidance. Grant, we humbly pray Thee, that this day we may so labor as to receive the benediction of Thy favor. And as we ask Thy grace so do we render to Thee all glory now and forevermore. Amen.

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

LEAVE OF ABSENCE.

The Clerk read as follows:

CAMDEN, N. J., June 4, 1914.

Hon. CHAMP CLARK,  
Speaker House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I met with an accident last week; I had a fall and broke two bones in my hand, and I am practically helpless. I would respectfully request that I be granted leave of absence indefinitely, or until I recover the use of my hand.

Yours, very truly,

WM. J. BROWNING.

The SPEAKER. Without objection, the request is granted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 3334. An act authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass.

The message also announced that the Senate had passed joint resolution and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 155. Joint resolution to remit, under certain conditions and for the year 1914, the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act in cases where said returns are completed by June 1, 1914; and

S. 4522. An act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906.

The message also announced that the Vice President had appointed Mr. PAGE and Mr. LANE members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the War Department.

NATIONAL STAR-SPANGLED BANNER CENTENNIAL CELEBRATION.

Mr. LINTHICUM. Mr. Speaker, I ask to take from the Speaker's table Senate joint resolution 148.

The SPEAKER. The gentleman from Maryland asks to take from the Speaker's table Senate joint resolution 148, there being one of similar tenor on the House Calendar. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 148) authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

Resolved, *etc.*, That the President be, and he is hereby, authorized to extend invitations to foreign Governments to be represented by their accredited diplomatic agents to the United States at the National Star-Spangled Banner Centennial Celebration to be held at the city of Baltimore, Md., in September of the year 1914: *Provided*, That no appropriation shall be granted by the United States for expenses of delegates or for other expenses incurred in connection with said invitation.

The joint resolution was ordered to be read a third time, was read the third time, and passed; and House joint resolution 209 of similar tenor was laid on the table.

SPEECH OF HON. PATRICK H. KELLEY, OF MICHIGAN.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting an address by my colleague, Hon. PATRICK H. KELLEY, of Michigan.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] asks unanimous consent to extend his remarks in the Record by printing a speech by his colleague, Gov. KELLEY. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS IN THE RECORD.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a dispatch that was carried in the papers yesterday relative to whether the Monroe doctrine is in danger of being superseded by some other doctrine by the mediators at Niagara Falls.

The SPEAKER. The gentleman from Ohio [Mr. Fess] asks unanimous consent to extend his remarks in the Record by printing a dispatch that was in the papers yesterday to ascertain whether the Monroe doctrine is still extant or whether we are going to have a new doctrine. [Laughter.] Is there objection?

Mr. BARNHART. Mr. Speaker, being a newspaper man and believing everybody in the United States reads the newspapers and that they have read this article, I shall object.

The SPEAKER. The gentleman from Indiana objects.



I think favoritism a mistaken policy of government, the breeding ground of jealousy and hate. The teachings of the great Virginia sage and father of our country still ring true to the spirit of our institutions. No matter what the President says, the world is not united against us on this matter. I indorse all that was said the other day by my honored friend from Iowa [Mr. CUMMINS]. I do not believe there is on record with the President of the United States a protest from any Government in the world against our policy at Panama, except the half-hearted and weak protest which Mr. Innes made in behalf of Great Britain, largely because he was asked to do it by the premier of Canada.

Mr. CUMMINS. Mr. President—

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

Mr. SMITH of Michigan. Certainly.

Mr. CUMMINS. The Senator from Michigan does not quote me with absolute accuracy.

Mr. SMITH of Michigan. I did not mean to quote the exact words of the Senator.

Mr. CUMMINS. I said that I knew of no protest from any nation, including Great Britain, challenging our right to exempt our coastwise traffic from the burden of tolls through the Panama Canal. There is a very emphatic protest against our right to give the President authority to discriminate in favor of our foreign shipping.

Mr. SMITH of Michigan. Mr. President, that is the statement I desire to approve. If there is any such protest I think we ought to have it. We are entitled to have it. The Vice President and the Speaker of the House were entitled to it. The Committee on Foreign Relations were entitled to it.

I do not think, however, that England contemplated quarreling with us over the tolls matter. I think she was asked to do this by Canada. It is a singular thing, but it is the truth, that Mexico upon our south and Canada upon our north—Mexico with probably fourteen or fifteen million people and Canada with nearly 10,000,000 people—are exercising more influence over the internal affairs of the United States of America than the rest of the world.

The other day I interrupted the Senator from Oregon [Mr. CHAMBERLAIN] and stated my impression that Canada had initiated this entire proceeding, and now I am going to give the reason for the charge.

I quote from a cable:

London, July 4, 1912—

We passed that law on August 24, 1912.

PREMIER BORDEN IN LONDON—THREE CANADIAN MINISTERS WITH HIM—MUCH INTEREST IN THE VISIT.

LONDON, July 4, 1912.

Robert L. Borden, the Canadian premier, with his colleagues, J. D. Hazen, minister of marine; C. J. Doherty, minister of justice; and L. P. Feltner, postmaster general, arrived here this afternoon \* \* \*.

Mr. Borden is the most heralded colonial visitor to come to London for years. The press and public are making much of his pronouncement, "I stand for a great navy," which is interpreted to mean that Canada is prepared to make a handsome contribution to the British Navy in the shape of two more dreadnaughts. \* \* \* Among the many subjects to be discussed between the Canadian statesmen and the British Government is the proposal of the Senate committee in Washington that no ship owned by a railroad shall be allowed to use the Panama Canal.

Before returning to Canada Mr. Borden intends to visit Paris to discuss trade relations with the French Government, and the question of steamship connection between Canada and France.

[From the New York Times, Friday, July 5, 1912.]

ENGLAND ASKS CANAL BILL DELAY—REQUESTS THAT LEGISLATION BE HELD UP PENDING A FORMAL NOTE—MAY OBJECT TO TOLLS—ACTION SAID TO BE UNPRECEDENTED—BILL EXPECTED TO PASS AT THIS SESSION.

WASHINGTON, July 10, 1912.

\* \* \* The notification from the British embassy that there was a desire to have the matter considered diplomatically was received this afternoon by mail from Michell Innes, the chargé of the embassy, who is spending the summer at Kineo, Me. Mr. Huntington Wilson, the Acting Secretary of State, promptly sent a note to Senator BRANDEGEE, chairman of the Senate Committee on Inter-oceanic Canals, informing him of the new turn in Panama Canal affairs, and submitted to him preliminary as he had received it the request of the British Government. The canal bill is now before Mr. BRANDEGEE'S committee and has a very prospect of prompt consideration and a favorable report within a very few days.

The British request came probably just in the nick of time, if it is to have the effect of delaying consideration \* \* \*. It is a fair guess that study of the question has tended to satisfy the British diplomats that the case is not a foregone conclusion for the British contention, and the best way to hold ground is to take it early in the game by a protest, even at the risk of the charge of interfering in our internal affairs.

[From the New York Times, Thursday, July 11, 1912.]

ENGLAND A MEDDLER IN WASHINGTON VIEW.

WASHINGTON, D. C., July 11, 1912.

\* \* \* It is understood that Ambassador Bryce discussed the matter of canal tolls with Count Bernstorff, the German ambassador, and Mr. Jusserand, the French ambassador, several months ago. (Afraid of California interference with West India fruit railroad ship has provoked the opposition of Great Britain.)

[From the New York Times, Friday, July 12, 1912.]

LONDON, July 12, 1912.

London Times editorial says submit to arbitration. Morning Post editorial commenting on the same subject hopes that the British Government will stand firm in defense of the shipping interest of the Empire.

LONDON, Friday, July 12, 1912.

There are other points, however, about which the British foreign office, through the embassy at Washington, has addressed the United States Government; and since the arrival here of the Canadian premier, Mr. Borden, the question of the regulations in regard to steamers owned by railroads has been taken up; Canada has protested to the home Government on the ground that these regulations are inimical to her interest.

Senators, Senators, has it come to the point where our nearest neighbor on the north is to dictate our relations with England? We have always been kind to Canada. We have always been indulgent with her. She is our neighbor. I live near her border. In the name of all that is good, however, are they to influence England's course toward us? Must all our relations revolve around Canada?

O Senators, Senators, is it possible that we must now back somersault for the edification of the diplomatic world? We were asked to submit to arbitration, yet with hot foot Senators would have us hastily do the Executive will.

Mr. TOWNSEND. Will my colleague yield to me for a moment?

Mr. SMITH of Michigan. Certainly.

Mr. TOWNSEND. In connection with what my colleague is saying it might be well to understand also that at the time the bill of 1912 was being considered by the Senate Committee on Inter-oceanic Canals a representative of the Pacific Mail Co., which is owned by the Union Pacific Railroad Co., was before that committee most of the time. He was contending against the provision that would prevent railroad-owned boats going through the canal. After it was determined that the provision was going to be included in the bill he is reported to have gone to Canada and from there to England, and a statement was circulated that he was in that country at the time this contest over the Canadian Pacific Railroad was presented to Great Britain.

Mr. SMITH of Michigan. I am obliged to my colleague. He has contributed a most valuable piece of historical information at this point, and I thank him for it. The London Times says, "Submit to arbitration"; administration Senators say, "Pass the bill"; while distinguished Senators who sympathize with England put their propaganda before the British public.

Our tolls are so generous that the income will barely pay the annual expense of operation, while Great Britain imposes tolls for the use of the Suez Canal sufficient to pay the expense of operation and large dividends to the stockholders, of which she is the principal one. French money built the Suez Canal, but on its completion English money held control and dominated it.

Mr. CUMMINS. Mr. President—

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

Mr. SMITH of Michigan. Certainly.

Mr. CUMMINS. In connection with the statement just made by the junior Senator from Michigan [Mr. TOWNSEND], it ought not to be forgotten that in Lord Grey's letter, which fully developed the British position, he said:

I assume that the provision in the canal act excluding railroad-owned or railroad-controlled ships from the canal does not apply to the Canadian railroads.

Mr. SMITH of Michigan. When?

Mr. CUMMINS. That happened in November, I think, 1912. "If that part," said he, "of the act does apply to Canadian railroads, Great Britain will have something more to say to the United States." I recall that to the attention of the Senator from Michigan to ask him whether, in his opinion, if he has given study to the question, that part of the act does apply to the Canadian railroads, and to remind him of what I said the other day about it, that there is no question but that the Canadian Pacific and the Grand Trunk Railroads are both described by the bill.

Mr. SMITH of Michigan. There is some doubt about the meaning of the law; other Governments do not accept the Senator's interpretation.

Now, see what we have done. We have forbidden American railroad-owned vessels from going through the canal, have we not? Did the Senator vote for it? We have allowed railroad-owned vessels under the British flag to go through the canal. There is not a Grand Trunk or a Canadian Pacific Railroad owned vessel that can not pass through that canal under the law as it now stands. In other words, it makes a great deal of difference whether the railroad-owned boat flies the British flag or the American flag. We may keep our commerce from the enjoyment of unrestricted privileges at Panama, but we can

not enforce the same rule against railroad boats owned in England, Germany, or France. There is no law on the statute books—one can not be passed—which will reach a railroad-owned vessel under a foreign flag. What becomes of equality of treatment among your customers when you can do that? The Canadian Pacific and the Grand Trunk may send their ships through this canal at pleasure, but American railroad-owned vessels must continue to go around Cape Horn.

Mr. O'GORMAN. Mr. President—

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

Mr. SMITH of Michigan. I do.

Mr. O'GORMAN. The Senator has now spoken for several hours and has not quite completed his observations. I understand it is the desire to occupy a brief time with an executive session.

Mr. SIMMONS. Will the Senator from New York yield to me for a moment?

Mr. O'GORMAN. Yes.

Mr. SIMMONS. I desire to perfect the amendment which I offered to-day so that it may appear in the Record in its perfected form. There is a mistake in the amendment. I had it ratified, speaking of the treaty of the 18th of November, 1901. That was the day when it was signed in duplicate. It should read ratified the 21st day of February, 1902, and between the word "to" and the word "exempt" I wish to add "discriminate in favor of its vessels by exempting."

Mr. GALLINGER. The Senator will have the amendment printed?

Mr. SIMMONS. I am offering it so that it may be printed in its perfected form.

The PRESIDING OFFICER. The correction suggested by the Senator from North Carolina will be made, and the amendment as modified will be printed.

Mr. SIMMONS's amendment as modified is as follows:

*Provided*, That the passage of this act shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain, ratified the 21st day of February, 1902, or otherwise to discriminate in favor of its vessels by exempting the vessels of the United States or its citizens from the payment of tolls for passage through said canal, or as in any way waiving, impairing, or affecting any right of the United States under said treaty, or otherwise, with respect to the sovereignty over or the ownership, control, and management of said canal and the regulation of the conditions or charges of traffic through the same.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield the floor?

Mr. SMITH of Michigan. No; I do not yield the floor.

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

Mr. WILLIAMS. Has the Senator from Michigan yielded the floor?

Mr. SMITH of Michigan. I do not yield the floor, but I would do so for a recess or an executive session. I am tired, and if I may be permitted to resume my remarks in the morning, I shall not take long. I would prefer to do that.

Mr. WILLIAMS. Mr. President, we have had about three weeks of this debate, and it is about time that we were getting through with it somehow.

Mr. SMITH of Michigan. I will not finish until to-morrow, Mr. President. I have the floor.

Mr. WILLIAMS. I thought the Senator had yielded the floor. If so, while on my feet—

Mr. SMITH of Michigan. If the Senator wants me to go ahead, I will proceed.

Mr. WILLIAMS. I wish to make a few remarks in response to some of the historical references—

Mr. SMITH of Michigan. All right; the Senator can do that to-morrow.

Mr. WILLIAMS. I do not see any reason for taking a recess in order that either one of us may speak.

Mr. SMITH of Michigan. I will go ahead to-night if the Senator wants me to proceed.

Mr. WILLIAMS. I would rather agree with the Senator that we shall vote.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. SMITH of Michigan. I thought I was to yield for the purpose of an executive session.

Mr. SHIVELY. Do I understand that the Senator from Michigan does not desire to complete his speech this afternoon?

Mr. SMITH of Michigan. I did intend to complete it. If I am delaying Senators—

Mr. SHIVELY. I do not think there is any objection to the Senator concluding to-morrow.

Mr. SMITH of Michigan. I would prefer to finish my remarks to-morrow. I will not take a long time. If a short executive session or anything else is desired, I will yield the floor for that purpose.

Mr. O'GORMAN. I supposed a motion was to be made for an executive session. I wish to move that the Senate take a recess until to-morrow at 11 o'clock.

Mr. JONES. Will the Senator yield to me?

Mr. WILLIAMS. Mr. President—

The PRESIDING OFFICER. To whom does the Senator from Michigan yield, or does he yield the floor?

Mr. SMITH of Michigan. I will move that the Senate take a recess until to-morrow at 11 o'clock.

Mr. SHIVELY. Pending that, I move that the Senate proceed to the consideration of executive business.

Mr. OWEN. Mr. President, before that is disposed of, I move, as a substitute, that the Senate take a recess until 8 o'clock to-night.

Mr. WILLIAMS. I second the motion. I do not believe the motion is debatable; but it is time we were getting through with this measure, sometime, somehow.

Mr. SMITH of Michigan. I withdraw my motion.

The PRESIDING OFFICER. The Chair understands that the Senator from Indiana [Mr. SHIVELY] moves an executive session, and that has precedence over a motion for a recess.

Mr. WILLIAMS. I understood that the Senator from Oklahoma had moved that we take a recess until 8 o'clock this evening.

The PRESIDING OFFICER. The motion for an executive session has precedence over a motion for a recess.

Mr. OWEN. I understood that the Senator from Indiana [Mr. SHIVELY] made his motion subject to the disposition of the previous motion.

Mr. SHIVELY. I did not. I said pending that motion I would move an executive session.

Mr. GALLINGER. Regular order!

The PRESIDING OFFICER. The regular order is demanded.

Mr. SMITH of Michigan. Mr. President, a parliamentary question. I desire to give notice that if the motion of the Senator from Indiana is adopted I shall expect to proceed briefly with my remarks to-morrow morning.

The PRESIDING OFFICER. The Senator from Michigan has the floor and the Chair will recognize him to conclude his remarks when the bill comes up to-morrow.

#### EXECUTIVE SESSION.

Mr. SHIVELY. I ask for a vote on my motion.

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate proceed to the consideration of executive business.

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

#### PETITIONS AND MEMORIALS.

Mr. KERN presented petitions of sundry citizens of Solisbury and Newark, in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Indianapolis, Fort Wayne, and Terre Haute, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Burlington, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

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

Mr. WEEKS presented a petition of the Board of Aldermen of Malden, Mass., and a petition of the City Council of North Adams, Mass., praying for the enactment of legislation to grant pensions to civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. OWEN presented petitions of sundry citizens of Cushing, Lawton, Avar, Crescent, Tulsa, and McAlester, all in the State of Oklahoma, praying for national prohibition, which were referred to the Committee on the Judiciary.

#### PURCHASE OF STATUE OF GEORGE WASHINGTON.

Mr. LEA of Tennessee, from the Committee on the Library, to which was referred the bill (S. 5429) for the purchase of two bronze copies of the original marble portrait statue of George Washington, reported it without amendment and submitted a report (No. 585) thereon.

## PENSION APPROPRIATIONS.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 15280) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1915, and for other purposes, submitted a report (No. 586) thereon.

## BILLS INTRODUCED.

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

By Mr. BANKHEAD:

A bill (S. 5759) for the relief of James Keith, jr., administrator (with accompanying papers); to the Committee on Claims.

By Mr. THOMAS:

A bill (S. 5760) granting an increase of pension to Elizabeth McKeever (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 5761) to open for immediate homestead entry all remaining Government lands within the former Flathead Indian Reservation, in the State of Montana, opened to settlement under the act of Congress of April 23, 1904; to the Committee on Public Lands.

By Mr. RANSDALL:

A bill (S. 5762) to prevent unlawful restraint of trade; to the Committee on Interstate Commerce.

A bill (S. 5763) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service; to the Committee on Public Health and National Quarantine.

By Mr. OWEN:

A bill (S. 5764) to correct the military record of William Pearson (with accompanying papers); to the Committee on Military Affairs.

## LABOR TROUBLES IN COLORADO.

Mr. OWEN. I introduce a joint resolution providing for the appointment of a commission to settle the labor disturbances in the State of Colorado, which I ask may be read twice by its title and referred to the Committee on Interstate Commerce.

Mr. THOMAS. I object, Mr. President, to the second reading and to the reference of the joint resolution. I ask that it may go over until to-morrow.

The PRESIDING OFFICER. The joint resolution will lie over.

## AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. OWEN submitted an amendment proposing to appropriate \$25,000 for an exhibit at the Panama-Pacific International Exposition of such articles, materials, and processes as may illustrate the progress of the Nation in the practice of hygiene and the art of sanitation, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. RANSDALL submitted an amendment proposing to appropriate \$12,000 for the purpose of constructing a new wharf at the New Orleans (La.) quarantine station, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

## RURAL CREDIT IN GERMANY.

Mr. JONES. I ask to have referred to the Committee on Printing for publication as a Senate document an address delivered by Ralph Metcalf, State senator and executive commissioner for the State of Washington of the American commission, before the Sixth Annual Convention of the Farmers' Educational and Cooperative Union of America, Division of Washington and Idaho, at Spokane, May 26, 1914. The address relates to agricultural problems of the United States and Europe, and so forth.

The VICE PRESIDENT. Without objection, the matter will be referred to the Committee on Printing.

## RECESS.

Mr. O'GORMAN. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, June 9, 1914, at 11 o'clock a. m.

## NOMINATIONS.

*Executive nominations received by the Senate June 8, 1914.*

*(Legislative day of June 5, 1914.)*

CHIEF JUSTICE OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

J. HARRY COVINGTON, of Easton, Md., to be chief justice of the Supreme Court of the District of Columbia, vice Harry M. Claiborne, deceased.

## UNITED STATES ATTORNEYS.

Perry B. Miller, of Morganfield, Ky., to be United States attorney for the western district of Kentucky, vice George Du Ruelle, resigned.

Clarence Merritt, of McKinney, Tex., to be United States attorney for the eastern district of Texas, vice James W. Ownby, whose term expires July 1, 1914.

## UNITED STATES MARSHAL.

Otho T. Wood, of Liberal, Kans., to be United States marshal, district of Kansas, vice John R. Harrison, removed.

## APPOINTMENTS IN THE ARMY.

## MEDICAL RESERVE CORPS.

*To be first lieutenant with rank from June 4, 1914.*

Otto Joe Cook, of Texas.

Alexander Lambert, of New York.

George Henry Richardson, of California.

Miley Barton Wesson, of Texas.

Udo Julius Wile, of Michigan.

## PROMOTIONS AND APPOINTMENT IN THE NAVY.

Lieut. Lewis Cox to be a lieutenant commander in the Navy from February 21, 1914.

Lieut. (Junior Grade) Joseph S. Evans to be a lieutenant in the Navy from March 10, 1914.

The following-named ensigns to be lieutenants (junior grade) in the Navy from June 5, 1914.

William W. Smith,

Harold T. Smith,

Gerard Bradford,

Benjamin V. McCandlish,

Alan G. Kirk,

Levi B. Bye,

Francis W. Scanland,

Joel W. Bunkley,

Leo L. Lindley,

Monroe Kelly,

Alfred L. Ede,

George K. Stoddard,

Charles H. Morrison,

Paul H. Rice,

Charles E. Reordan,

Virgil J. Dixon,

Franklin Van Valkenburgh,

Eugene M. Woodson,

James S. Spore,

Mark C. Bowman,

Ralph G. Haxton,

James M. Doyle, and

Ewart G. Haas.

Albert J. A. Hamilton, a citizen of Massachusetts, to be an assistant surgeon in the Medical Reserve Corps of the Navy from June 1, 1914.

The following-named assistant paymasters with rank of ensign to be assistant paymasters in the Navy with rank of lieutenant (junior grade) from June 5, 1914:

Arthur H. Mayo,

William Gower,

Thomas Cochran, and

Frederick C. Bowerfind.

Pharmacist Maury D. Baker to be a chief pharmacist in the Navy from April 17, 1914.

Ensign Henry G. Cooper, jr., to be a lieutenant (junior grade) in the Navy from the 5th day of June, 1914.

The following-named midshipmen to be ensigns in the Navy from the 6th day of June, 1914:

Edward Ellsberg.

Edward L. Cochrane.

Noel Davis.

Robert W. Ferrell.

Warner W. Bayley.

George C. Manning.

Donald Royce.

Fred E. Pelton.

Adrian R. Marron.

Carl H. Jones.

John N. Laycock.

Conrad D. Fry.

Charles B. C. Carey.

Gordon W. Nelson.

Henry P. Samson.

Joseph L. McGuigan.

Carleton F. Bryant.

William J. Larson.

Fred M. Earle.

Alfred P. H. Tawrescy.

Thomas N. Vinson.  
 John H. Buchanan.  
 Herman A. Spanagel.  
 Joseph R. Redman.  
 Frank L. Lowe.  
 Franklin G. Percival.  
 Theo D. Westfall.  
 K. P. Gilchrist.  
 Theodore D. Ruddock, jr.  
 Zeno W. Wicks.  
 Andrew H. Addoms.  
 Albert G. Berry, jr.  
 James D. Black.  
 George B. Wilson.  
 William H. Porter, jr.  
 William K. Harrill.  
 Sherrod H. Quarles.  
 John I. Hale.  
 Alfred H. Balsley.  
 Greene W. Dugger, jr.  
 Charles D. Swain.  
 Edmund W. Burrough,  
 Albert H. Rooks.  
 George F. Neiley,  
 Russell E. Perry.  
 Byron E. Ralston,  
 Stanley L. Wilson,  
 Herbert J. Ray,  
 Charles E. Rosendahl,  
 John G. Moyer,  
 Robert W. Hayler,  
 Bert F. Clark.  
 Theodore W. Sterling,  
 Archibald N. Oiley,  
 Richard L. Conolly,  
 William A. Corn,  
 Thomas L. Nash,  
 Edwin T. Short,  
 William A. Teasley,  
 John B. W. Waller,  
 Arthur E. Wills,  
 Robert L. Vaughan,  
 Homer L. Ingram,  
 Thomas J. Doyle, jr.,  
 Alexander R. Early, jr.,  
 Charles F. Martin,  
 Vincent A. Clarke, jr.,  
 Kemp C. Christian,  
 Philip W. Yeatman,  
 James A. McCown,  
 Samuel G. Moore,  
 William J. Hart, jr.,  
 John L. Vaiden,  
 Swift Riché,  
 George Marvell.  
 Benjamin H. Page,  
 Frank J. Cunneen,  
 Allan W. Ashbrook,  
 Raymond A. Denning,  
 Charles T. S. Gladden,  
 Benjamin S. Killmaster,  
 Robert A. Dyer, 3d,  
 Raymond S. Hatch,  
 James E. Boak,  
 William A. Heard,  
 Charles H. Mecum,  
 George T. Howe,  
 Rudolph F. Hans,  
 Simson C. Stengel,  
 Wilder DuP. Baker,  
 Julius M. Moss,  
 Boleslaw L. Dombrowski,  
 Robert S. Wyman,  
 Lewis H. McDonald,  
 Ervine D. Peck,  
 Thomas F. Downey,  
 Horace H. Jalberty,  
 George S. Arvin,  
 Foster C. Bumpus,  
 Harold J. Nelson,  
 William C. Borge,  
 Frank P. Thomas,  
 Ralph O. Davis,  
 Francis K. O'Brien,  
 Sifrein F. Maury,

Martin Griffin.  
 Marion Y. Cohen,  
 William F. Roehl,  
 Malcolm W. Callahan,  
 Thomas C. Slungluff,  
 Donald F. Washburn,  
 William S. Popham, jr.,  
 Frederick D. Powers,  
 Robert H. Maury,  
 Thomas C. Latimore, jr.,  
 Robert W. Cary, jr.,  
 Karl R. Shears,  
 Lloyd J. Wiltse,  
 Leon O. Alford,  
 Lawrence J. K. Blades,  
 Henry W. Hoyt,  
 Robert C. Starkey,  
 William DeW. Austin,  
 Joseph C. Arnold,  
 Philip R. Weaver,  
 Charles A. Macgowan,  
 Robert P. Luker,  
 Clarence J. McReavy,  
 Oliver O. Kessing,  
 John F. Moloney,  
 Delorimier M. Steece,  
 Wallis Gearing,  
 William K. Beard,  
 Paul Fitzsimons, jr.,  
 Charles F. Angel,  
 John H. Brown, jr.,  
 William D. Bungert,  
 Lewis J. Stecher,  
 Malcolm L. Worrell, and  
 Ralph G. Pennoyer.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate June 8, 1914.  
(Legislative day of June 5, 1914.)*

#### UNITED STATES MARSHALS.

McDuffie Cain to be United States marshal for the middle district of Alabama.  
 Vincent Y. Dallman to be United States marshal for the southern district of Illinois.

#### POSTMASTERS.

##### ALABAMA.

William M. Head, Ozark.

##### NEW JERSEY.

George H. Abel, Haddon Heights.

##### NEW YORK.

Owen J. Burns, Clinton.  
 Albert R. Kessinger, Rome.  
 C. Gordon Simmons, Vernon.  
 George H. Steele, Oriskany.

##### VERMONT.

W. H. Boardman, Charlotte.

#### HOUSE OF REPRESENTATIVES.

*MONDAY, June 8, 1914.*

The House met at 12 o'clock noon.

Rev. James F. Mackin, pastor of St. Paul's Church, Washington, D. C., offered the following prayer:

In the name of the Father, the Son, and the Holy Ghost, Amen.

Our Father, the Father of all, of the Jew and the Gentile; our Father who art in heaven, which we hope will one day be our home, hallowed be Thy name. We pray Thee, O God of might, wisdom, and justice, through whom authority is rightly administered, laws are enacted, and judgment decreed, assist with Thy Holy Spirit of counsel and fortitude the Members of this Congress; let the light of Thy divine wisdom direct their deliberations and shine forth in all the proceedings and laws framed for our rule and government, so that they may tend to the preservation of peace, the promotion of national happiness, the increase of industry, sobriety, and useful knowledge, and may perpetuate to us the blessings of equal liberty; through Christ our Lord. Amen.

The Journal of the proceedings of Saturday, June 6, was read and approved.

ever you take from all the people and give to a particular class, and especially if that class is a monopoly and does not need it, and is very rich, why, of course, that is Americanism; and gentlemen who do not do that must forever wear the brand of yielding cowardlike to Great Britain.

Mr. MARTINE of New Jersey. Mr. President—

Mr. JAMES. I am delighted to yield.

Mr. MARTINE of New Jersey. I can not resist stating to the Senator from Kentucky that I think he, in common with the greater part of the Senators from the South, voted for a subsidy to eradicate the cotton boll weevil, and some of the rest of us were duped into voting for it, too. Now, "acknowledge the corn." You did it in your interest—

Mr. JAMES. Mr. President, I have never heard the question of a subsidy raised; have never seen an attempt to take the public money and give it to a monopoly as a subsidy advocated by anybody in this Chamber when it was assailed that they did not talk about the cotton boll weevil.

Mr. MARTINE of New Jersey. Call it what you may, it is much of the same character, according to your idea.

Mr. JAMES. Oh, Mr. President, happily I can see a difference between taking a couple of million dollars a year out of the Public Treasury and ramming it into the pockets of a monopoly owned by a lot of very rich people up on the coast of New England and in New York, and appropriating a sum of money to try to eradicate the boll weevil that is destroying all the cotton of the toiling farmers, who wring from the earth under the sunny skies of Dixie that product which keeps the balance of the world's trade in our favor. Bless your soul, Senator, if you do not see any difference between those two things, your Democratic education has been sadly neglected. [Laughter.]

The PRESIDING OFFICER. The Senate and the galleries must be in order.

Mr. MARTINE of New Jersey. Mr. President, my education in the cause of Democracy has been at a shrine as pure and holy as that of the Senator from Kentucky. I say it is well for the Senator to defend his side of the question in breaking up a Democratic platform, but call it "subsidy" or whatever else you may, it is of the same kin and character as the illustration to which I have referred.

Mr. JAMES. Mr. President, I am perfectly content with my position. I am willing to account to the great people of Kentucky; and when the Senator from New Jersey speaks of the Democratic platform, to which one of the three planks does he refer—the two against subsidy or the doubtful one in favor of it? Whatever I may do about construing Democratic platforms, no President of my party will ever have me standing with the enemy firing upon him when he is fighting the greatest battle that was ever fought in favor of human rights and in the interests of the great mass of the American people.

Mr. OWEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Oklahoma?

Mr. JAMES. I yield.

Mr. OWEN. Will the Senator from Kentucky permit me a moment to call his attention to the fact that the Democracy in not a single one of the 48 States authorized this subsidy to be put into the Democratic platform?

Mr. JAMES. Why, certainly not, Mr. President. You could not get 50 in a Kentucky Democratic convention of a thousand delegates to advocate a subsidy. It is antagonistic to the whole history and the whole teaching of the Democratic Party from beginning to end.

Mr. MARTINE of New Jersey. No; and you could not have got 50, I believe, in all the States of the Union that would have voted to expend money for the building of the Panama Canal, at a cost of \$400,000,000, had they known that this was to be the policy of the United States Senate.

Mr. JAMES. Why, Mr. President, that is just where the Senator from New Jersey is in error. After the people dug the canal, at a cost of \$400,000,000 to the taxpayers, then you take your ships there and say: "Here, take charge of us now; run us through. It will cost you on an average of \$3,000 per ship, but you take us and run us through." Why do you not send the Government wagons out to the farmers in this country and haul their products to town free of charge. It would be just as fair as it is to haul the ships of monopoly through the canal without any charge. Why do you not pay the laborer's way and from his daily toil? He needs it worse than this Rockefeller-Morgan-Wall Street monopoly does. But the worst of it all is you take from the farmer and the laborer and give to the monopoly.

Mr. MARTINE of New Jersey. The Senator would go backward. The same argument that he advances would establish toll gates on every highway in our land.

Mr. JAMES. Ah, Mr. President, after we have dug the canal, after the ships go up to it, then your monopoly is not satisfied with the great expenditure of money. We do not want any profit; we do not ask any interest on the money; we ask only that you pay your proportionate part of the work we do for you; that is all, and nothing more. It reminds me of the fellow down in my community who would not work, and after the neighbors had become tired of giving him this and giving him that, aiding him and feeding him, a few of the boys, in a spirit of devilry, one day said, "We will take this fellow, put him in a coffin, haul him to the graveyard, and bury him." They put him in the coffin and started with him to the graveyard, and as they were going along they met an old farmer with a load of corn, and he said, "Boys, who is dead?" They said, "Bill Jones." He said, "Is he dead?" They said, "No; but we are going to bury him anyhow." He said, "My goodness, you are not going to bury him alive, are you?" They said, "Why, certainly." He inquired why. They said, "Because he will not work. We have been giving him and giving him, and he will not do anything to support himself." The old man said, "Boys, do not do that; I will give him a load of corn." The fellow stuck his head out of the coffin and said, "Is it shelled?" The farmer said, "No." The man in the coffin said, "Drive on, then." [Laughter.] That is the way with the ship monopoly. After we have expended \$400,000,000 digging that canal for them, then they come to the canal and say, "You dug it for us; now put us through it."

My friend the distinguished Senator from Mississippi [Mr. VARDAMAN], always happy and eloquent in expressing himself, proceeded to tell us in that very elaborate and excellent discourse he made on this subject that President Wilson had signed the death warrant of the Democratic Party. Mr. President, I should have expected that prophecy from some one upon the other side—some of our Republican friends, but not from a Democratic Senator, especially from Mississippi. I have heard the funeral of the Democratic Party preached many times, but always from the other side. They have told us of the impending death of this party of Democracy which was born before the Constitution and has buried every party that has contended against it, and I want to say to the Senator from Mississippi that if it shall ever go to its grave, which God forbid, the hand that takes its life will do something more than sign a bill repealing a subsidy to a monopoly. Signing a bill repealing a special privilege to a monopoly will come as near killing the Democratic Party as proclaiming anew the Ten Commandments would in killing the Christian religion.

But, Mr. President, the Senator from Mississippi tells us that Root and Bryan are going hand in hand, side by side. Everybody nowadays takes a lick at Mr. Bryan, but under each blow which they deal him he grows in strength and in the love and the confidence of the American people. Root and Bryan side by side. What a powerful argument to drive the Democrats in favor of a subsidy. I, Mr. President, have always taken the position that I would not allow some one with whom I disagreed to select my position for me, and I would not allow the fact that Senator Root was in favor of repealing the subsidy to drive me from its support.

But if that powerful argument, so subtle and brilliant, is to have an effect, let me see with whom the distinguished Senator, my beloved friend from Mississippi, is associated. If companionship and comradeship in this struggle is to be the brand of infamy, behold the hero of Mississippi marching down to the good old State where the cotton blossoms, advocating this subsidy to this monopoly, upon one side of him the distinguished Senator GALLINGER and upon the other side of him the distinguished Senator SMOOT, and directly in front of him BORGES PENROSE, of Pennsylvania. [Laughter.]

Mr. GALLINGER. Mr. President—

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

Mr. JAMES. I yield.

Mr. GALLINGER. The Senator from Kentucky, Mr. President, honors me by calling me by name, contrary to the rules of this body.

Mr. JAMES. I withdraw that, Mr. President.

Mr. GALLINGER. But no matter about that, I simply rise—

Mr. JAMES. I meant no offense at all; I merely desired to put the Senator from Mississippi in good company.

Mr. GALLINGER. I simply rise to say, Mr. President, that the performance that is going on to-night is an illustration of "how good and how pleasant it is for brethren to dwell together in unity."

Mr. JAMES. And how good and how pleasant it is for that statement to come from one who has so recently dwelt in such harmony and unity with his own colleagues. [Laughter.]

But, Mr. President, I say if that argument is a good one now, I point to the fact that Senator VARDAMAN is following the leadership of Senators upon the other side of the Chamber and following a majority of the Republicans of this Chamber. I do not present that argument because it has any merit; I present it because I deem it a worthy and fit reply to the suggestion made by the Senator from Mississippi.

Speaking for the great Commonwealth of Kentucky, I rejoice to take my stand with President Wilson. Practically the men of that State of all parties and creeds are supporting him in this battle against subsidy. I delight in the thought that no monopoly can make our President surrender the people's money to it. No fake or false cry of "surrender" can drive him from the position that a Nation's honor must be as pure as the mothers' hearts who prayed, as clean as the fathers' hands who fought to create this great Republic to have it take its place among the nations of the earth. Mr. President, against the insolent demands of this monopoly for this subsidy I place the rights of every taxpayer in this Nation: those who by toll in the field and the forest, the shop and the factory pay the taxes that built this canal, pay the taxes that must operate and maintain it. In their interest I solemnly and emphatically insist that this great engineering feat shall not be made the vehicle upon which greed shall raid the Public Treasury and exploit our people.

Mr. President, the people of the United States of America demand the repeal of the tolls-exemption clause of the Panama Canal act; first, because it violates this Nation's honor; and, second, because it violates the best-known principle of popular government—equal rights to all and special privileges to none.

Mr. THORNTON. Mr. President, I do not propose to discuss any phase of this question that I mentioned in my address to the Senate on the 9th of May, but I wish briefly to allude to two points in connection with it which have been given prominence in the debate since that time.

Some Democratic Senators in this body who are opposed to the repeal of the exemption clause of the canal act lay great stress on the fact that a provision of the Baltimore convention declared in favor of the exemption of American vessels in the coastwise trade from the payment of tolls.

I think that I realize as much as any other party man the general obligation of observing the declarations contained in a party platform; but I wish to say, further, that the principle has its limitations. It is to be presumed that a plank in a platform is placed there by its framers because they suppose that the effect of it will be conducive to the general interest, and just so long as they are satisfied that that plank is conducive to the general interest they are justified in standing by that provision, but not one moment longer.

If it should become evident to the members of a political party after a declaration had been put in a platform that its effect would not be conducive to the public interest, it is their duty to the public not only to refrain from trying to carry it into effect, but if any steps have been taken to carry it into effect, then patriotism and public duty require that they should endeavor to undo what they have already done in that direction.

I have not the slightest idea, if the report of the House Committee on Merchant Marine and Fisheries, following their investigation of shipping combinations, and likewise the testimony taken recently before the Senate Interoceanic Canal Committee, had been known before the meeting of the Baltimore convention that the tolls-exemption plank would ever have gone into it.

At this time those who are satisfied from the investigation that has been made since and from the evidence that has been adduced which was not accessible before that that particular plank in the platform is wrong are justified in not insisting upon it, and would not be justified if they did not strive to repeal it to the extent of undoing anything that has already been done in the direction of putting it into effect. Nor have I the slightest idea that President Wilson, if that knowledge had been in his possession at the time he made that New Jersey speech, which has been so harped upon here by the Democratic as well as the Republican opponents of repeal, would have made it.

I know that I changed my position on the subject on account of this new evidence that was not accessible before; the knowledge brought to me that had not been and could not be brought to me before; and I assume that the President of the United States has just as much right as I have to change his opinion, based upon a sincere conviction that he was mistaken in the premises. I say that I honor him, I feel far more respect for him for the position he now occupies since he has discovered that his first position was wrong than if he had continued to maintain that position just because it was a part of the party platform.

To one who persists in a course which he had originally adopted because he thought it was right, and who still thinks it is right, can be applied the expression that "consistency is a jewel"; but to him who persists in a course that he has once adopted because he thought it was right, but now is convinced that it is wrong, can be applied the expression, "Consistency is the main virtue of fools."

I think that those Democrats in this body who are so much disturbed on account of the change of position of the President on this question since he made that New Jersey speech are very unduly disturbed, much more disturbed on account of it than the President himself is.

It has also been stated, with more or less dramatic effect, by Democratic Members of this body who are opposed to repeal that if this bill is passed it will mean the loss of power of the Democratic Party in the approaching elections; and if it shall happen that the party loses in the fall elections, or that its power is considerably decreased, they will most certainly claim that the effect was due to that cause, and in the nature of things it could not be proven that it was not so. I said in my address of the 9th of March that if the Democratic Party should be defeated in the approaching elections it would not be due to the passage of this bill, but to other causes; and, of course, if that contingency should happen, I would not be able, either, to prove the truth of my assertions. Even, however, if the party should be defeated for that reason, in my judgment, it is far better that it should be defeated on account of trying to uphold the right than succeed on account of trying to uphold the wrong, for I believe that in the ultimate outcome any political party will be benefited by an adherence to principle, rather than by a resort to expediency.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. TALBOTT of Maryland, and Mr. BUTLER managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM managers at the conference on the part of the House.

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution:

H. R. 14242. An act to increase the limit of cost for the erection and completion of the United States Federal building at Harrisburg, Pa.; and

S. J. Res. 148. Joint resolution authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

#### PETITIONS AND MEMORIALS.

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

Mr. GALLINGER presented a petition of sundry citizens of Concord, N. H., and a petition of the congregation of the First Baptist Church of Laconia, N. H., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for an appropriation for the construction of the San Carlos Dam, in Arizona, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a memorial of the Humboldt Chamber of Commerce, of Eureka, Cal., remonstrating against the passage of antitrust legislation at this session, which was referred to the Committee on Interstate Commerce.

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

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

of the late Lewis Bancroft from Glenwood Cemetery, District of Columbia, to Mantorville, Minn.; to the Committee on the District of Columbia.

By Mr. JOHNSON:

A bill (S. 5799) granting an increase of pension to John A. Patterson (with accompanying papers); and

A bill (S. 5800) granting an increase of pension to George W. Harding (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5801) granting a pension to J. H. Short; to the Committee on Pensions.

#### AMENDMENT TO APPROPRIATION BILLS.

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

Mr. OWEN submitted an amendment relative to the claims of the Ponca Tribe of Indians residing in Oklahoma and Nebraska, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. JOHNSON submitted an amendment proposing to appropriate \$900 for one stamp deputy at Portland, Me., intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to lie on the table and be printed.

#### OMNIBUS CLAIMS BILL.

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

#### RECESS.

Mr. O'GORMAN. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 10 o'clock and 20 minutes p. m., Wednesday, June 10) the Senate took a recess until to-morrow, Thursday, June 11, 1914, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 10, 1914.

The House met at 12 o'clock noon.

Rabbi Louis Stern, of the Eighth Street Temple, Washington, D. C., offered the following prayer:

We earnestly and reverently invoke Thy blessing, O Heavenly Father, upon this representative body, its Members and officers; and we ask Thy special blessing upon the Chaplain of this House, absent to-day, who for years, day after day, has so faithfully performed the sacred office here. We thank Thee for his fervent words of prayer, for the sanctifying impressions they have created, and the ennobling influences they have wrought. We thank Thee for the lessons they have taught—lessons of lofty patriotism, of personal liberty, of civic righteousness, of true humanity. We thank Thee that out of the physical darkness enshrouding his vision there has shone forth continually the resplendent light of an undying faith, a cheerful, contented disposition, and a superb optimism. O God, bless Thy servant with health and long life, as a constant example and inspiration to the world around him, and more especially to the Members of this House in their daily lives and deliberations. We ask it for our common good and for the glory of Thy name. Amen.

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

#### FRIDAY EVENING SESSION.

Mr. POU. Mr. Speaker, I ask unanimous consent for the adoption of the following resolution. I ask the Clerk to read it.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

#### HOUSE RESOLUTION 538.

Resolved, That on Friday, June 12, the House stand in recess from 5 o'clock p. m. until 8 o'clock p. m.; that a session be held from 8 o'clock p. m. until 11 o'clock p. m. for consideration in the House as in the Committee of the Whole of bills on the Private Calendar which are not objected to, commencing with No. 132 on said calendar.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, considering the slowness with which the House has been proceeding with the consideration of the sundry civil appropriation bill, I can not agree that the House shall recess at 5 o'clock in the afternoon.

Mr. POU. I will make it 5.30 or 6 or whatever hour the gentleman suggests.

Mr. FITZGERALD. Make it 6 o'clock.

Mr. POU. I ask unanimous consent that the House recess at 6 o'clock instead of 5 o'clock.

The SPEAKER. The gentleman modifies his resolution by asking unanimous consent to make the recess at 6 o'clock instead of 5 o'clock.

Mr. MANN. I will object to that.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] objects to 5 o'clock, and the gentleman from Illinois [Mr. MANN] objects to 6 o'clock.

Mr. FITZGERALD. Make it 5.30.

Mr. MANN. In this kind of weather I do not think—

Mr. POU. I hope the gentleman from New York will not insist on his objection.

Mr. FITZGERALD. Mr. Speaker, I must try to get the sundry civil bill through the House, and can not consent that we spend only five hours a day in its consideration. If the gentleman will couple with the request another request that we meet at 11 o'clock on Friday—

Mr. MANN. That would not do any good.

Mr. POU. I will agree to any order that we can get through the House.

Mr. MANN. It seems to me we shall have plenty of time to take up all the bills on all the calendars before we are likely to adjourn, according to present indications.

The SPEAKER. Is there objection?

Mr. MANN. What is the request?

The SPEAKER. The request is that the House take a recess on Friday at half past 5 o'clock until 8 o'clock, and then have a session to last not later than 11 o'clock, and that at the evening session the House as in Committee of the Whole consider bills on the Private Calendar to which there is no objection.

Mr. GOLDFOGLE. I should like to inquire of the gentleman from North Carolina [Mr. POU] whether the bill No. 132, mentioned in the resolution, was the bill last taken up when we had a night session for consideration of private bills?

Mr. POU. We got to No. 132.

The SPEAKER. Is there objection?

Mr. GARNER. Reserving the right to object—

Mr. FOSTER. I hope the gentleman from Texas will not object.

Mr. GARNER. The gentleman from Texas is going to take care of himself, if the gentleman from Illinois will let him.

Mr. FOSTER. I do not desire to interfere with the freedom of action of the gentleman from Texas in the least, but I do want kindly and earnestly to request him not to object.

Mr. GARNER. It was not the intention of the gentleman from Texas to object; but the gentleman from Texas would like to ask the gentleman from North Carolina [Mr. POU] why it is that we can not take up these bills on the Private Calendar as they stand now on that calendar? I happen to have a bill on the Private Calendar to which I do not think there will be any objection, but under his proposed order it could not be reached.

Mr. POU. I will say to the gentleman that we commenced at the beginning of the Private Calendar and got down to No. 131 on the last occasion. To go back over the calendar and begin at the beginning would give the bills up to No. 132 a double opportunity, whereas from 132 to the end of the calendar the bills have had no opportunity whatever for consideration.

Mr. GARNER. After you have considered bills on the calendar from No. 132 to the end of it, will there be any chance to take up bills that were passed over at the last meeting and ask the House for unanimous consent for their present consideration?

Mr. POU. I can only express the hope that there will be such opportunity. So far as I am concerned, whenever the calendar is completed, it is my purpose to ask unanimous consent to begin at the beginning of the calendar, and I am hoping that we will have at least one or two other opportunities to consider bills on the calendar that are contested, but the gentleman knows—

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

The SPEAKER. The gentleman will state it.

Mr. MANN. If this resolution is agreed to, and the House begins with Calendar No. 132 and runs through to the end of the calendar before 11 o'clock, will it not then commence at the beginning and run down as far as possible before 11 o'clock?

Mr. POU. I see nothing in the resolution to prevent that course being pursued. The resolution merely fixes the beginning point.

The SPEAKER. All that the resolution says about it is "commencing with No. 132 on said calendar." If the present

occupant of the chair should happen to be in the chair, he would rule that they had a right to go back to the beginning after they had got through with the calendar. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

#### NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I wish to submit a request for unanimous consent relative to the conference on the naval appropriation bill. In some of the paragraphs of the bill there were amendments changing the amounts of specific items, but they failed to change the totals, leaving the text of the bill unchanged with reference to the total. I want the assent of the House that the conferees, wherever it is necessary, may change the totals in order to make it speak the truth.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the conferees shall have the privilege of correcting totals in the naval appropriation bill. Is there objection?

Mr. JOHNSON of Washington. Reserving the right to object, I would like to ask the gentleman from Tennessee about certain changes reported to have been made in the naval appropriation bill. I am receiving quite a large number of letters from persons in my district stating that a change has been made in the Senate by which an additional number of chaplains has been authorized.

Mr. PADGETT. There is a provision in the bill, the same as was in the House bill, that went out on a point of order in the House.

Mr. JOHNSON of Washington. Is there any way by which the House can get at that now?

Mr. PADGETT. I do not know of any.

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

#### PENSION BILLS.

Mr. ADAIR. Mr. Speaker, I call up conference reports on the bills S. 4168, S. 4352, S. 4552, and ask that they be agreed to.

Mr. MANN. Are there any statements with the conference reports?

Mr. ADAIR. The conference reports have been printed, but there was no statement with them.

The SPEAKER. Have the conference reports been printed?

Mr. ADAIR. They have.

The SPEAKER. The Clerk informs the Chair that those reports have been agreed to.

#### REVISION OF THE LAWS—JUDICIARY TITLE.

The SPEAKER. This is Calendar Wednesday, and the House automatically resolves itself into Committee of the Whole House on the state of the Union; with the gentleman from Missouri [Mr. RUSSELL] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, and the Clerk will read.

The Clerk read as follows:

Sec. 218. A bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried, without any seal of the court or judge being affixed thereto. And in case the judge before whom the cause has been tried is, by reason of death, sickness, or other disability, unable to hear and pass upon the motion for a new trial and allow and sign said bill of exceptions, then the judge who succeeds such trial judge, or any other judge of the court in which the cause was tried, holding such court thereafter, if the evidence in such case is taken in stenographic notes, or if said judge is satisfied by any other means that he can pass upon such motion and allow a true bill of exceptions, shall pass upon said motion and allow and sign such bill of exceptions; and his ruling upon such motion and allowance and signing of such bill of exceptions shall be as valid as if such ruling and allowance and signing of such bill of exceptions had been made by the judge before whom such cause was tried; but in case said judge is satisfied that owing to the fact that he did not preside at the trial, or for any other cause, that he can not fairly pass upon said motion and allow and sign said bill of exceptions, then he may, in his discretion, grant a new trial to the party moving therefor.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In reference to section 218, I have this memorandum submitted by one of the district Federal judges as to the signing of bills of exceptions, which I would like to call to the attention of the gentleman from Louisiana.

The condition of the law as to the time when bills of exceptions shall be signed and allowed is very unsatisfactory.

The general rule is that a bill of exceptions should be signed at the term. Some terms are six months long and some are one month long. The victorious party in a suit is generally content to rest on his laurels; a defeated attorney often deliberately waits until the incidents of the trial have passed

from the mind of the trial judge and then submits a grossly unfair and indeed untrue bill of exceptions. There should be a time limit upon the presentation of bills of exceptions. The writ of error must be taken to the circuit court of appeals within six months, but I have had bills of exceptions submitted to me more than a year after trial.

The section ought to read:

A bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried within four months of the rendition of the verdict, if there was one, or the entry of a final order or judgment if there was no jury. It shall not be necessary to affix to such bill of exceptions the seal of the court or judge.

Mr. WATKINS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. WATKINS. The gentleman says that the memorandum he has read is from a presiding judge.

Mr. MANN. Yes.

Mr. WATKINS. I am not surprised that he put the time at four months. No judge ought to have four months to sign a bill of exceptions. I agree with the gentleman that it is proper to fix a time limit. I think that often 10 days after the termination of the case is a sufficient time, and 30 days would be ample.

Mr. MANN. I should think myself that four months was a long time; but considering the fact that they sometimes take a year, I suppose the judge thought he was doing pretty well to cut it down to four months.

Mr. WATKINS. If the gentleman will suggest an amendment making it 30 days, I would not object to that.

Mr. MANN. I should be perfectly willing to do that, but I have not the form of the amendment.

Mr. WATKINS. Strike out the words "four months" and insert in lieu thereof "thirty days."

Mr. CULLOP. Mr. Chairman, I think 30 days is too short a time, for this reason: Sometimes the court stenographer is kept busy through the entire session of the court and has no time to prepare a transcript of the evidence. Therefore, there must be some time permitted after the term. If there is not, there will be instances in which it will be impossible to get a stenographic report of the evidence. I would suggest 60 days—that within 60 days after the adjournment of the term it shall be done.

Mr. MANN. Suppose the gentleman passes this section over at this time and prepares an amendment to the section which would put some kind of a time limit upon it.

Mr. WATKINS. Mr. Chairman, I will state to the gentleman that if that was done it would not change my opinion at all. I have had sufficient experience in the courts to know that 30 days is ample time. The suggestion of the gentleman from Indiana [Mr. CULLOP] would be practical if it was a fact that the stenographer was the one who prepared the bill of exceptions, but the lawyer in the case prepares the bill of exceptions and the judge signs it without any assistance from the stenographer whatever. It is not necessary at all.

Mr. CULLOP. But if the stenographer takes down the evidence, the evidence must be incorporated in a bill of exceptions, and no one but the stenographer can transcribe the evidence or make the longhand manuscript of his shorthand notes. Therefore in all such cases it would be impossible for any lawyer where there was a stenographer taking the evidence to make out a bill of exceptions which incorporated the evidence, and in many instances the very question that goes to the court of review is some question arising during the trial over the admission or rejection of evidence and the ruling thereon.

Mr. MANN. Why would it not be practicable to put in a limit of, say, 30 days, and then give the judge power to extend that time?

Mr. CULLOP. Mr. Chairman, I would like to make this suggestion to the gentleman: He is right on that proposition, except in many cases 30 days would not be sufficient time. Make this amendment so that it will be such time as the judge trying the case shall grant, not to exceed 90 days.

Mr. MANN. I would fix the time and give the judge authority to extend the time. There might be reasons why time ought to be extended.

Mr. CULLOP. But if the gentleman fixes it as I suggest, I think it will be satisfactory—such time as the court will grant, not to exceed 90 days.

Mr. MANN. We all agree there ought to be some kind of time limit. Lawyers ought not to be permitted to bring in a bill of exceptions without any occasion for it a year after the trial.

Mr. CULLOP. Certainly not.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman?

Mr. MANN. Certainly.



ness, which is threatened with destruction by the insane practice that large corporations are adopting of price cutting.

The retailers desire the passage of this measure, because it will enable manufacturers to take advantage of its provisions and establish a uniform price of sale to all wholesalers, and also a uniform price of sale to all retailers. In other words, it affords a fair deal to all concerned, including the consumer. For these and other reasons the retailers are unanimously in favor of the passage of the Stevens bill.

Very respectfully,

MURDOCH GROCERY CO.  
(And others).

JUDICIAL POWERS TO MINISTERS, ETC.

Mr. STONE, from the Committee on Foreign Relations, to which was referred the bill (S. 2877) to amend an act entitled "An act to carry into effect provisions of the treaties between the United States, China, Siam, and other countries, giving certain judicial powers to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," approved June 22, 1880, reported it without amendment and submitted a report (No. 599) thereon.

BILLS INTRODUCED.

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

By Mr. GRONNA: A bill (S. 5802) to amend section 10 of the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906; to the Committee on Immigration.

By Mr. SHIVELY: A bill (S. 5803) granting an increase of pension to Amos T. Phares (with accompanying papers); and

A bill (S. 5804) granting an increase of pension to Curtis B. Small; to the Committee on Pensions.

By Mr. SMITH of Maryland: A bill (S. 5805) to confer additional power and authority on the National Forest Reservation Commission, and to provide for the acquisition of lands for a national forest or park in the general vicinity of the District of Columbia; to the Committee on Agriculture and Forestry.

By Mr. SMITH of Arizona: A bill (S. 5806) authorizing the issuance of a patent to the city of Tempe of certain land in the county of Maricopa, State of Arizona; to the Committee on Public Lands.

By Mr. HUGHES: A bill (S. 5807) granting a pension to Annie Wilson; to the Committee on Pensions.

By Mr. GORE: A bill (S. 5808) to authorize the Secretary of the Interior to extend certain payments on public lands in Oklahoma; to the Committee on Indian Affairs.

By Mr. OWEN: A bill (S. 5809) to terminate minority rule in the nomination and election of Senators and Representatives in Congress; and

A bill (S. 5810) to amend an act entitled "An act to provide for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," also to amend an act amending the said act and "extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses," and extending both, first, by providing for publicity by all committees and individuals that shall expend \$50 or more to influence the election of a Representative or Senator in Congress; second, by restricting all persons other than candidates for office from expending more than \$1,000 to influence the election of a Representative or Senator in Congress; and third, by incorporating in an amended form the prohibition against corporations from making money contributions in connection with political elections; to the Committee on Privileges and Elections.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. GORE submitted an amendment authorizing the Secretary of the Interior to grant a further extension of extensions of time on the payments described in the act of April 27, 1912, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

L. W. JONES.

Mr. TILLMAN submitted the following resolution (S. Res. 388), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to pay out of the "contingent fund" of the Senate, the sum of \$10 to L. W. Jones for services as assistant clerk to the Committee on Naval Affairs from June 1 to June 4, inclusive.

THE SHORT-BALLOT MOVEMENT.

Mr. OWEN. I have an article on the short-ballot movement by H. S. Gilbertson, executive secretary of the National Short Ballot Organization. I desire to have the article printed as a public document, and I ask that it be referred to the Committee on Printing with a view to its publication.

The PRESIDING OFFICER. Without objection, the matter will be referred to the Committee on Printing.

CREEK INDIANS OF OKLAHOMA.

Mr. GORE. I desire to have printed as a document a letter from R. C. Allen, national attorney for the Creek Nation of Indians, of Oklahoma, relative to certain provisions contained in the Indian appropriation bill affecting these Indians. I ask that the letter may be referred to the Committee on Printing with a view to its publication.

The PRESIDING OFFICER. Without objection, the letter will be referred to the Committee on Printing.

PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. WALSH. Mr. President, I send to the desk an amendment, and ask for its adoption.

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

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That section 5 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, be, and the same hereby is, amended by the addition thereto of the following provision, namely:

That nothing contained in this act shall be deemed to repeal any provision of the Hay-Pauncefote treaty, or to affect the judicial construction thereof, or in anywise to impair any rights or privileges which have been or may be acquired by any foreign nation under the treaties of the United States relative to tolls or other charges for the passage of vessels through the Panama Canal, and that when any alien, whether natural person, partnership, company, or corporation, considers that the charging of tolls or the enforcement of any other regulation under and pursuant to the provisions of this act violates in any way any such treaty rights or privileges, such alien shall have the right to bring an action against the United States for a redress of the injury which he considers himself to have suffered, and the district courts of the United States are hereby given jurisdiction to hear and determine such cases and to decree the appropriate relief, and from the decision of such district courts there shall be an appeal by either party to the action to the Supreme Court of the United States.

Mr. WALSH. Mr. President, in the course of some remarks which I made upon this bill some time since I said all that I cared to say in advocacy of this amendment. The amendment was offered in the Committee on Inter-oceanic Canals, having the bill under consideration. It was rejected by that committee by a vote of 8 to 6. I am entitled to no credit for originating the idea which the amendment expresses. It was suggested by former President Taft at or about the time of the passage of the act to repeal an important provision of which the bill now before us is presented. Briefly, the amendment is intended to put the matter in such shape as that the question as to whether that part of the act exempting coastwise vessels from the payment of tolls for passing through the Panama Canal is or is not in violation of the Hay-Pauncefote treaty.

Mr. NORRIS. Mr. President, I desire to make a parliamentary inquiry.

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

Mr. WALSH. I do.

Mr. NORRIS. Is the amendment which the Senator from Montana now offers a substitute for the amendment now pending?

Mr. WALSH. The amendment is offered as a substitute for the bill as amended.

Mr. NORRIS. Mr. President, if that is true, I make the point of order against the amendment that until the committee amendment is disposed of a substitute for the bill would not be in order.

Mr. WALSH. I did not understand there was any amendment pending. I understood that the amendment proposed by the Senator from Nebraska had been adopted.

Mr. NORRIS. No; a vote was taken on making my amendment a substitute for the committee amendment, and that prevailed. Now that amendment is before the Senate as an amendment to the bill. Until it is disposed of, I take it that the Senator can not offer a substitute for the entire bill. Of course the Senator's amendment would be in order later.

Mr. WALSH. I assume that the Senator from Nebraska states the parliamentary situation correctly. I assumed that his amendment had become an integral part of the bill by the action heretofore taken.

The PRESIDING OFFICER. The Senate has not yet made the amendment a part of the bill; it has simply expressed a preference for the amendment offered by the Senator from North Carolina over all other amendments which have as yet been proposed. The vote has not yet been taken in the Senate making the amendment a part of the bill.

Mr. WALSH. I inquire of the Chair, then, whether a vote on the motion to adopt the amendment of the committee as amended by the amendment of the Senator from North Carolina is in order?

The PRESIDING OFFICER. It is now in order, and it is the question before the Senate.

Mr. WALSH. Upon the adoption of that amendment, would my amendment then be in order?

The PRESIDING OFFICER. It would be in order. The question before the Senate is on agreeing to the amendment proposed by the committee as amended by the amendment offered by the Senator from North Carolina.

Mr. WALSH. I desire to state, then, that if the Senate is prepared to vote on that motion, I shall be very glad to yield, and to resume what I have to say about the matter upon the conclusion of the vote.

The PRESIDING OFFICER. The Senator from Montana will be recognized.

Mr. BORAH. Mr. President, what is the question now before the Senate?

The PRESIDING OFFICER. The question before the Senate is the amendment of the committee as amended by the amendment offered by the Senator from North Carolina [Mr. SIMMONS].

Mr. SIMMONS obtained the floor.

Mr. CLAPP. Mr. President—

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

Mr. SIMMONS. I do.

Mr. CLAPP. Mr. President, before the vote is taken, as I expect to vote against the amendment and the bill, I desire to place in the RECORD my reasons for doing so.

I shall not at this time discuss at length the merits of the bill seeking to repeal the exemption clause of the Panama Canal act. I may refer to one or two reasons urged in favor of the bill; but so far as any treaty right is concerned, I shall not waste any time on that phase of the question, because I think now, outside of a very limited number, no one seriously contends that there are any treaty obligations standing in the way of our granting freedom from tolls either to our coastwise trade or to our over-seas trade.

My conclusion in that respect is borne out even by the position almost universally taken by those who in this debate have favored the repeal of free tolls and the complacency with which those who favor the tolls exemption accept the pending amendment. It is either the abandonment of all claims that the treaty interferes with free tolls or else it is evidence that the pending amendment is in the nature of a sham.

Dealing with the economic phase of this question, we find that some years ago we began the construction of the Panama Canal. I have voted for every appropriation that has been made for the canal. There was but one justification for our taking several hundred million dollars of the money of the American people to build this canal, and that was or the theory, wise or unwise, that the facilitation of water transportation is a general benefit in developing a factor in competition with the railroads. It is the same justification which we urge for annually taking millions of the people's money to develop our waterways, harbors, and canals, like the great "Soo" Canal, that such development may facilitate water transportation and result in the general cheapening of transportation.

Of course, I realize that the trip of the *Oregon* around Cape Horn developed a sentiment in favor of the canal, but I think everyone upon reflection realizes that every outpost which a nation holds, every over-sea coast or territory which a nation holds, is a liability and not an asset, for such over-sea coast requires protection, and in proof of this we are confronted today with the proposition that we are obliged to increase our Navy, not because the canal has or will prove a military advantage, but because we must have a greater Navy to protect it.

The fact is that, notwithstanding the sentiment, the people of this country, and especially the people of the great Middle West, had determined upon the building of the canal before the trip of the *Oregon*, because they believed that the canal would in a general way somewhat relieve them from the cost of trans-

portation by making the coastwise water transportation through the canal a competitive factor, a principle that was emphasized in the speech made by President Wilson during the campaign. This purpose of the people had been thwarted and retarded by the railroad interests which, of course, feared such competition, and the trip of the *Oregon* doubtless developed a sentiment which made it possible for the people to begin sooner the construction of the canal, and they bore the burden of the construction in the belief that it would result in a benefit to the people in transportation, just as they bore the burden of the cost of developing other water transportation.

We went on and built the canal. It is almost ready to be used, and now we are asked to abandon the principle for which we built the canal and to make the great expenditure of no practical benefit in relieving the people of the burdens of transportation rates through competition.

Before the last Democratic convention was held at Baltimore free tolls to our coastwise trade had been the subject of consideration in the House, and a Democratic House had finally decided in favor of free tolls. The bill was pending in the Senate when the Democratic convention was held, and that convention declared, among other things, for free tolls for our coastwise trade. Subsequently the Senate passed the bill, largely by the aid of Democratic votes, and its passage through both Houses had been secured in spite of the opposition of the same interests which had so long delayed the building of the canal itself. It strikes me that it is a reflection upon the intelligence of the delegates to the Baltimore convention for the Senator from Connecticut [Mr. BRANDEGEE] to say that they knew nothing about the status of that matter.

Pending in that form, the Baltimore convention passed a resolution in favor of toll exemption; and now, at the demand of the President, we are confronted with the proposition of repealing the toll-exemption clause and repudiating that declaration in the Democratic platform; and to justify the repudiation of the solemn declaration in the platform, those who, obedient to the President's demand, are working to repeal the exemption shield themselves behind the cry of "ship subsidy," because the Democratic platform contains a plank opposed to ship subsidy, and they insist that the two planks are inconsistent. When men have no excuse they always give a poor one, and the character of the purpose can usually be easily seen in the character of the excuse. Now, upon this issue there are two distinct groups of Democratic Senators. One group repudiates the Baltimore platform as to free tolls but undertakes to justify such repudiation by quoting the Democratic platform against ship subsidy. This analysis of a platform, even if accurate, would leave each man, influenced as he might be by motives good, bad, or indifferent, to determine what part of a platform he might repudiate and what he should retain; but it goes further than that—it discredits the witness and the testimony. What a spectacle it is to see a man stand with the platform in his hand, one portion of which he is repudiating, and then, reading from the same platform, justifying his act of repudiation. Such testimony would hardly command attention in the court of a justice of the peace. It is true that the Democratic Party, from time immemorial, has stood against ship subsidy; but if the deepening of rivers, improving of harbors, and building of canals like the "Soo" Canal is to be classed as ship subsidy, then the attitude of the Democratic Party in accepting the benefits of such appropriations challenges the integrity of its repeated declarations against ship subsidy, and we all know that such appropriations never have been considered as within the purview of what is called "ship subsidy," although the benefits from such appropriation, in the first instance, go directly to the owners of the boats. But I have no time to discuss with a man what the balance of his platform means, when he selects one plank to repudiate and another plank on which to base his justification.

But there is another group of Democrats, who believe in standing by their party pledge, and to them I propose to address briefly some remarks upon this phase of this question. There is absolutely no inconsistency between the plank in the Democratic platform which denounces ship subsidy and the plank in the platform which declares for the continuation of toll exemption in the Panama Canal. There is absolutely nothing inconsistent in those two planks.

As pointed out so ably by the Senator from Missouri [Mr. REED] yesterday, the term "ship subsidy" came to have a distinct meaning in the American political vocabulary. It meant a direct bonus or gratuity to the owners of ships or to the owners of freight carried by ships. In that sense the Democratic Party has stood against ship subsidy almost from time immemorial, and in that sense the Democratic Party was just-

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.  
Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I understand that he would vote as I am about to vote, and therefore I consider myself released from the pair. I vote "yea."

The PRESIDING OFFICER (when Mr. JAMES's name was called). I have a general pair with the Senator from Massachusetts [Mr. WEEKS]. I therefore withhold my vote.

Mr. JOHNSON (when his name was called). I announce my pair with the junior Senator from North Dakota [Mr. GRONNA] and the transfer of that pair to the junior Senator from New Hampshire [Mr. HOLLIS]. I vote "yea."

Mr. LEWIS (when his name was called). I desire to announce a pair with my colleague [Mr. SHERMAN] on this question.

Mr. THORNTON (when Mr. O'GORMAN's name was called). I announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN] on official business, and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER].

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Maryland [Mr. LEE] and vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I will transfer that pair to the junior Senator from Louisiana [Mr. RANSELL] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. REED. My colleague [Mr. STONE] is detained from the Senate by public business. He is paired with the Senator from Wyoming [Mr. CLARK].

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virginia [Mr. GORF] to the junior Senator from Tennessee [Mr. SHIELDS]. I vote "yea."

Mr. CRAWFORD. I have a pair with the Senator from Tennessee [Mr. LEA], and withhold my vote.

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. WARREN. I wish to announce that my colleague [Mr. CLARK of Wyoming] is unavoidably absent. He is paired with the Senator from Missouri [Mr. STONE]. I will let this announcement stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER] and the senior Senator from Massachusetts [Mr. LODGE].

Mr. KENYON. I desire to announce the unavoidable absence of the junior Senator from Massachusetts [Mr. WEEKS].

The result was announced—yeas 42, nays 17, as follows:

YEAS—42.

Bankhead	Fletcher	Parkins	Smoot
Brady	Johnson	Pittman	Stephenson
Brandegee	Jones	Reed	Sterling
Bristow	Kern	Robinson	Sutherland
Bryan	McCumber	Roor	Thomas
Burleigh	Martin, Va.	Saulsbury	Thornton
Caton	Martine, N. J.	Shafroth	Warren
Chamberlain	Nelson	Shively	West
Chilton	Overman	Simmons	White
Clarke, Ark.	Owen	Smith, Ariz.	
Dillingham	Page	Smith, Md.	

NAYS—17.

Borah	La Follette	Smith, Ga.	Townsend
Burton	Lane	Smith, Mich.	Vardaman
Clapp	Norris	Swanson	
Cummins	Pomerene	Thompson	
Kenyon	Sheppard	Tillman	

NOT VOTING—36.

Ashurst	Cole	Lippitt	Ransdell
Clark, Wyo.	Gronna	Lodge	Sherman
Colt	Hitchcock	McLean	Shields
Crawford	Hollis	Myers	Smith, S. C.
Culberson	Hughes	Newlands	Stone
du Pont	James	O'Gorman	Walsh
Fall	Lee, Tenn.	Oliver	Weeks
Gallinger	Lee, Md.	Penrose	Williams
Got	Lewis	Poindexter	Works

So the amendment was concurred in.  
Mr. KERN. I offer an amendment to the amendment on page 132, which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 132, line 20—

The PRESIDING OFFICER. The Chair will state to the Senator from Indiana that that amendment has been agreed to as in Committee of the Whole, and concurred in in the Senate.

Mr. KERN. But it has just been amended a few minutes ago by striking out certain words in line 20.

The PRESIDING OFFICER. That is correct.

Mr. KERN. I move to amend that section in the Senate—

The PRESIDING OFFICER. But the Senator from Indiana will understand that the amendment as amended was concurred in in the Senate.

Mr. SMOOT. I will say to the Senator from Indiana, also, that I reserved the right while the bill was before the Senate as in Committee of the Whole to offer an amendment to that amendment in the Senate. Afterwards that amendment to the amendment was agreed to in the Senate.

Mr. KERN. There is only one way to reach it, then, and that is by a motion to reconsider.

The PRESIDING OFFICER. The bill is still in the Senate and open to amendment.

Mr. POMERENE. Mr. President, I send an amendment to the desk, which I desire to have stated.

The PRESIDING OFFICER. The Chair will state to the Senator from Indiana [Mr. KERN] that he can reach the question by moving to reconsider the vote by which the amendment was agreed to.

Mr. KERN. I did not vote on the prevailing side.  
The PRESIDING OFFICER. The amendment proposed by the Senator from Ohio [Mr. POMERENE] will be stated.

The SECRETARY. On page 126, line 17, before the words "of class 4," it is proposed to strike out "ten" and to insert "eleven," so as to read:

Chief Division of Supplies, \$2,100; clerks, 11 of class 4.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Ohio.

Mr. POMERENE. My reason, Mr. President, for offering this amendment is that the department advises me that heretofore there has been one stenographer from the Bureau of Corporations detailed to the Secretary of Commerce to act as a confidential stenographer. They have eliminated one stenographer from the Bureau of Corporations, and that will necessitate the dropping of one from the Department of Commerce, which, as I am advised by the Secretary and the Assistant Secretary, is going to seriously embarrass the work of the department. For that reason I ask for this increase of one clerk.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Ohio.

Mr. SHAFROTH. Mr. President, I raise the point of order against the amendment that it has never been estimated for the department, and therefore is not in order. If everyone who desires it is permitted to have an additional employee put on the roll, we could never get through with the bill and could never have any systematic arrangement of the bill.

Mr. POMERENE. Mr. President, I desire to state, in answer to the Senator from Colorado, as I have been informed, or perhaps have inferred from a statement which was made to me a little while ago, that while it is true that this clerk was not included as one of the employees of the Secretary himself, he was included in the estimates made for the Bureau of Corporations. The stenographer for some time has been in the employ of the Secretary himself, or at least has been performing duties under the direction of the Secretary. I hope that the Senator from Colorado will not insist upon his objection.

The PRESIDING OFFICER. The point of order will have to be sustained if the Senator from Colorado insists upon it.

Mr. SHAFROTH. I insist upon it, Mr. President.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. OWEN. For the purpose of submitting an amendment, I move to reconsider the action of the Senate in regard to the item with relation to commercial attachés, Department of Commerce, on page 132, beginning in line 18.

The PRESIDING OFFICER. The Senator from Oklahoma moves to reconsider the vote by which the amendment on page 132 was agreed to in the Senate.

Mr. SMOOT. I should like to ask the Senator from Oklahoma if he voted for the amendment when it was offered?

Mr. OWEN. I voted with the Senator from Utah.

Mr. SMOOT. Then, of course, the Senator from Oklahoma has a perfect right to make the motion.

Mr. REED. I raise the question of a quorum, Mr. President.  
The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Fletcher	Pittman	Sutherland
Bankhead	James	Pomerene	Swanson
Borah	Johnson	Reed	Thomas
Brady	Jones	Root	Thompson
Brandegee	Kenyon	Saulsbury	Thornton
Bristow	Kern	Shafroth	Tillman
Bryan	La Follette	Sheppard	Townsend
Burleigh	Lee, Md.	Shively	Vardaman
Burton	Martin, Va.	Simmons	Warren
Catron	Martine, N. J.	Smith, Ariz.	West
Chamberlain	Nelson	Smith, Ga.	White
Chilton	Norris	Smith, Mich.	Williams
Crawford	Owen	Smoot	
Cummins	Page	Stephenson	
Dillingham	Perkins	Sterling	

Mr. THORNTON. I announce the absence of the junior Senator from New York [Mr. O'GORMAN] on departmental business.

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum of the Senate is present. The question is on the motion of the Senator from Oklahoma [Mr. OWEN] to reconsider the vote by which the amendment of the committee on page 132 as amended was concurred in in the Senate.

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

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

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. CRAWFORD (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from California [Mr. WORKS] and vote "nay."

Mr. JOHNSON (when his name was called). Again announcing my pair with the senior Senator from North Dakota [Mr. GRONNA] and transferring that pair to the junior Senator from New Hampshire [Mr. HOLLIS], I vote "yea."

Mr. THORNTON (when Mr. O'GORMAN's name was called). I announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN] and state that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER].

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the Senator from Massachusetts [Mr. LODGE] to the junior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. BANKHEAD (after having voted in the affirmative). I announce the transfer of my pair as on the last vote and will permit my vote to stand.

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

The PRESIDING OFFICER (when the name of Mr. JAMES was called). I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. SUTHERLAND (after having voted in the negative). Since voting I observe that the Senator from Arkansas [Mr. CLARKE], with whom I have a pair, has not voted. I transfer my pair with that Senator to the Senator from Washington [Mr. POINDEXTER] and allow my vote to stand.

The result was announced—yeas 31, nays 30, as follows:

YEAS—31.			
Bankhead	Kern	Saulsbury	Swanson
Bryan	Lee, Md.	Shafroth	Thompson
Chamberlain	Martin, Va.	Sheppard	Thornton
Chilton	Martine, N. J.	Shively	Tillman
Fletcher	Overman	Simmons	West
Gore	Pittman	Smith, Ariz.	White
James	Reed	Smith, Ga.	Williams
Johnson	Robinson	Smith, Md.	
NAYS—30.			
Ashurst	Clapp	Nelson	Sterling
Borah	Crawford	Norris	Sutherland
Brady	Cummins	Page	Thomas
Brandegee	Dillingham	Perkins	Townsend
Bristow	Jones	Root	Vardaman
Burleigh	Kenyon	Smith, Mich.	Warren
Burton	La Follette	Smoot	
Catron	Lane	Stephenson	

NOT VOTING—34.

Clark, Wyo.	Hitchcock	Myers	Sherman
Clarke, Ark.	Hollis	Newlands	Shields
Colt	Hughes	O'Gorman	Smith, S. C.
Culberson	Lea, Tenn.	Oliver	Stone
du Pont	Lewis	Owen	Wahsh
Fall	Lippitt	Penrose	Weeks
Gallinger	Lodge	Poindexter	Works
Goff	McCumber	Pomerene	
Gronna	McLean	Ransdell	

So the motion to reconsider was agreed to.

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

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. On page 132, line 20, after the word "Commerce," it is proposed to insert "after examination to be held under his direction to determine their competency," so that, if amended, it will read:

Commercial attachés, Department of Commerce: For commercial attachés, to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency, etc.

Mr. ROOT. Mr. President, as the Senator from Wisconsin [Mr. LA FOLLETTE] suggests, this is confession. It is confession and avoidance. It is confession that these officers ought to be selected upon examination, and it is confession with an attempt to avoid any real, genuine, effective examination.

Mr. President, we all know what a sham and a delusion the old department examinations were. It was because they were a mere pretense that the machinery of the Civil Service Bureau was created, that examinations by an independent body of public officers were substituted for department examinations.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

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

Mr. ROOT. Certainly.

Mr. OVERMAN. Is it not true that the consuls who are appointed now are appointed under rules and regulations prescribed by the Senator from New York when he was Secretary of State, rather than under civil-service rules?

Mr. ROOT. No, Mr. President; they are appointed under rules prescribed by the President, signed by the President, under the authority of the Revised Statutes of the United States.

Mr. OVERMAN. What President?

Mr. ROOT. President Roosevelt; the same authority under which the civil-service rules are prescribed affecting all the other departments of the Government.

Mr. OVERMAN. Who prescribed these rules?

Mr. ROOT. The President of the United States prescribed these rules, just as he prescribes all civil-service rules.

Mr. OVERMAN. The point I am getting at is this: These persons do not stand what is known as the civil-service examination?

Mr. ROOT. Mr. President, they do stand what is known, or ought to be known, as the civil-service examination. It is an examination conducted by a board the head of which is the chief examiner of the civil service.

Mr. OVERMAN. But the Civil Service Commission has nothing in the world to do with the matter.

Mr. ROOT. The Civil Service Commission appoints the head of the board, the chief examiner under the Civil Service Commission.

Mr. OVERMAN. Mr. President, the Senator knows, I think, that he prescribed these rules and regulations himself and had President Taft indorse them, and it was under them that these men were appointed. This really is not the regular, ordinary civil-service examination. Is not that true?

Mr. ROOT. It is true that it is not the ordinary civil-service examination. It was President Roosevelt and not President Taft.

Mr. OVERMAN. Yes.

Mr. ROOT. But, Mr. President, those regulations brought into operation an examining board which is under the direction and control of the chief examiner of the Civil Service Commission, because it was found that the old department examination was absolutely useless; that the very kind of examination to which it is now proposed to subject these men was useless.

Mr. OVERMAN. If the Secretary of State, together with the President, could frame rules and have these examinations held by order of the President under the chief examiner of the civil service, why should not the Secretary of Commerce do exactly like the Senator from New York did when he was Secretary of State—prescribe rules and have the President sign them and have the chief examiner hold examinations, just as they were held for the consuls? Is there any reason why that should not be done?

Mr. ROOT. It ought to be.

The message also announced that the House had passed the joint resolution (S. J. Res. 29) authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

- H. R. 6433. An act to relocate the headquarters of the customs district of Florida;
- H. R. 7298. An act to increase the limit of cost of the public building at Smyrna, Del.;
- H. R. 8660. An act to amend section 4 of an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912;
- H. R. 11317. An act to increase the limit of cost of the United States post-office building at Newcastle, Ind.;
- H. R. 11624. An act to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888";
- H. R. 12909. An act to correct the military record of James W. McGreevey;
- H. R. 13717. An act to provide for leave of absence for home-stead entrymen in one or two periods;
- H. R. 15320. An act authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Owego, N. Y.; and
- H. R. 15987. An act to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

- S. 55. An act for the relief of Daniel Hampton;
- S. 2069. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey;
- S. 2226. An act for the relief of Joel J. Parker;
- S. 2576. An act for the relief of John Q. Adams; and
- S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses.

#### PETITIONS AND MEMORIALS.

Mr. SMITH of Michigan presented a memorial of Cigar Makers' Local Union No. 46, of Grand Rapids, Mich., and a memorial of the International Association of Machinists, of Saginaw, Mich., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

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

He also presented petitions of the Metal Trades Council of Grand Rapids; of the Federation of Labor of Detroit; and of the Street Railway Employees' Association of Detroit, all in the State of Michigan, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented memorials of the Gratiot County Medical Society, of Riverdale; of the Branch County Medical Society, of Coldwater; and of sundry citizens of Alma, Union City, and Cassopolis, all in the State of Michigan, remonstrating against the enactment of legislation to prohibit the distribution and dispensing of narcotic drugs by physicians, dentists, and veterinarians, which were ordered to lie on the table.

Mr. NORRIS presented a petition of sundry citizens of Valentine, Nebr., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a memorial of sundry citizens of Grindstone City, Mich.; and a memorial of Local Union No. 1233, Brotherhood of Carpenters and Joiners of America, of Detroit, Mich., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. WARREN presented petitions of sundry citizens of Buffalo, Kemmerer, Lost Spring, and Bosler, all in the State of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented the memorials of William Moore, Theodore Wiggins, George Smith, and 67 other citizens of Evansville and Indianapolis, in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

#### G. L. TANEYHILL.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (S. 1124) for the relief of G. L. Taneyhill, reported it without amendment and submitted a report (No. 598) thereon.

#### BILLS INTRODUCED.

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

- By Mr. ROOT:  
A bill (S. 5868) granting an increase of pension to Catherine Terwilliger; to the Committee on Pensions.
- By Mr. SHAFROTH:  
A bill (S. 5869) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; to the Committee on Military Affairs.
- By Mr. BRADY:  
A bill (S. 5870) granting a pension to Carlton Meredith (with accompanying papers); to the Committee on Pensions.
- By Mr. SWANSON:  
A bill (S. 5871) granting an increase of pension to Margaret Ford; and
- A bill (S. 5872) granting a pension to William M. Faidley; to the Committee on Pensions.
- By Mr. WARREN:  
A bill (S. 5874) for the relief of Fred C. and C. Helen Fisher; to the Committee on Public Lands.

#### NATIONAL INCORPORATION OF RAILWAYS.

Mr. NEWLANDS. I introduce a bill and ask that it be referred to the Committee on Interstate Commerce.

The bill (S. 5873) for the formation of national corporations for railroad and navigation lines engaged in interstate and foreign commerce was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. NEWLANDS. Mr. President, I wish to say with reference to this bill that the recent decision of the Supreme Court in the Shreveport case points decisively toward the necessity of organizing as national corporations the great railway systems of the country. The constant trend of the decisions, which is toward the absorption of all the powers over commerce by the United States Government by reason of the grant to it of jurisdiction over that part relating to interstate commerce, indicates the necessity of incorporating the great railway systems under national law.

In addition we are now about to enter upon the control of the stock and bond issues of carriers engaged in interstate commerce. That will involve, according to the contention of many, the exclusion of the control heretofore exercised by the States over the stocks and bonds of all carriers organized under their laws that have any relation to interstate commerce. The trend, therefore, is toward the absorption by the National Government of the entire jurisdiction over railways. It seems to be of the highest importance, therefore, that the National Government should have the power to create corporate instrumentalities through which these enormous functions will be exercised.

The bill which I offer is a bill which I introduced in the Senate in 1909, which in itself was an improvement upon a similar bill offered by me in the Senate several years previously. It seems to me that public opinion is ripe for immediate action upon this important subject, either in the way of a separate bill or in the way of an amendment to some of the legislation that is now pending relating to the regulation of interstate commerce.

I desire to call particular attention to section 18, relating to taxation; section 19, relating to State police and State rates; section 20, relating to acquisition of State railroads; section 21, relating to accident and insurance fund; and section 23, relating to jurisdiction of suits by and against railway companies. I ask that these sections may be printed in the Record.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The sections are as follows:

#### TAXATION.

SEC. 18. That railroads and navigation lines owned by corporations duly organized under this act are hereby declared to be instrumentalities for the regulation of interstate and foreign commerce. The franchises, stocks, bonds, fixed evidences of indebtedness, operations and traffic, and the corporation itself shall not be subject to taxation by any State or Territory, but the physical property of such corporation situate in the State or Territory, including its right of way, its real estate, stations, office buildings and equipment, shall be subject to assessment at such average percentage of their actual value as shall be customary with reference to other property in such State or Territory, and to the customary taxes on such assessment. In lieu of such tax any State or Territory may impose a tax not exceeding 4 per cent on such proportion of the gross receipts of such corporation as the number of miles of line in such State or Territory bear to the total miles of line operated by such corporation. In estimating the

miles of line each mile of second track shall be regarded as equal to one-half mile of track, and each mile of third or fourth track shall be regarded as equal to one-third of each mile of main track. For the purposes of each State the Interstate Commerce Commission shall certify to the taxing authorities of each State or Territory the gross receipts for the preceding year, the total mileage as aforesaid, and the proportion of such total mileage operated in such State or Territory.

#### STATE POLICE AND STATE RATES.

SEC. 19. That nothing herein contained shall be construed as interfering with the police laws of any State regarding railroads incorporated under this act and operating in such States, nor shall anything herein contained be construed as affecting the right and power of each State to regulate purely State commerce on railroads organized under this act. But the Interstate Commerce Commission shall hold conferences from time to time with the regulating power of any State with a view to such harmonious adjustment and regulation of State commerce and interstate commerce as will protect the public against abuses or extortion and the railroads against inadequate returns upon their investment, and as will promote the efficiency of such corporations as common carriers. With such end in view the said commission shall call and hold at least once each year a conference with the railroad commissioners of the several States, and with such other State officers having any duty of supervision, taxation, or regulation of railroads within their respective States. Such conference shall be held in the District of Columbia, and the presiding officer at such conference shall be the chairman of the Interstate Commerce Commission, or some other member of said commission designated by its chairman. The proceedings of such conference shall be printed or distributed by or under the direction of the Interstate Commerce Commission.

#### ACQUISITION OF STATE RAILROADS.

SEC. 20. That such corporation may, with the consent of any State, upon the approval of the Interstate Commerce Commission, acquire the railroad of any corporation now organized under the laws of such State, and may issue for the purchase thereof such amount of bonds and stock as may be authorized by said commission, but such authorization shall only be made after a full public hearing, at which the Attorney General shall appear, either personally or by one of his assistants, and no issue of bonds or stocks therefor shall exceed the value of such road as ascertained by said commission.

With the consent of the State under which any railroad corporation is or may be organized, merger between the corporation owning such road and a corporation organized under this act may be accomplished under this act; and bonds and stock may be issued by any corporation organized under this act for such purpose: *Provided*, That such proposed merger is approved by the Interstate Commerce Commission, and the amount of bonds issued, together with the rate of interest thereon, and of the stock issued in the accomplishment of such merger, are also approved by said commission.

#### ACCIDENT AND INSURANCE FUND.

SEC. 21. That it shall be a condition of the grant and continuance of any franchise to do business under this act that the corporation holding such franchise shall set aside annually a percentage of the gross receipts of said corporation, not exceeding 1 per cent, to be held as a fund in the Treasury of the United States for the payment of pensions to the employees of such corporation who shall have been disqualified for active service, either by injury in the service or by age. The conditions entitling employees to pensions, the amount and time of payment, the investment of the fund, the disbursing of the same, and the entire management thereof shall be under rules and regulations to be made, and from time to time amended, by the Interstate Commerce Commission.

#### JURISDICTION OF SUITS BY AND AGAINST RAILWAY COMPANIES.

SEC. 23. That any corporation organized under this act shall, for the purpose of all actions by or against it, real, personal, or mixed, and all suits in equity, be deemed a citizen of every State in which its lines are located, and in such cases circuit and district courts of the United States shall not have jurisdiction other than such as they would have in cases between individual citizens of the same State. The provisions of this section shall not be held to affect the jurisdiction of the courts of the United States in cases by the United States, or by direction of an officer therein, or cases for winding up the affairs of any such corporation.

Any case involving the recovery of fines or penalties under this act may be brought in the circuit court of the United States for any judicial district wherein the corporation has its principal office or through which the line or any part thereof may run. In every such case, for the purposes thereof, the jurisdiction of the court shall be co-extensive with the territory of the United States, and in writs of subpoena, removal of persons, execution, and all other process shall run throughout the United States. All existing laws pertaining to the taking and compelling of testimony in cases arising under the act to regulate commerce, or its amendments, shall apply in cases arising under this act.

#### AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate \$207,000 for improving Tillamook Bay and Bar, Oreg., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate \$12,500 for inspection of prisons and prisoners and parole, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

#### OMNIBUS CLAIMS BILL.

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

#### AFFAIRS IN NICARAGUA.

Mr. SMITH of Michigan. I submit a resolution, which I ask may be read and referred to the Committee on Foreign Relations.

The resolution (S. Res. 396) was read and referred to the Committee on Foreign Relations, as follows:

Whereas the present administration of Nicaragua, headed by Adolfo Diaz as president, has been maintained for upwards of two years by the active presence of American marines in the capital at Managua, under the guise of a legation guard, and in defiance of the wishes of the people of that Republic; and

Whereas the American banking houses of Brown Bros. and Seligman have undertaken to finance the affairs of the Nicaraguan Government during this time; and

Whereas certain fraudulent syndicate bonds issued by former President Zelaya, known as the Ethelburga syndicate, aggregating \$6,250,000 in gold, has been questioned and their validity denied by the former government of President Estrada and the present Government of Nicaragua; and

Whereas, notwithstanding the fraudulent character of said bonds, they have been engraved onto said Republic as a bona fide indebtedness against the wishes of the Nicaraguan people; and

Whereas said bonds were issued without valid consideration, and the names of the beneficiaries unknown, but said bonds were largely deposited with certain European bankers for safe-keeping until secured in large part through the activity of Ernest H. Wanda, who had been designated by the Department of State of the United States as financial agent of the Republic of Nicaragua, in the interest of said Brown Bros. and Seligman; and

Whereas said bonds were purchased at an average of 25 per cent of their face value for speculative purposes, and were, through the assistance of the State Department of the United States, brought within the scope of an American guaranty, which entirely validated said bonds, greatly to the detriment of the people and Government of Nicaragua and to the advantage of the purchasers thereof; and

Whereas the sole beneficiaries of said fraud upon a friendly Republic were the Brown Bros. and Seligman, bankers, and Speyer & Co. and their allies, who became the friendly depositors thereof; and

Whereas this course upon the part of the American financial institutions, aided by the Department of State, has brought reproach upon the American Government; and

Whereas the last presidential election in Nicaragua was intentionally and directly influenced by the presence of the marines of the United States Navy at Managua, Granada, Masaya, Corinto, and other interior places, and the presence of the American naval vessels at the ports of Corinto and Bluefields in violation of the present treaty of commerce, peace, and amity between the Republic of Nicaragua and the Government of the United States of America, such action tending to prevent the invalidation of the fraudulent indebtedness herein specifically described; and

Whereas the National Railroad of Nicaragua, about 129 miles in length, has been sold much below its actual value to said Brown Bros. and Seligman, with the approval and acquiescence of the Department of State of the United States, in open and flagrant violation of the constitution of that Republic; and

Whereas by virtue of the protection granted by the Department of State of the United States to said bankers in maintaining their control of the customhouses of Nicaragua, said bankers are enabled to secure enormous profits through compelling the Republic of Nicaragua to redeem at par the said "Ethelburga syndicate" bonds, acquired as aforesaid: Therefore be it

*Resolved by the Senate*, That the Committee on Foreign Relations, or any subcommittee thereof, are hereby authorized and directed to inquire into the transactions above described. They are authorized to take testimony wherever necessary, subpoena witnesses, and the expenses incurred shall be paid out of the contingent fund of the Senate.

#### PRESIDENTIAL APPROVALS.

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

On June 15, 1914:

S. 4167. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 4168. An act 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;

S. 4260. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 4358. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 148. Joint resolution authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

On June 16, 1914:

S. 4552. An act 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; and

S. 4657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

#### M'CLINTIC-MARSHALL CONSTRUCTION CO.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5147) to authorize and direct Col. George W. Goethals, governor

Mr. SUTHERLAND. The circuit judges of the United States, who preside over the circuit courts of appeals, receive salaries of \$7,000 per annum each. Does the Senator think the Commissioner of Indian Affairs should receive a greater salary than one of those judges?

Mr. ASHURST. I should be very happy indeed to vote for a bill increasing the salaries of the judges of circuit courts and the judges of the Supreme Court of the United States. I think it is one of the reproaches of our Government that the judges of the Supreme Court and of the circuit courts are paid such small salaries; but the fact that we do not, or seemingly are unable, to increase the salaries of the circuit judges is no reason why I or any other Senator should decline to increase the salary of an officer who, in our judgment, ought to have his salary increased.

Mr. SHEPPARD. Mr. President—  
The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Texas?

Mr. ASHURST. I do.  
Mr. SHEPPARD. I simply wish to suggest that the work of the Commissioner of Indian Affairs has grown to such an extent that the commissioner not only devotes all his days but half his nights to the work. There is not a more devoted man in the public service.

Mr. SMOOT. Mr. President—  
The PRESIDENT pro tempore. Does the Senator from Arizona yield to the senior Senator from Utah?

Mr. ASHURST. I yield.  
Mr. SMOOT. I know the Senator wants to act properly and rightly in this matter, and I am going to call attention at this time to one of the great reasons why the salary of the Commissioner of Indian Affairs was not increased.

I have before me the legislative, executive, and judicial appropriation bill for the fiscal year ending June 30, 1915. I will commence right with the Interior Department. What do we find? The Commissioner of the General Land Office, \$5,000; the Commissioner of the Indian Office, \$5,000; the Commissioner of the Pension Office, \$5,000; the Commissioner of the Patent Office, \$5,000.

I want to say that \$5,000 is the salary of the head of each of these bureaus in the departments of our Government. I recognize the fact that the present Indian Commissioner is a splendid official. He is attending to his business as well as any man, perhaps, could possibly attend to it. I have no criticism of him in any way; but I want the Senate to understand that the Commissioner of the General Land Office, drawing \$5,000, has, I believe, more letters—aye, twice as many letters—pass over his table every day as the Commissioner of Indian Affairs. There is an office the salary of which should be increased if the salary of the head of any bureau in this Government should be increased. The business has increased by leaps and bounds.

I want to say to the Senator that it would not be right for us to increase the salary of the Commissioner of Indian Affairs and leave the Commissioner of the General Land Office in that same identical department at what it is.

Mr. President, I feel that so keenly that I can not let it pass. I would rather have an appropriation made direct in the general deficiency appropriation bill or in the sundry civil appropriation bill for whatever the Senate felt like they wanted to pay the Commissioner of Indian Affairs for the exceedingly heavy work that he has had to perform this year. A thousand times better that, Mr. President, than here to add in an Indian appropriation bill an increase of salary, which of course means that hereafter the Commissioner of Indian Affairs in the Interior Department shall have \$7,500 and the head of every other bureau in the department shall have only \$5,000. It is not right; and it should not be done.

It is for that purpose, Mr. President, that I intend to make a point of order against the amendment. The Senator from Oklahoma [Mr. OWEN] desires before I make the point of order to submit some remarks and I shall withhold it.

The PRESIDENT pro tempore. Does the Senator from Arizona yield the floor?

Mr. ASHURST. I yield.

Mr. OWEN. Mr. President, I think the Commissioner of Indian Affairs ought to have this increase. The Government of the United States has obtained the services of a man who in private life can earn from \$15,000 to \$20,000 a year. He has earned that sum in private life as a practicing attorney. He was solicited to take this position. He was not an office seeker. He was requested by the administration to take this office in order that he might improve its management. Since he has taken it he has worked from 12 to 15 hours a day. He is

always at his desk at night. It is a uniform practice on his part not only to work during the day but to work at night as well, and he has made great improvements in the methods of the department.

Moreover, the suggestion was made to him by those who solicited him to take this position that doubtless Congress would be willing to recognize the extraordinary service which he could bring to the department, and he had some reason to believe therefore that his sacrifice would be appreciated.

I know, of course, there are many men seeking office who would regard it as a great opportunity to get a position of this kind and who are willing to make the sacrifices, too; but I think under all the circumstances and in view of the enormous property which he must supervise and which he ought to bring into some productive form he ought to be encouraged to stay and do this work.

Mr. SHEPPARD. Mr. President, I wish to suggest that a short while ago the present commissioner was offered a position in another department of the Government at \$7,500 a year, but his devotion to this particular work is such that he declined it.

Mr. OWEN. The property which is within the management of the Commissioner of Indian Affairs is not only of very great value, amounting to over a thousand million dollars, but a large part of it is unproductive. If this property were made productive by proper management; if the Indians who, in the State of Washington, for instance, have large areas of timberlands were taught there as they have been taught in Wisconsin to develop their own timber and learn to be self-supporting and to use the opportunities they have under wise direction, they would make themselves thoroughly self-supporting, and they would take the tax off the Government which now will be found in this appropriation bill in various ways. The Commissioner of Indian Affairs is endeavoring to accomplish that end.

I think that the amendment proposes a very small reward for him, and that he should be allowed a sufficient amount on which to live decently while he is performing this public labor.

I hope that at least the suggestion made by the Senator from Vermont [Mr. PAGE] will prevail, and that, even if we do not increase it, as is proposed, it may be increased to \$6,000.

Mr. SMOOT. I want to say to the Senator that—

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. Certainly.

Mr. SMOOT. I think this is absolutely the wrong way. This same question was considered by the Committee on Appropriations of the House, and they had hearings on it. We had it before the Committee on Appropriations of this body, and it was voted upon there after all the reasons for an increase had been given.

Mr. OWEN. If the Senator will permit me, I should like to observe that in the Committee on Appropriations the members of the committee have no familiarity with the administration of Indian affairs. We have not the opportunity of seeing the infinite number of details with which the Commissioner of Indian Affairs has to deal. That committee simply passed upon the matter in that way after probably a hearing of 5 or 10 minutes or some such time. Really I do not think it is quite fair to the commissioner to use that as a precedent.

Mr. SMOOT. I will say this to the Senator, and I suppose the other members of the subcommittee of the Committee on Appropriations will bear me out. The Senator from Florida [Mr. BRYAN] was present when we had this matter under consideration. We went into it very thoroughly. All that could be said for it I believe was said.

Mr. President, I wish to say to the Senator from Oklahoma that I dislike to make the point of order against the proposed increase in the salary of Mr. Sells; I know what his work is; but this is not the proper way to legislate.

Mr. ROBINSON. Mr. President, before the Senator from Utah insists on his point of order, I should like to make a brief suggestion.

Mr. SMOOT. Very well; I withhold it.

The PRESIDENT pro tempore. Let the Chair state to his colleague that the Chair would like to have him address himself briefly to the point of order on this proposition to increase of salary. This view has occurred to the Chair heretofore. If the salary was fixed by the statute creating the office, independent of an appropriation bill, it can not be changed by an item in an appropriation bill. If the salary now drawn by the Commissioner of Indian Affairs depends for its existence on an item in an appropriation bill similar to this, the question would be somewhat enlarged. In that case the Senate might fix the salary as it might see proper to do.

Mr. SMOOT. Mr. President—

Mr. ROBINSON. If the Senator from Utah will yield to me, I will state in addition to the suggestion which the Chair has made that the Committee on Indian Affairs has directed that a bill increasing the salary to \$7,500 shall be reported. It would therefore seem to me that the point of order would not lie.

I wish, however, to make a brief statement with regard to the reasons for the increase. Ordinarily I do not believe in increasing salaries. The Senator from Arizona, the chairman in charge of the bill, the Senator from Oklahoma, and other Senators have presented very fully and forcibly the extent of the duties that are discharged by this officer, the large amount of property which he has control of, the more than 300,000 Indians in the United States under his jurisdiction, and the approximately 8,000 employees who are engaged in the service of the Government under the Indian Bureau. In view of all these circumstances and the further fact that we now have in the service an eminent gentleman who, so far as he has been able within the limited time which he has served the Government, has sought to reorganize it and has extended the activities of the bureau and vitalized it, I believe this appropriation should be made and the increase should be accorded.

Mr. SMOOT. Mr. President, I want to call particular attention to the wording of the amendment.

The PRESIDENT pro tempore. Let the Chair ask the Senator from Utah if he knows whether under a former statutory enactment the present salary exists, or was it fixed by an item in an appropriation bill?

Mr. SMOOT. The salary is fixed by statute at \$5,000, and we appropriate that sum every year.

The PRESIDENT pro tempore. By the statute creating the office?

Mr. SMOOT. By the statute creating the office.

The PRESIDENT pro tempore. Is that circumstance admitted by those who insist on the increase of salary? If so, it is easily disposed of, and the Chair sustains the point of order.

Mr. SMOOT. I was also going to call the attention of the Chair to the fact that this amendment also says that \$2,500 is hereby appropriated—

The PRESIDENT pro tempore. There is nothing difficult about the addition of \$2,500, because that is to pay for services already rendered and is a mere private claim and is not admissible to this bill at all. The point of order raised by the Senator from Utah is sustained as to the whole item.

Mr. ASHURST. Although the point of order has been sustained, I wish to incorporate in the Record at this time an article written by M. K. Sniffen, secretary of the Indian Rights Association, entitled "A man and his opportunity," being a resumé of the work and duties and responsibilities of the Indian Commissioner.

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

A MAN AND HIS OPPORTUNITY.

(By M. K. Sniffen, secretary Indian Rights Association.)

We have frequently been asked for an opinion regarding the administration of Hon. Cato Sells, the present Commissioner of Indian Affairs. Heretofore we have stated to all such inquiries that we believed the outlook for improved conditions under his management was more hopeful than it had been for many years. Before making any public statement on the subject, however, we preferred to wait until Commissioner Sells had demonstrated his worth. He has been actively in charge of the Indian Bureau for nine months, and his administration has therefore passed the experimental stage. During that time we have had abundant opportunity to closely observe the man and his methods, and we feel that it is now possible for us to give a mature, unbiased review of Mr. Sells's stewardship as an answer to the question: "What do you think of the present commissioner?" Unfortunately, there has been much occasion to criticize the Indian Bureau's management in the past, and it is a satisfaction to praise where that is possible—to give credit to whom credit is due. It affords us peculiar pleasure to submit for the information of our members and friends the following sketch of Commissioner Sells's masterful work, and also to record our thanks to President Wilson and Secretary Lane for putting the "right man in the right place."

When the present administration came into power on March 4, 1913, there was a feeling of deep concern by the friends of the red man as to the kind of man who would be selected for the post of Commissioner of Indian Affairs. This feeling was further intensified by our investigation of the record of a number of those who were seeking "to land the job," for it developed that in this group the "undesirable class" was decidedly conspicuous and aggressive.

THE PROMISE.

On March 15, 1913, a large delegation of the executive committee of the Indian Rights Association was granted a most courteous hearing by President Wilson and Secretary Lane, of the Interior Department, when attention was called to the importance of selecting a commissioner who would command the respect of the entire country. Our committee was assured that the best man obtainable would be selected. President Wilson said he wanted for the place "a man of affairs, because he has millions to administer; a man of imagination, that he may have

sympathy for the Indian; and, above all, a man with the fear of God in his heart."

Secretary Lane tersely expressed the same thought when he said he wanted a "big man" for the place, one to whom it "would not be a job, but an opportunity."

THE FULFILLMENT.

This interview took place in March, but it was not until June that the place was filled by the appointment of Hon. Cato Sells, of Cleburne, Tex. To indicate the care exercised by Secretary Lane in selecting the present commissioner, it is interesting to state that before Mr. Sells was appointed his record was thoroughly investigated from the time he was 20 years old; he was literally "weighed in the balance" and not found wanting.

Mr. Sells brought to his office a well-rounded equipment probably never possessed by any former commissioner—that of lawyer, business man, and agriculturist—fully qualifying him to handle the bureau's various ramifications which involve every phase of human life and necessarily draw upon such an equipment every day in the proper performance of the duties of the office.

First of all, he is "a man of affairs," having served as mayor of La Porte, Iowa, when he was but 22 years old; two terms as county attorney; and as United States attorney under President Cleveland. Although active and successful in his profession, he became deeply interested in stock raising and farming, and for years was a member of the board of trustees of the Iowa Agricultural College, Ames, Iowa. In 1907 he moved to Texas and was successful in the banking business. In that connection he took such an active interest in developing the resources of the State that he was a member of practically every important agricultural board in Texas.

As to the qualities of imagination and sympathy, they are evident from the broad and humane way in which Commissioner Sells has been grasping situations and developing plans for the benefit and advancement of the Indian in a material and moral way. He has shown that he has that other requirement specified by the President—"the fear of God in his heart"—by "heaving to the line," and adopting methods that will have a salutary and lasting effect.

As was well stated by some Washington correspondent in commenting on Mr. Sells's administration:

"The job of Indian Commissioner with him is a business proposition. He answered an altruistic call when he took the position, for he had retired from active business and had planned to settle down in Texas, as a United States attorney.

"Secretary Lane let it be known that he wanted a man of ability, not a job seeker; a man of red blood and purpose, not a weakling. He heard of Sells and his fight against pension grafters in the Middle West, and he found that Sells was indeed a regular fighting man, with the job of Indian affairs 14 hours a day, and that's why a new era is dawning in Oklahoma and the other Indian States."

Commissioner Sells entered upon the duties of his office with no preconceived notions. He announced no policies, but began a thorough inventory of his "plant," with its 6,000 employees, and a careful survey of the whole field.

One of the first things that impressed him was the great value to the Indians of their grazing tracts. The breaking up of the big ranges in Texas and other States has practically eliminated stock raising on an extensive scale. The best and largest tracts available for cattle and sheep are on the Indian reservation, from which the Indian has received but small returns. Heretofore those advantages have been leased at a small annual rental to white men, who have grown rich, while the owners either remained stationary or actually retrograded.

Commissioner Sells believed that these natural advantages should be used for the benefit of the Indian owners. Within 10 days after taking his office Commissioner Sells inaugurated a stock census. The result showed, as against magnificent opportunities, a very poor equipment—bulls and stallions of low grade and too old for use. The sheep situation was similar. Useless pony stallions by the thousand were grazing on the ranges and bringing no return to the Indians.

The first real work of Commissioner Sells in this connection was to reduce the old "he stuff," and to purchase a sufficient number of good stallions, bulls, and rams to secure the best result with "the she stuff," both in the case of tribal and individual ownership; in short, to build up the Indian stock wherever money was available for such purposes. For the Crow Reservation alone \$450,000 has been expended for 9,250 white-faced Hereford heifers, bulls, and steers.

As a result of this plan there is now going on a process of upbuilding and equalizing the Indian stock and eliminating that which is bringing no return. As rapidly as circumstances will permit, the various reservation ranges will be stocked to the maximum limit with Indian cattle. If this can be done, not only will thousands of red men soon be in the industrious and self-supporting class, but they will be an important factor in helping to avert a meat famine, threatened by the white man's diminishing herds.

Where grazing leases are now made to white men, they are always on a competitive basis and for short terms. A revocable clause is part of the lease, to avoid overstocking the ranges and also to provide for the natural increase of the Indian herds. This plan under proper management should not take many years to make the Indian the American cattle king.

\* \* \* \* \*

Much is being planned for the Indians' industrial development by Commissioner Sells along practical lines. The value and necessity for "reimbursable funds" have been recognized in the past, but the amount heretofore granted by Congress (never exceeding \$100,000 per annum) has been wholly insufficient. Commissioner Sells, with his broad experience in scientific agriculture and stock raising, believes in doing things in a way that will secure definite results, and he asked Congress for a reimbursable fund of \$900,000 to use in cases where the Indians have no tribal money that can be applied for their benefit.

There has undoubtedly been in the past an indefensible, one-sided, unbusinesslike conception of the Indians' needs in various quarters. Extensive and expensive irrigation systems have been built on reservations, the Indians given individual tracts of land, and then left absolutely without any means for developing them. An irrigation system for the Blackfeet Reservation, Mont., was authorized by Congress at a cost of \$6,000,000 to be charged against these Indians. As their tribal property is only valued at \$5,000,000, they will, under the scheme, be in debt to the Government for \$1,000,000. The people mostly to be benefited by this are white men, who are to be allowed 15 years in which to pay for the improvement. By this plan their lands are brought



NAYS—36.

Ashurst	Kenyon	Shafroth	Stone
Bryan	La Follette	Sheppard	Swanson
Chilton	Lane	Shively	Thompson
Clapp	Lee, Md.	Simmons	Thornton
Clarke, Ark.	Norris	Smith, Ariz.	Tillman
Cummins	Overman	Smith, Ga.	Townsend
Gore	Owen	Smith, Mich.	Vardaman
Hughes	Page	Stephenson	West
Jones	Perkins	Sterling	Williams

NOT VOTING—46.

Bankhead	Gallinger	Martin, Va.	Saulsbury
Brady	Goff	Myers	Sherman
Brandegee	Gronna	Newlands	Shields
Burleigh	Hitchcock	O'Gorman	Smith, Md.
Chamberlain	Hollis	Oliver	Smith, S. C.
Clark, Wyo.	James	Penrose	Thomas
Colt	Kern	Pittman	Walsh
Crawford	Lea, Tenn.	Poin Dexter	Warren
Culberson	Lewis	Pomerene	Weeks
du Pont	Lippitt	Ransdell	Works
Fall	Lodge	Robinson	
Fletcher	McLean	Root	

So the Senate refused to refer the bill to the Committee on the Judiciary.

Mr. SMOOT. I move that the bill be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The Senator from Utah moves that the bill be referred to the Committee on Appropriations. Is there objection?

Mr. KENYON. I object. I understood the Chair to say that the bill would be referred to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. That is where the Chair thinks it would appropriately go.

Mr. KENYON. A parliamentary inquiry, Mr. President. If the motion of the Senator from Utah is defeated, will this bill not then go to the Committee on Privileges and Elections without motion?

The PRESIDENT pro tempore. The Chair presumes that would be the effect of defeating the pending motion. The question is on the motion of the Senator from Utah [Mr. Smoot] to refer the bill to the Committee on Appropriations. [Putting the question.] By the sound the noes appear to have it.

Mr. SMOOT. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is the demand seconded? [A pause.] The matter is so doubtful that the Chair will give the Senator the benefit of the doubt, and direct the Secretary to call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "nay."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. Penrose] to the junior Senator from South Carolina [Mr. Smith], I vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. Transferring my general pair with the junior Senator from Pennsylvania [Mr. Oliver] to the junior Senator from Indiana [Mr. Kern], I vote "nay."

Mr. STONE (after having voted in the affirmative). I should have stated when I voted what I now desire to state, that I transfer the pair I have with the Senator from Wyoming [Mr. Clark] to the Senator from Nevada [Mr. Pittman], and allow my vote to stand.

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virginia [Mr. Goff] to the senior Senator from Nevada [Mr. Newlands] and vote "yea."

Mr. JOHNSON. Again announcing my pair with the junior Senator from North Dakota [Mr. Gronna], I transfer that pair to the junior Senator from New Hampshire [Mr. Hollis] and vote "yea."

Mr. FLETCHER. I have a pair with the Senator from Wyoming [Mr. Warren]. I transfer that pair to the junior Senator from Illinois [Mr. Lewis] and vote "nay."

Mr. O'GORMAN. I again announce my general pair with the senior Senator from New Hampshire [Mr. Gallinger], and withhold my vote.

Mr. DILLINGHAM. Because of my pair with the senior Senator from Maryland [Mr. Smith] I withhold my vote.

Mr. CRAWFORD. I again announce my pair with the senior Senator from Tennessee [Mr. Lea], who has not voted, and withhold my vote.

Mr. O'GORMAN. I transfer my pair with the senior Senator from New Hampshire [Mr. Gallinger] to the junior Senator from Arkansas [Mr. Robinson] and vote. I vote "yea."

The result was announced—yeas 25, nays 26, as follows:

YEAS—25.

Bankhead	Johnson	Shively	Thornton
Bristow	McCumber	Simmons	Tillman
Burton	Martine, N. J.	Smith, Ariz.	West
Catron	Nelson	Smoot	White
Clapp	O'Gorman	Stephenson	
Clarke, Ark.	Reed	Stone	
Hitchcock	Shafroth	Sutherland	

NAYS—26.

Bryan	Jones	Owen	Swanson
Chamberlain	Kenyon	Page	Thompson
Chilton	La Follette	Perkins	Townsend
Cummins	Lane	Sheppard	Vardaman
Fletcher	Lee, Md.	Smith, Ga.	Williams
Gore	Norris	Smith, Mich.	
Hughes	Overman	Sterling	

NOT VOTING—44.

Ashurst	Fall	McLean	Root
Borah	Gallinger	Martin, Va.	Saulsbury
Brady	Goff	Myers	Sherman
Brandegee	Gronna	Newlands	Shields
Burleigh	Hollis	Oliver	Smith, Md.
Clark, Wyo.	James	Penrose	Smith, S. C.
Colt	Kern	Pittman	Thomas
Crawford	Lea, Tenn.	Poin Dexter	Walsh
Culberson	Lewis	Pomerene	Warren
Dillingham	Lippitt	Ransdell	Weeks
du Pont	Lodge	Robinson	Works

So the Senate refused to refer the bill to the Committee on Appropriations.

The PRESIDENT pro tempore. Unless there is objection, the Chair will refer the bill to the Committee on Privileges and Elections.

Mr. OVERMAN. I move that the bill be referred to the Committee on Privileges and Elections, where the Chair has already indicated that it should be referred.

The PRESIDENT pro tempore. No motion is necessary for that purpose. That reference has been made.

OMNIBUS CLAIMS BILL.

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

PROPOSED RULE RELATIVE TO POINTS OF ORDER.

Mr. SHEPPARD. I submit a resolution, which I send to the desk and ask that it be read.

The resolution (S. Res. 397) was read, as follows:

*Resolved*, That it is the sense of the Senate that the failure to raise points of order in reference to any measure in the Committee of the Whole does not prevent their consideration when a measure has passed from the Committee of the Whole into the Senate.

Mr. SHEPPARD. Mr. President, I wish to say in reference to the resolution that I consider the question it raises one of the most important questions that can come before the Senate; and I should like the Senate to pass on it independently, at a time when it is not complicated with the consideration of any other question. I am unwilling to have the ruling of the Chair the other day stand—the ruling that failure to raise a point of order in the Committee of the Whole precludes its being raised in the Senate.

I therefore ask for the reference of the resolution at this time, and will discuss it later.

The PRESIDENT pro tempore. Under the rule, the resolution will lie over for one day. Is it the intention of the Senator to have it referred to the Committee on Rules?

Mr. SHEPPARD. That is my intention.

The PRESIDENT pro tempore. That may be done by unanimous consent. Is there objection? The Chair hears none.

The Chair will state, however, that it is not the universal custom among presiding officers to hold in such a way as to make necessary the adoption of this resolution. The present occupant of the chair has looked into the matter somewhat, and he thinks a distinct error was made by the Presiding Officer who recently made the ruling referred to by the Senator from Texas. The plain language of the first clause of Rule XV is that all bills and amendments must be considered as in the Committee of the Whole, and when thereafter these are reported to the Senate that the amendments shall again be considered. If the word "considered" is a limitation upon the power to make a point of order after the bill or amendment has been reported to the Senate, it is obviously a like limitation upon the power to make a point of order in the Committee of the Whole.

If the question shall arise during my brief occupancy of the chair, I shall not hesitate to hold that a point of order can be presented in the Senate, even though it may not have been urged in the Committee of the Whole. In the event such a point had been raised in Committee of the Whole and overruled or sus-

tained, I take it for granted that even if there should exist a difference of opinion as to the specific case between different presiding officers presiding in the Committee of the Whole and the Senate, respectively, that the one would not assume to overrule the other in the particular case. As a matter of comity among presiding officers the ruling would be permitted to stand so far as that identical instance is concerned, notwithstanding these casual occupants of the chair should differ in opinion as to the rule.

Mr. SHEPPARD. It seemed to me to be so clear that the matter stands just as the Chair has stated it that I believed it essential to have the Senate pass on it by resolution, after the ruling the other day by the Senator from Kentucky [Mr. JAMES].

The PRESIDENT pro tempore. We can get the matter up at some time by informally submitting it to the Senate when it is presented, and thus take the judgment of the Senate on the disputed question involved.

No objection having been interposed, the resolution will be referred to the Committee on Rules.

STANDING COMMITTEES OF THE SENATE.

Mr. JONES. I desire to give notice that on to-morrow I shall submit an amendment to Rule XXV in the nature of a substitute providing for a reorganization of the standing committees of the Senate, to take effect at the beginning of the Sixty-fourth Congress, so that said rule shall read as follows:

XXV.

1. Beginning with the Sixty-fourth Congress, the following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

COMMITTEES OF THE FIRST CLASS.

- A Committee on Appropriations.
- A Committee on Commerce.
- A Committee on the District of Columbia.
- A Committee on Finance.
- A Committee on Foreign Relations.
- A Committee on Interstate Commerce.
- A Committee on the Judiciary.
- A Committee on Banking and Currency.
- A Committee on Public Lands.

The foregoing committees shall consist of not to exceed 11 members each, and shall be so constituted that each Member of the Senate shall be a member of one of said committees and no more.

COMMITTEES OF THE SECOND CLASS.

- A Committee on Agriculture and Forestry.
- A Committee on Rules.
- A Committee on the Census.
- A Committee on Civil Service and Retrenchment.
- A Committee on Claims.
- A Committee on Education and Labor.
- A Committee on Insular Affairs.
- A Committee on Immigration.
- A Committee on Naval Affairs.
- A Committee on Pensions.
- A Committee on Post Offices and Post Roads.
- A Committee on Printing, which shall have power to act jointly with the same committee of the House of Representatives.
- A Committee on Engrossed and Enrolled Bills, which shall have power to act jointly with a similar committee or committees of the House of Representatives, and which, or some member of which, shall examine all bills or joint resolutions which shall have passed the Senate or both Houses, to see that the same are correctly engrossed or enrolled, and, when signed by the Speaker of the House and the President of the Senate, shall present the same forthwith, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate.
- A Committee on Public Buildings and Grounds, which shall have power to act jointly with a similar committee of the House of Representatives.
- A Committee on Audit and Control of the Contingent Expenses of the Senate, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.

The foregoing committees of the second class shall consist of not to exceed 13 members, and no Senator shall be placed upon more than two of said committees at the same time.

2. The aforesaid committees shall continue and have the power to act until their successors are appointed.

PRICES OF OIL.

Mr. OWEN. I submit a short memorial from citizens of Tulsa, Okla., which I desire to have printed in the Record, together with certain data bearing upon the relative prices of Oklahoma oil and oil in other parts of the country.

There being no objection, the matter was referred to the Committee on Interstate Commerce and ordered to be printed in the Record, as follows:

TULSA, OKLA., June 6, 1914.

To WOODROW WILSON,  
President of the United States; and  
To the CONGRESS OF THE UNITED STATES:

The vital welfare of the independent oil producers and the independent refiners and consumers of the Nation imperatively demands that oil pipe line companies be made common carriers and that they be ade-

quately divorced from oil-producing interests; and we beg your most urgent consideration of our appeal for earliest possible relief.

- DAVID J. KELLEY.
- O. K. EYSENBACH.
- F. M. ATKEN.
- JOHN RAY.
- CHAS. T. WILSON.
- J. A. EVANS.
- L. L. HUTCHISON.
- A. E. WATTS.
- C. J. WRIGHTSMAN.
- JOHN A. STEEL.
- LITCHFIELD & SULLIVAN.
- H. F. SINCLAIR.
- E. N. GREIS.
- E. R. KEMP.
- J. H. MARKHAM, JR.
- C. N. HASSELL.

(And many others.)

Crude oil prices.

	Per barrel, April, 1914.	Per barrel, June 4, 1914.
Pennsylvania.....	\$2.50	\$1.80
Ohio, North Lima.....	1.49	1.19
Illinois.....	1.45	1.15
Oklahoma:		
Cushing.....	1.05	.75
Healdton.....	.70	.50

Compared to Pennsylvania, at \$2 per barrel, the Cushing oil is worth \$1.85 per barrel and the Healdton oil is worth \$1.50 per barrel, on the authority of Dr. Allen, chief chemist of the Bureau of Mines.

The Healdton oil is bringing but 33 1/2 per cent of its market value acknowledged and fixed by the Standard Oil monopoly as fair in Pennsylvania.

The great wrong is obvious.  
Will Congress give the remedy?

TULSA, OKLA., June 10, 1914.

Senator ROBERT L. OWEN,  
Washington, D. C.:

Dr. Allen, chief chemist Bureau of Mines, just reported to corporation commission that, on basis of \$2 per barrel for Pennsylvania oil, Cushing worth \$1.85; Healdton, \$1.50. Carroll, of Commerce Bureau, in Washington, says 8 cents per barrel, reasonable transportation cost from Tulsa to Gulf points.

C. J. WRIGHTSMAN.

OKLAHOMA OIL AN EQUAL OF EAST HIGH GRADE—COMPARATIVE RUNS OF PENNSYLVANIA AND CUSHING OILS SHOW THEM PRACTICALLY ON A PAR—FIGURES ARE INDISPUTABLE—NEWS CORRESPONDENT FURNISHES HERE MOST INTERESTING ITEM TO OKLAHOMA PRODUCERS SEEN IN MANY MONTHS.

TULSA, OKLA., June 2, 1914.

MID-CONTINENT OIL NEWS,  
Okmulgee, Okla.

GENTLEMEN: One of the Pennsylvania refiners to whom the writer has been shipping Cushing crude oil has had a comparative run of 100 gallons Cushing crude and 100 gallons (approximately 2.4 barrels) of Pennsylvania crude oil. The runs were made by a laboratory which is recognized as the highest authority in the United States on tests of oils, including crude and all grades of refined and lubricating oils, waxes, residuum, etc.

The test is made in an experimental still and is taken in 20 units of 5 per cent each. The test of the 20 units are as follows:

MAY 22, 1914.

DEAR SIR: We have had comparative runs made by the \_\_\_\_\_ of the Pennsylvania crude we are now running and of the Cushing crude gotten through you.

The tests of the 5 per cent units are as follows:

	Gravity.		Gravity.
Crude oil, Cushing.....	41.8	Pennsylvania.....	44.2
No. 1, 5 per cent unit Cushing.....	80.1	Pennsylvania.....	80.5
No. 2, 5 per cent unit Cushing.....	72.0	Pennsylvania.....	70.5
No. 3, 5 per cent unit Cushing.....	67.0	Pennsylvania.....	64.3
No. 4, 5 per cent unit Cushing.....	62.0	Pennsylvania.....	60.1
No. 5, 5 per cent unit Cushing.....	57.2	Pennsylvania.....	55.5
No. 6, 5 per cent unit Cushing.....	55.5	Pennsylvania.....	53.8
No. 7, 5 per cent unit Cushing.....	52.3	Pennsylvania.....	52.0
No. 8, 5 per cent unit Cushing.....	49.5	Pennsylvania.....	50.0
No. 9, 5 per cent unit Cushing.....	46.7	Pennsylvania.....	47.7
No. 10, 5 per cent unit Cushing.....	44.1	Pennsylvania.....	45.7
No. 11, 5 per cent unit Cushing.....	42.0	Pennsylvania.....	43.6
No. 12, 5 per cent unit Cushing.....	40.2	Pennsylvania.....	41.6
No. 13, 5 per cent unit Cushing.....	38.3	Pennsylvania.....	40.5
No. 14, 5 per cent unit Cushing.....	37.1	Pennsylvania.....	38.8
No. 15, 5 per cent unit Cushing.....	34.5	Pennsylvania.....	37.6
No. 16, 5 per cent unit Cushing.....	32.1	Pennsylvania.....	36.8
No. 17, 5 per cent unit Cushing.....	29.0	Pennsylvania.....	34.0
No. 18, 5 per cent unit Cushing.....	27.0	Pennsylvania.....	32.5
No. 19, 6 1/2 per cent unit Cushing.....	24.8	Pennsylvania (9 3/4 per cent).....	29.7
No. 20, 3 1/2 per cent unit Cushing asphalt.			

100 per cent unit Cushing, 93 3/4 per cent Pennsylvania.

The first trace of color appears in Cushing unit No. 11 and Pennsylvania unit No. 12.

The color of the Cushing units darkens much more rapidly than the Pennsylvania units, Cushing crude No. 17 being about association No. 5, while Pennsylvania unit No. 17 is about association No. 2.

The first traces of paraffin at 70 temperature appear in the Cushing unit No. 17 and in the Pennsylvania unit No. 16.

The last three units from Cushing are exceedingly dark, while the darkest of any of the Pennsylvania units is about the color of commercial vaseline.

Three and one-half per cent asphalt in the Cushing crude was a hard, dry product.

The above report was given the writer with the understanding that neither the name of the refiner nor the laboratory making the test be used. The entire matter, however, is absolutely reliable, and originals are in my possession. Following the above comparative test this same refiner, under date of May 28, 1914, made a comparison of the market

value of the products and by-products contained in the two crudes and writes as follows:

As near as I could figure the value of the products from Pennsylvania and Cushing crude, based on the comparative run made by the figures, would be as follows:

PENNSYLVANIA OIL.			
Gasoline	66.2 gravity, 25 gallons, at 12 cents		\$3.00
Turp. subf.	51.9 gravity, 15 gallons, at 8½ cents		1.28
Kerosene	45.7 gravity, 15 gallons, at 5 cents		.75
300 oil	40.3 gravity, 15 gallons, at 5 cents		.75
Non vis. neut.	35.5 gravity, 12 gallons, at 4½ cents		.96
Vis. neut.	31 gravity, 8 gallons, at 12 cents		.96
S. R. cyl. stock	25 gravity, 8 gallons, at 12 cents		.96
Refined parf. wax	2 gallons, at 25 cents		.50
	100		8.74
5 per cent gallonage loss in manufacture			.44
Total value of products			8.30

CUSHING OIL.			
Gasoline	65.7 gravity, 30 gallons, at 12 cents		\$3.60
Turp. subf.	48.2 gravity, 20 gallons, at 8½ cents		1.70
Kerosene	40.1 gravity, 15 gallons, at 3 cents		.45
Gas oil	34.6 gravity, 15 gallons, at 2 cents		.30
Vis. neut.	28 gravity, 10 gallons, at 10 cents		1.00
S. R. cyl. stock	24 gravity, 6 gallons, at 8 cents		.48
Refined parf. wax	½ gallon, at 25 cents		.13
Asphalt	¾ gallons, at 6 cents		.21
	100		7.87
5 per cent gallonage less in manufacture			.39
Total value of products			7.48

You will note from the above figures that the products from 100 gallons of Pennsylvania oil only exceed in value the products of a like number of gallons of Cushing crude oil by 82 cents, or, in other words, of Pennsylvania oil from a refining standpoint, is worth only approximately 10 per cent more than the Cushing oil, although at the present time with Cushing oil selling at 75 cents and Pennsylvania oil at \$1.90 at the wells, price of Pennsylvania oil is over two and a half times that of Cushing oil.

Yours, very truly,

The above comparative estimate of the value of the products contained in the crudes referred to is really in favor of Pennsylvania oil, the comparison being made by a Pennsylvania refiner, being thoroughly familiar with his own product and not so with the products of Oklahoma crude, which would naturally leave the comparison slightly in favor of the Pennsylvania products.

For instance, kerosene, you will observe, is figured at 40.1 gravity at 3 cents per gallon, against 45.7 gravity (Pennsylvania) at 5 cents per gallon. In this connection, I might add, the Consumers' Refining Co. at Cushing, oil running oils from the Wheeler & Layton sands, before the discovery of the Bartlesville sand in the Cushing field, have been making a 47-gravity, 150 degrees, water-white oil (kerosene of the highest grade) would raise the value of kerosene from Cushing crude from 1 to 1½ cents per gallon.

Furthermore, take the viscus neutrals from Cushing oil. From "viscus neutrals" is derived all the various engine and machine, gas-engine and automobile oils, etc. While the flash and fire test of Pennsylvania viscus neutrals are somewhat, though slightly, higher than those from the Oklahoma oils, the viscosity as well as the cold test of Oklahoma viscus neutrals, are noticeably better, and such oils are therefore of about the same value. Therefore, according to the above report, figuring market values from either Oklahoma or Pennsylvania shipping points, freight rates considered, the value of the products from both crudes are about on a par. In fact, when the above results of the comparative runs were sent me, a letter accompanying said test stated in part: "You will readily see that Pennsylvania crude is worth but very little, if any, more than Cushing."

Cushing crude, I firmly believe, represents about the average value of Oklahoma oils, while the crude from the Bartlesville sand is of slightly higher gravity (41.8) than most other oils produced in the older Oklahoma fields. There is found in various fields crude of from 39 to 42 gravity of much better color than Cushing, and while slightly lower in gasoline and kerosene contents, the base or heavier oils are of much greater value to the refiner.

The writer has observed these oils at the wells and from different sands in the entire field and within the boundaries of, say, Muskogee, Henryetta, Okmulgee, and Tulsa, and is of the firm opinion that oils produced within the said boundaries are of as great, and likely greater, refining value than is Cushing crude.

Should any interested party, refiner, or producer doubt the reliability of the above report, I would be pleased to furnish proof, but, as before stated, the names of said refiner and laboratory must be withheld from publication and with good and sufficient reasons.

Yours, very truly,

LEO KAUFMAN.

CONSTRUCTION OF REVENUE CUTTERS.

Mr. BANKHEAD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4777) to provide for the construction of four revenue cutters, 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 amendment to amendment numbered 3 made by the House to the bill and agree to House amendment numbered 3; and that the Senate recede from its

disagreement to House amendments numbered 1 and 2 and agree to the same.

Strike out "four" and insert "two" in title of bill.

J. H. BANKHEAD,  
KNUTE NELSON.

Managers on the part of the Senate.

W. C. ADAMSON,  
T. J. SIMS,  
P. C. STEVENS.

Managers on the part of the House.

The report was agreed to.

ATLANTIC COAST LINE RAILROAD CO.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4053) for the relief of the Atlantic Coast Line Railroad Co., which was, on page 2, line 1, to strike out "a sufficient sum, not to exceed \$400," and insert "the sum of \$292.45."

Mr. SIMMONS. I move that the Senate concur in the House amendment.

The motion was agreed to.

NAVAL APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, receding from its disagreement to the amendments of the Senate numbered 34 and 53 to the bill and agreeing to the same; receding from its disagreement to the amendment of the Senate numbered 67 and agreeing to the same with an amendment, in which it requested the concurrence of the Senate insisting upon its amendment to the amendment of the Senate numbered 67; further insisting upon its disagreement to the residue of the amendments and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SWANSON. I move that the Senate further insist upon its amendments, disagree to the amendment of the House to the amendment of the Senate numbered 67, agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS conferees at the further conference on the part of the Senate.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The SECRETARY. The pending question is on the amendment on page 19.

The PRESIDENT pro tempore. The Secretary will suspend at that point.

On yesterday, when this bill was under consideration, the Senator from Vermont [Mr. PAGE] said:

Mr. President, I am rather inclined to submit a point of order upon the part of the bill which the Secretary has just read.

The amendment involved being an item making an appropriation of \$100,000 for the purpose of determining the heirs of deceased Indian allottees and other persons having any right, title, or interest in any trust or restricted allotment, or in any other estate or property held in trust by the United States, under regulations prescribed by the Secretary of the Interior.

Mr. SMOOT. What page is that?

The PRESIDENT pro tempore. It is at the bottom of page 14, all of page 15, and part of page 16.

The Chair regards that, the item having been estimated for by the department as an absolutely necessary and legitimate expense, the qualifying language which follows is only such as is calculated to give intelligent direction to the manner in which the fund shall be expended, and under the precedents of the Senate it is not subject to a point of order. The point of order is, accordingly, overruled.

The question is on agreeing to the amendment.

Mr. STERLING. Mr. President, I ask that this amendment may be passed over for the present.

The PRESIDENT pro tempore. The Senator from South Dakota asks that the amendment may be temporarily passed

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

The SECRETARY. The pending question on the bill is, on page 19, where the committee proposes to insert, after line 11, the following paragraph:

To enable the Secretary of the Interior to provide school facilities for the children of the Papago Tribe of Indians in Arizona, the sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated, this amount to be in addition to any other funds available for that purpose.

Mr. SMOOT. Mr. President, may I ask the Senator what other funds have been made available for this purpose, and if any, how much?

Mr. ASHURST. Mr. President, I shall be very glad to supply the Senator with the information. I read from page 331 of the House hearings the justification for this item, offered by the Commissioner of Indian Affairs, as follows:

The Papago school population is estimated to be 1,220. It is thought that, including all nonreservation members of the tribe, the number is considerably larger, and the Government has never provided any home schools for this tribe except one day school, with a capacity of 40. A mission school with a capacity of 150 has during recent years been maintained and operated by the Government. This makes a total Government home school capacity of 190 pupils. There are several mission schools on or near the reservation, and quite a number of children attend nonreservation schools. However, it is estimated that between 800 and 1,000 Papago children of school age are entirely without school facilities.

The Papagos live in villages; therefore it will be feasible and advisable to provide school facilities for them by building day schools. This will make it possible to provide school facilities for all of these children at very much less expense than where the conditions make boarding schools necessary. The maintenance expense will likewise be very small comparatively. There are probably 12 to 15 Papago villages where good day schools can be maintained.

There is no previous estimate.

Proceeding to read further from the justification:

These Indians are a very worthy class of people and ask no assistance from the Government except that school facilities be provided. This item of \$50,000 should be included in the bill this year in order that the Papago children may not longer be permitted to grow up in ignorance.

Mr. SMOOT. What I asked the Senator was the amount of the appropriation. This is a direct appropriation of \$50,000, and it says:

This amount to be in addition to any other funds available for that purpose.

What other funds are available for that purpose, and how much?

Mr. ASHURST. At this time I am not able to say that there are any funds available, except in the general language used at the beginning of the section, where, referring to Arizona and New Mexico, it says, "for support and civilization." The Senator will remember that those words have been defined to be apt words, and the Commissioner of Indian Affairs, in his judgment, distributes this sum for civilization and support in accordance with the needs, requirements, and necessities of each particular tribe.

Mr. SMOOT. I suppose the amount here referred to is some lump-sum appropriation, and I thought perhaps the Senator knew just exactly the amount that would go to these particular Indians.

Mr. PAGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Vermont?

Mr. SMOOT. Certainly.

Mr. PAGE. The Senator from Utah is correct. He will find at the bottom of page 7:

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, \$1,500,000.

I wish to say to the Senator from Utah that this particular paragraph relating to the Papago Tribe was quite fully discussed by the Committee on Indian Affairs, and I believe the committee were absolutely unanimous in the view that this clause is a proper one.

Mr. SMOOT. I am not objecting to the appropriation for the purpose of educating the children of the Papago Tribe, but I was trying to get at whether this is an undue amount to appropriate, taking into consideration that they have a part of a fund appropriated already, namely, a million and a half dollars. If there are 150 children of that tribe, it would cost about \$325 per child. In addition to that, I wanted to learn, if possible, how much they get out of the lump sum, so as to see about how much it would cost per year to educate each child of the tribe.

Mr. ASHURST. While it might appear that it would be an excessive sum for this particular tribe of Indians, that is only an apparent disclosure. It is not really an excessive amount. The committee were of the opinion, as to the appropriation referred to at the top of page 8 of the bill—\$1,500,000—none of

that money would be used in cases where there was a specific appropriation made like the one now under discussion. It was also the opinion of the committee that this is not an excessive sum. A good deal of discussion was had in relation to the item, and it was resolved by the committee that it is not an excessive sum.

Mr. SMITH of Arizona. If my colleague will permit me—  
The PRESIDENT pro tempore. Does the Senator from Arizona yield to his colleague?

Mr. ASHURST. I yield.

Mr. SMITH of Arizona. The Papago Indians live on the Papago Reservation in Arizona, but they are scattered. Quite a number of them live on the reservation, and then quite a number are nomadic, wandering divisions of the tribe that will go off and seek for water and make a home for a season on some mountain or some place in the desert where they can find enough water near by to raise a small crop.

I apprehend that with this appropriation, in addition to the lump sum, they can get hardly enough by a proper division among all the Indians for the support of the Papagos. I imagine that some effort is being made to take care of these Indian villages that are scattered around, where they can easily have schools for a season and thus have some of the advantages that are given to the tribe.

Mr. SMOOT. I will say that I have not any objections to the amount from what already has been said. I will not object to the item.

Mr. ASHURST. I appreciate the force—

The PRESIDENT pro tempore. In the further consideration of this bill the Chair will give notice that there will not be a strict observance of the rule which requires a Senator to ask permission before he interrupts. These colloquies are enlightening and they amount to an exchange of information, and it would take more time to obtain consent than to get the information when it seems to be asked in good faith and not for the purpose of delay. So if the Chair does not interpose on every occasion it will not be due to the fact that he does not understand that in proper cases it is the duty of the Chair to do so. Of course, it will be limited to one Senator speaking at a time; the reporters must take down what Senators say. With that explanation of his conduct, the Chair will recognize the Senator from Arizona.

Mr. ASHURST. I may not have been considerate in regard to my interruptions, and I wish to apologize to the Chair. I wish, however, before I take my seat to ask Senators to observe the language on page 8, lines 16, 17, and 18, of the bill, in which it is specifically stated that no part of the appropriation of \$1,500,000 "shall be used for the support of Indian day and industrial schools where specific appropriation is made."

Mr. LA FOLLETTE. Mr. President, I think the Senator from Utah [Mr. SMOOT] misunderstood the statement of the Senator from Arizona [Mr. ASHURST] as to the number of children of school age in this tribe. If the statement was made by the Senator from Arizona as understood by the Senator from Utah and communicated to me by him, I want to correct it. The Papago school population is estimated at 1,220 and not 150.

Mr. ASHURST. Yes, sir; 1,220.

Mr. SMOOT. I may have misunderstood the Senator in what he said, but I understood him to say that 150 and 40 more would be 190. I say I would have no objection to the item even if there were 190 on the explanation that has been made.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 20, line 4, after the word "expended," to strike out "reimbursable to the United States by the Indians having tribal rights on said reservation and to remain a charge and lien upon the lands and funds belonging to said Indians until paid," so as to make the clause read:

For the construction of a bridge across the Moencopl Wash on the Western Navajo Indian Reservation, Ariz., \$6,000, or so much thereof as may be necessary, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 20, after line 19, to insert: The Secretary of the Interior is hereby authorized to set aside and reserve as a school farm for the Fort Yuma Indian School the west half of the northwest quarter and the west half of the southwest quarter of section 24, township 16 south, range 22 east, San Bernardino meridian.

The amendment was agreed to.

The next amendment was, at the top of page 21, to insert:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of \$25,000, and in no event more than one-third of the sum that may be necessary for the construction of a bridge across the Colorado River at or near Topock, in the State of Arizona, to be expended under the direction of

the Secretary of the Interior: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona and the State of California satisfactory guaranties of the payment, by the said States, of at least two-thirds of the cost of said bridge; and that the proper authorities of the said States assume full responsibility for, and will at all times maintain and repair said bridge and the approaches thereto: *And provided further*, That the bridge shall be built in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Mr. ASHURST. I move an amendment to the amendment. In line 10, where the words "State of California" occur, before the word "State," I move to insert the words "county of San Bernardino, in the," so as to read:

That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona and the county of San Bernardino, in the State of California, satisfactory guaranties of the payment—

And so forth.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 21, after line 19, to strike out:

That the Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the Fort Mohave Indian Reservation, in Arizona, with respect to the necessity of constructing a bridge across the Colorado River, near said reservation, and to cause surveys, plans, and reports to be made, together with an estimated limit of cost for the construction of a suitable bridge across said river, and also to ascertain from a council of the members of said tribe whether the Indians of said reservation are willing that the proportion of the cost of said bridge which the Secretary of the Interior may determine to be properly chargeable to them shall be reimbursable from any funds which are now or may hereafter be placed to the credit of said tribe in the Treasury, and submit his report thereon to Congress on the first Monday in December, 1914; and the sum of \$1,000, or so much thereof as may be necessary is hereby appropriated for the purpose herein authorized.

The amendment was agreed to.

The next amendment was, on page 22, after line 12, to insert:

For enlarging the irrigation system for the irrigation of Indian lands, for protective works to prevent damage to irrigable lands by floods, and for development of domestic water supply on the Papago Indian Reservation in Arizona, in accordance with the plans and specifications submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in conformity with a provision contained in section 1 of the Indian appropriation act for the fiscal year 1911, \$50,000, and to remain available until expended: *Provided*, That the total cost of this project shall not exceed \$150,000.

Mr. SMITH of Arizona. Mr. President, I wish to make a mere statement of the facts in this case. I think this particular item should go out, and I believe I can convince the Senate that a mistake was made by the committee.

If this item is permitted to remain in the bill, it will take away the water supply of the city of Tucson, a city of over 20,000 people. We get our water from an underflow. We have developed it by going deep and raising the water, and we are using that water for city purposes and also for irrigation. We started that long before the Papago Indians ever thought of getting any water for any purpose.

I have telegrams here that I will not detain the Senate to read from the mayor and from the chamber of commerce stating that the proposed scheme takes away the water from the city of Tucson. I have looked at the plans that they propose to use, and while they go higher up above the Indian reservation, where the mountains crowd the valley they cut across and take the whole underflow of the valley. It would leave a perfect desert around the city, where there are now 10,000 acres in cultivation, and it would take away the water supply of the town.

I have defeated this item two or three times before the committee. It got in this time, as I understand, on statements made that it did not interfere with the flow, but I assure the Senate that it does interfere with it, for I know the plan, and I know the ground as well as I know this Senate Chamber.

I move to strike out the item from the bill—that is, I ask the Senate to disagree to the amendment.

Mr. WILLIAMS. In connection with this amendment I desire to ask the Senator from Arizona a question. Has this work already been entered upon and has money already been expended under it?

Mr. ASHURST. No; the only money expended was the appropriation made to pay for the expense of ascertaining the feasibility and propriety of the project. The work has not been entered upon.

Mr. WILLIAMS. It seems to me when we irrigate these Indian lands the charge ought to be against the Indian fund, and not against the Treasury of the United States.

Mr. SMITH of Arizona. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arizona yield to his colleague?

Mr. ASHURST. I yield.

Mr. SMITH of Arizona. I am acquainted with this matter, and I have just explained it to the Senate. I ask the Senate to disagree to the amendment on the ground that the proposition would take all the water from the city of Tucson. It really amounts to taking the whole underground flow. I want the Senate to disagree to the amendment, and I would be very glad to have that done as early as possible.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, on page 23, line 10, after the word "Arizona," to strike out "\$20,000" and insert "\$35,600," so as to make the clause read:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona, \$35,600.

Mr. SMITH of Arizona. I do not like this amendment.

Mr. ASHURST. Let the item, beginning at line 6, on page 23, down to and including line 10, go over until I confer with my colleague.

The PRESIDENT pro tempore. The amendment will be passed over temporarily unless there is objection. The Chair hears none.

The next amendment was, on page 23, line 21, after the words "Navajo Reservation," to strike out "\$15,000" and insert "\$50,000," so as to make the clause read:

For continuing the development of a water supply for the Navajo Indians on the Navajo Reservation, \$50,000, to be immediately available and to remain available until expended, reimbursable out of any funds of said Indians now or hereafter available.

Mr. LANE. I reserve the right to offer an amendment to this amendment, if it can be reserved at this time.

The PRESIDENT pro tempore. The Senator from Oregon will state his amendment, and we will determine what can be done when we find out what it is.

Mr. LANE. There is an item which ought to be stricken out, I guess, although I am not entirely informed concerning it. It has to do with lands other than agricultural, and, in a way, would affect a large amount of mineral lands. I should like to have it go over until I can take the matter up with the chairman of the committee and see if he will not agree to some change in it.

The PRESIDENT pro tempore. If the Senator will indicate just what provision of the bill he desires to have passed over for the present, the Chair will submit his request to the Senate.

Mr. LANE. That is the last item which was read on page 23, lines 20 to 24, inclusive.

The PRESIDENT pro tempore. The Senator from Oregon asks that the provision indicated by him may be passed over temporarily. Is there objection? The Chair hears none. The reading of the bill will be resumed.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 24, to insert:

For the purchase of lands for the use and benefit of Indians under the jurisdiction of the superintendent of the Camp Verde Indian School, Ariz., \$20,000, to be immediately available and to remain available until expended. *Provided*, That the lands purchased for said Indians shall be held in trust and be subject to the provisions of the general allotment act of February 8, 1887 (24 Stat. L., 388), as amended.

The amendment was agreed to.

The next amendment was, on page 24, after line 9, to insert:

There is hereby appropriated the sum of \$50,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Colorado River and Yuma Reservations, the said sum to be expended in the purchase of seed, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924, and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury, and shall not be withdrawn by law.

The PRESIDENT pro tempore. Unless there is objection the amendment will be agreed to.

Mr. SMOOT. Mr. President, I hardly caught the full meaning of the amendment as read. I wish to ask the Senator having the bill in charge to explain the amendment.

Mr. ASHURST. Mr. President, I am aware that this is somewhat of a departure from previous methods employed in the

department. This has been characterized as a revolving fund. It was the subject of much discussion, thought, and investigation by the committee. The method has been considered at some length by the Indian Bureau, and it has been deemed to be a wise one. When Indian tribes have land, our experience discloses to us that the mere possession of land is not sufficient to develop them into persons who become self-supporting. This is to create a fund out of which appropriations may be made for the purpose of leveling their lands, plowing them, tilling them, raising crops, building houses, purchasing machinery, and purchasing cattle; that the fund appropriated shall become a lien on the land; and that when the fund is repaid, as provision is made in the act for the repayment, the land being in the meantime held as security, that that same fund which is repaid into the Treasury of the United States shall again be used for a similar purpose.

Mr. SMOOT. Mr. President, I have noticed, of course, that this money is to be paid to the Indians for certain enumerated purposes "under such regulations as the Secretary of the Interior may prescribe." I suppose those regulations relate to the security which the Government will take for the money advanced?

Mr. ASHURST. That would be one of the regulations. Now, relating to this particular item, I wish to read a short excerpt from the recommendation submitted to the committee by the Commissioner of Indian Affairs:

We are asking in this item for a reimbursable appropriation of \$50,000 for the Indians of the Colorado River and Yuma Reservations in Arizona and California. The Government has constructed irrigation projects for these Indians, and they have now at their disposal valuable irrigable lands, but they are without means to begin cultivating those lands. It requires money to level the land, and these Indians also need agricultural equipment. Every dollar of this money will be reimbursed to the Government, and it is simply a loan to these Indians based on good security, because they have valuable surplus lands, and the appropriation is simply to enable them to become self-supporting. In support of this item, I would like to submit the following justification:

*Statistics, Colorado River Reservation.*

Indian population.....	486
Acreeage of reservation area.....	240,640
Acreeage of agricultural land.....	100,160
Acreeage of grazing land.....	85,000
Acreeage allotted lands.....	4,860
Acreeage under ditch.....	4,860
Acreeage cultivated by Indians.....	638
Acreeage irrigated.....	450
Live stock:	
Horses.....	210
Mares.....	225
Stallions, pony.....	31
Cows and heifers.....	143
Bulls.....	9
Steers.....	106

So the fund will be used for the purpose, not of dealing them out rations but to cope in a large way with this Indian problem—I might use those words in the nomenclature of Indian affairs, for the "Indian problem" is the great problem that is before us, as to how we shall develop the Indians into becoming self-supporting. This has been deemed, I will not say the best way, for the committee can not arrogate to itself all knowledge and wisdom, but it is a good way, the money being secured by the lands themselves.

Mr. SMOOT. The only fear I have respecting this provision is that unless many of the Indians are of a different character from white men, if the money is available to the Indian and he has to put up his land as security, I am afraid that in the end perhaps he will be liable to lose his land. I want to say to the Senator having the bill in charge that I believe the Indians ought to be assisted; I think that if conditions are such as stated by the Senator, it would be well for Congress to make the appropriations direct, and then see if they could not, by direct regulation and by putting one or two competent men there who are familiar with the methods of irrigating and cultivating land, help the Indians in their experiments. The Indian who does not particularly care for work would not make application for the money, but he might feel that if he could get the money he would get it and use it, perhaps, not all in the cultivation of his land, but partly for that purpose, and then he would perhaps find himself mortgaged, and it would be impossible for him at the end of the 5 years or 10 years, or whatever length of time it is, to pay. All I was thinking about was the protection of the Indians.

Mr. OWEN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. I do.

Mr. OWEN. I felt some doubt about whether this revolving fund would be repaid. In order to ascertain what reason we had for judging as to the future in regard to that I requested that a report be made upon such revolving funds as had here-

tofore been used, so as to see whether or not under their administration these funds were really in good faith paid back. I was much surprised and much gratified to find that the department had a most favorable experience with them; that the Indians had shown integrity in regard to these matters and industry, and had done very well indeed with regard to the repayment; so that from the history of the transactions in the department it appears that no reasonable doubt should be entertained that the money will actually be paid back in good faith and constitute a revolving fund that will serve other Indians in the same way, teaching them the lesson of self-support.

Mr. SMOOT. It is a splendid idea, Mr. President, if it can be successfully carried out.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. SMOOT. Certainly.

Mr. CLAPP. I do not think the Senator appreciates the plan that is adopted. I notice he referred to repayment at the end of 10 years. This provision does not contemplate a loan for 10 years; it contemplates that for 10 years the money that is paid back may be loaned to other Indians. The plan has been simply to loan them money for one year. The money does not go to the Indian at all. The agent buys the horses and seed, or whatever is to be purchased, and takes the Indian's note for the amount, the Indian making the payment.

This plan works to the advantage of the Indian, and I am going to speak of it because we have adopted it to some extent in this bill. In the first place, it makes it possible for the department, where an Indian requires assistance of this kind, to lend him a helping hand; and, in the second place, it teaches the Indian what the white man had to learn many generations ago—the importance of keeping his obligations; that when he borrows a dollar he must repay that dollar.

Last year, on the passage of the Indian appropriation bill, as will be seen on page 2097 of the CONGRESSIONAL RECORD, I submitted a summary of the work of the department up to that time under this provision. In one case I think every dollar was repaid the first year, but in the other cases there had not been such a prompt payment.

If it is properly managed, this method is the solution of the individualizing and development of the Indian by lending him this helping hand under the direction of the agent. The money does not go to the Indian; he can not squander it. The only danger is that the agent might purchase things that possibly might not be necessary, but we have got to take some chance in everything. The agent is right there with the Indian in the fall, and when the harvest comes he sees to it that the Indian repays the money. The provision is designed to individualize the Indian, to help the Indian, and, above all, to teach the Indian the necessity of business methods.

I will say, frankly, we have provided considerable sums in this bill to be used along that line. We did it because of the excellent success that has attended the same experiment in preceding years. As I have said, a summary of what has been accomplished will be found on page 2097 of the CONGRESSIONAL RECORD, part 3, volume 50, Sixty-third Congress, first session.

Mr. LANE. Mr. President, I should like to say, for the further information of Senators, that there is another condition which has brought about this method of appropriating money, and that is this: All along in the history of the Indian in the past there has been appropriated by Congress, out of funds belonging to the Government and out of funds which were reimbursable from the Indian's property, hundreds of thousands of dollars for his support and civilization. We all know that the Indian has made a failure as a farmer. For some reason he has not advanced as the white man has in that line, and it has been a problem as to what to do for him. In investigating the matter the Indian Committee and the commission appointed to look into Indian affairs, has found this condition to exist—and it exists at this time all over the United States—and that is that the Indian has been allotted in severalty lands to which in some cases water has been brought for irrigation purposes at his expense. In this way he has had turned over to him tracts amounting to from 40 to 160 acres, and in some cases the terms have been that if the Indian did not utilize the water and cultivate the land within a certain specified period of time, in one instance not to exceed two years, he forfeited his water right and any advantage he might receive from the land.

What else did we do for him? We did not give him a penny with which to buy a plow, or a harrow, or a grubbing hoe, or anything at all with which to work the land. We hired farmers to go out and teach him how to farm, but we furnished him nothing with which to farm. He was left with his bare hands. The white man could not make a success under such circumstances. When irrigable land is being broken to cultivation and water is put upon it, it has been found that the white man,

should safeguard those rights. We should submit proposed legislation to the Indian and allow him to say whether he wants this or that thing done. But we do not do it. It is wrong. I think we ought to regard ourselves—and I am sure the Senator from Mississippi does—as the guardian of the Indian. We owe him a duty, and we can not discharge that duty unless we stand here and legislate for him in such a way as to protect him in the best possible manner.

I wish to urge upon the Senator from Mississippi and the Senator from Alabama that they study this bill as we proceed with it and see if we have not in many cases legislated in such a way that the Indian is not fully protected. That constitutes mainly such objection as I have to the bill. The bill as a whole is good. It has been very carefully wrought out by the Committee on Indian Affairs. There were not as many members of the committee present during its consideration as I think ought to have been on so important a bill, but I think that those who were there tried to give their best thought to the bill.

Mr. CLAPP. Mr. President, I wish to address an answer to the Senator from Mississippi, but I call attention first to one suggestion of the Senator from Vermont. In this bill we have inserted a provision, certainly as to Minnesota, that no appropriation from an Indian fund in excess of \$5,000 shall become effective until submitted to a council of the Indians. This, of course, is a matter of progress. It was not done formerly.

I will state the reason why we do not use the Indian's money under this proposed plan. We had a provision in the bill, which went out, I think, on a point of order, that where a tribe had a fund or an Indian had money to his credit—it would almost universally be a tribal fund—the department might estimate the amount that would probably come to each Indian, and within that estimate the department could advance to the Indian money to be used for these purposes.

This provision contemplates loaning money to an Indian who has no money; or if he has money, it is not his money that is loaned. We did not feel that we would be justified in taking money from an Indian fund and loaning it to an individual Indian, because it must be confessed that there is a possibility here of the loss of the loan, and we as a Government should take that risk upon ourselves. If we are going to loan this money to Indians, we should loan our money and not loan some other Indian's money to an Indian other than the one to whom it belongs.

Of course the last inquiry of the Senator is a most pertinent one, and yet there is a vast difference, it seems to me, between one lending this helping hand to Indians and to white people. I am lending this sympathy with the general, broad view of the Senator from Mississippi against the idea of the Government being paternal. I am pretty nearly ready to subscribe to Mr. Tilden's great maxim, that that which the individual can do he should do, and that which the State can do it should do. But these Indians occupy a peculiar relation to us. Up to a short time ago we but very few of them knew anything at all of civilization. We used to make treaties with them, where we would solemnly agree, in the old poetic language of the treaty, so long as grass grew and wind blew, that we never would invade that reservation for settlement by the white man; but, of course, the onrush of the American people to the West resulted in the ignoring of those treaties. Time and again reservations were diminished; time and again the Indians were removed off to distant reservations, until there came a time when it seemed as though the wise thing to do was to divide the reservations and make an allotment to each Indian of 60 or 160 acres, or different quantities, according to the character of the land and the climate where the allotments were made.

As a result, that began to individualize the Indians. Now you have an Indian no longer in the possession of the old hunting ground, where he could hunt and trap and fish and take care of himself and family. You have thrown him suddenly into the environment of the individual or citizen without any training, without any assistance, and that we pleaded as a justification for holding out, through the Government, a helping hand to the Indian, when we would not, of course, recognize that principle generally in government.

Mr. WILLIAMS. Mr. President, I, of course, recognize the fact that we have assumed toward the Indian the relationship of guardian and ward, and that has been going on since the beginning of the history of the United States. In fact, it started before that in some of the older States. But I am a little afraid that this is a precedent which may some day return to plague us. One never knows how small a thing may be pointed back to at some time in the future.

This money comes out of the United States Treasury. It is the money collected by taxing the people of the United States. Whether the Indian be a ward or not, a guardian in managing

a ward's affairs pays out of the ward's fund; he does not pay out of somebody else's funds. If at some time in a time of distress white men should come up to the Congress of the United States and say, "We do not ask you to give us money, but we ask you to give us a mule, we ask you to give us a horse, we ask you to give us a plow, we ask you to give us a harrow, we ask you to give us what is necessary to cultivate land"—

Mr. CLARKE of Arkansas. What about the "40 acres and a mule" that we use to hear down in Mississippi?

Mr. WILLIAMS. We reply to them, "We can not do that; we can not take the money of the people collected by taxation and give it to you for the purpose of enabling you to make a success with your farm. If we begin that once we will have to give saws and hammers and adzes and planes to the carpenter; we will have to give anvils and other things to the blacksmith; we will have to carry it all through our society." You go on and tell such a man how that is wrong, that it violates every principle. You tell him that there was a time lately after the war when that sort of cry about 40 acres and a mule, as has been suggested by the Senator from Arkansas, was in the air. You go back still further in the history of the world and tell him how the Roman people were absolutely pauperized and ceased to be the great people of Rome and became a mere howling populace by the free distribution of corn on the part of the government, and how it is the duty of the citizen to support the Government and not the duty of the Government to support the citizen. After you are all through with it, after you have made your argument in the best way that you can, impregnable as it is, based upon sound governmental as well as sound ethical principles and sound social principles, he turns around to you and says, "Yes, but I find that at a certain time you did do this identical thing for the Indian; you took the money out of the Treasury; and the Indian did not put any of it there even, and I have put some in." Now, what is the answer to be made to him?

Mr. OWEN. Mr. President—

Mr. WILLIAMS. There is absolutely none.

Mr. CLAPP. I think there is.

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

Mr. WILLIAMS. Yes.

Mr. OWEN. Let me appeal to the Senator from Mississippi and call the Senator's attention to the fact that these poor, dependent Indian people are regarded as the wards of the United States.

Mr. WILLIAMS. I just said that.

Mr. OWEN. That puts them in a different class from the others.

Mr. WILLIAMS. That is what I explained also. When I am a man's guardian I take care of him out of the estate to which the ward has a right and a title.

Mr. OWEN. Suppose that the ward had no estate?

Mr. WILLIAMS. The American people have robbed the Indians from the beginning of time, and they have committed torts against them that constitute a page of shame.

Mr. OWEN. Does not that justify some retributive justice?

Mr. WILLIAMS. That would justify going to work and investigating and finding out and making an indemnity, not in the shape of a loan to the Indians, but an indemnity to the Indians themselves. For example, there are Indians in my own State who have been treated with a degree of injustice that cries to heaven. I have been crying to heaven for them upon this floor, and there is no justice thus far. But that does not come down to this point. Here is an individual Indian. It is not the Indians tribally; it is not our Government making restitution to the Indians generally, as I doubt not it might well do; but it is just saying to an individual Indian, "I will advance you this much."

Mr. LANE. I should like to make a suggestion to the Senator that he should take into consideration the fact that the Government has expended a large sum of money, which has been made a charge upon Indian lands in some cases, and then has given the Indian a limited period in which to make use of that land and not a cent or a tool to do it with.

Mr. WILLIAMS. I understand. I heard the Senator a moment ago. That is absolutely an iniquity; there is no doubt about that. But to say to a man, "Here is so much land that you may have; I will give you two years to make the first payment in," when you know at the very time that the man is utterly powerless to exploit the land or to use it in any way, is holding out apples to his eyes and giving him ashes upon his tongue.

But all that is beside this question. I am not arguing this from the Indian standpoint; I am arguing it from the Govern-

ment standpoint. It is a poisoned chalice that I am afraid will be returned to our own lips at some other time by somebody else. We are traveling along rapidly toward State socialism. Every indication of the time is in that direction. That is the universal trend.

Mr. CLAPP. Mr. President—

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

Mr. WILLIAMS. Yes.

Mr. CLAPP. Of course, I appreciate the drift of the Senator's argument; every student of the times realizes the trend; but here, it seems to me, there is a plain line of demarcation. The ordinary citizen is not the ward of the Government; the Government is the ward of the citizen; but under the relation we sustain to the Indian the condition is reversed, and the Indian is the ward under any theory of Government that we might attempt to evolve.

Mr. WILLIAMS. I appreciate that.

Mr. CLAPP. That being true, there being that plain line of demarcation it seems to me, whenever the time comes to meet this incoming wave, anyone can plant himself upon that line of demarcation.

Mr. WILLIAMS. In answer to that I will say I do not think the reply meets the objection. If I were a guardian of a lot of children I would not consider that it justified me in taking my own children's money to help them. I might take my own money as a mere matter of generosity. This money in the United States Treasury is not the money of the Indians; it is the money of the children of the Republic.

I want to do the very thing that the Senator wants to do, and I think maybe it can be done in some other way. I think, for example, if you were to make these Indians of the Colorado River and Yuma Reservations an appropriation of so many dollars to the tribe, to be used in this way, and put it upon the ground of a restitution from this Government to the Indians, not to a particular Indian, and then if you were to allow the individual Indians to draw this money out of what had then become a tribal fund, you avoid the precedent; you fix it so that a precedent can not be pleaded. You know very well we have owed those Indians more than that; we have taken more than that away from them.

Mr. WHITE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. WILLIAMS. I yield to the Senator from Alabama.

Mr. WHITE. Is not that a mere means of accomplishing the same end?

Mr. WILLIAMS. Absolutely, and avoiding the precedent.

Mr. WHITE. Have we not already the precedent? These Indians are esteemed and held as the wards of the Nation. They have always been held that way, and, like a great many other wards, they have been robbed.

Mr. WILLIAMS. Yes; they have been.

Mr. WHITE. Now, then, if they are the wards of the Nation, should they not be treated as we treat the wards of the State and the Nation, and do we not treat the wards of the State and the Nation in just this way when we appropriate from the public treasuries money to educate the children of the State and Nation?

Mr. WILLIAMS. Oh, no. In that case the man who pays the money receives the benefit. I shall not vote against the amendment, Mr. President, finally, but I merely wanted to warn Congress against precedents of this description.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. ASHURST. Mr. President, it was my intention to make a somewhat short reply to the arguments which have been made. I felt that I ought to say something. But so much was said, and so well said, by other Senators on the subject, especially by the Senator from Minnesota [Mr. CLAPP], that I see no occasion for me to make any further explanation. However, I do want to say that the Senator from Arkansas [Mr. ROBINSON], the Senator from Minnesota [Mr. CLAPP], and the Senator from Michigan [Mr. TOWSEND], and other Senators gave especial attention for months to this question of revolving appropriations.

Briefly, in reply to the Senator from Alabama [Mr. WHITE], who asked if the committee considered this item, I wish to say that not only had that policy been considered by the committee diligently for months but the great policy as to how to deal with the question had been considered for years.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, on page 25, after line 9, to insert: That so much of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 85), as makes reimbursable out of the tribal funds of the Indians of the San Carlos and Fort Apache Indian Reservations an appropriation for the construction of two bridges on the San Carlos Indian Reservation in Arizona be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, on page 25, after line 16, to insert: For investigation recommended by the Board of Engineer Officers of the United States Army, as set forth in paragraph 217 of their report to the Secretary of War on February 14, 1914, House Document No. 791, Sixty-third Congress, second session, and report as to the supply of the legally available water, acreage available for irrigation and titles thereto, the maximum and minimum estimated cost of the San Carlos irrigation project, including dam and necessary canals, ditches, and laterals, with recommendations and reasons therefor and the probable cost of adjudicating the water rights along the Gila River necessary thereto, and to take the steps necessary to prevent the vesting of any water rights in addition to those, if any, now existing until further action by Congress, \$50,000.

Mr. LANE. I ask the chairman of the committee if there is any time fixed for this report to be made and how long he thinks it will take? It seems that work has been going on upon this project now for two years, and in the meantime the settlers and the Indians have become discouraged and are being forced to the wall. Should there not be fixed a definite date for the report to be brought in by this board?

Mr. ASHURST. I entirely agree with the suggestion of the Senator from Oregon. I hope he will move an amendment to the amendment to that effect.

Mr. LANE. I will ask that the amendment may go over until I can consult with the Senator.

Mr. SMOOT. I, too, ask that the amendment may go over.

The PRESIDING OFFICER. Without objection, the amendment will be passed over for the time being.

The next amendment was, under the head of "California," in section 3, page 26, line 9, after the word "employees," to strike out "\$42,000" and insert "\$50,000," so as to make the clause read:

For support and civilization of Indians in California, including pay of employees, \$50,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 12, after the word "Indians," to strike out "\$10,000" and insert "\$20,000," so as to make the clause read:

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, \$20,000, to be immediately available and to remain available until expended, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, on page 26, line 17, before the words "Indian pupils," to strike out "twenty-five" and insert "fifty"; in line 18, after the word "superintendent," to strike out "\$104,000" and insert "\$109,400"; in line 19, after the word "improvements," to strike out "\$10,000" and insert "\$20,000"; and in line 20, after the words "in all," to strike out "\$114,000" and insert "\$129,400," so as to make the clause read:

For support and education of 650 Indian pupils at the Sherman Institute, Riverside, Cal., including pay of superintendent, \$109,400; for general repairs and improvements, \$20,000; in all, \$129,400.

The amendment was agreed to.

The next amendment was, on page 27, line 1, after the word "hundred," to insert "and twenty-five," and in line 2, after the word "superintendent," to strike out "\$16,400; for repairs and improvements, \$3,600; in all, \$20,000" and insert "and for repairs and improvements, \$25,000," so as to make the clause read:

For support and education of 125 Indian pupils at the Fort Bidwell Indian School, Cal., including pay of superintendent, and for repairs and improvements, \$25,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 9, to insert:

The Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$5,000 to Mrs. May Stanley, widow of Will H. Stanley, late superintendent of the Soloda Indian School in California, who lost his life in the discharge of his duty. Also to pay for medical and other necessary expenses, including funeral and administration expenses incurred in connection with the death of said Will H. Stanley and the shooting of Selso Serrano, Indian policeman, \$1,000, or so much thereof as may be necessary.

Mr. SMOOT. I wish to ask the Senator from Arizona if a bill for this same item has not passed the Senate, and whether it was a House bill or a Senate bill?

Mr. CLAPP. I can answer the question. It was a Senate bill, not a House bill.

Mr. SMOOT. Does the Senator know what became of it in the House?

Mr. CLAPP. It went the way of many another bill.





The PRESIDENT pro tempore. The Senator from Iowa will be good enough to state the proposition again, so that the Chair may understand it.

Mr. KENYON. I will state the point of order I make. I make the point of order on the amendment commencing at line 12, page 61, down to and including the word "repealed," in line 4, page 62. I make the point of order that it is new legislation attached to an appropriation bill. I call the attention of the Chair to the fact that the entire amendment proceeds to line 10, on page 62. The question I suggest is whether the point of order may be made to a part of the amendment, or must it be made to all the amendment?

The PRESIDENT pro tempore. It is separable. It is distinct, so that it can be separated for a vote upon request. The Chair would hold that that could be made.

Mr. ASHURST. I regret that the distinguished Senator from Iowa should make a point of order against the committee amendment on page 61, down to line 11 on page 62.

Mr. KENYON. No; it is to and including the word "repealed" on line 4.

Mr. ASHURST. I will merely take time enough to say that this item alone was the subject of nearly two weeks' discussion by the committee. Tomes of testimony were taken. If the distinguished Senator from Iowa understood how carefully the committee tried to guard the rights of the Indians and how essential this legislation is to protect the Indians, the Senator would be the last one to think of making a point of order upon it.

Mr. ROBINSON. Will the Senator from Iowa yield to me for a brief statement?

Mr. KENYON. I will.

The PRESIDENT pro tempore. The point of order is not subject to debate except at the request of the Chair, but the Chair will be glad to hear his colleague.

Mr. ROBINSON. I do not wish to speak on the point of order. I wish to address the Senate for just a moment on the merits.

Mr. KENYON. I made the suggestion for another Senator who desires to raise the question. If the amendment can be passed until a later stage in the consideration of the bill, we can then return to it.

Mr. ROBINSON. I have no objection.

The PRESIDENT pro tempore. A request of that kind will be submitted to the Senate. The Senator from Iowa asks that this amendment may be passed over for the present. Unless there is objection, such will be the order. The Chair hears none. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment was, on page 62, after line 18, to insert:

That the Commissioner of Indian Affairs be, and he is hereby, authorized to contract for water rights for the irrigation of 600 acres of land, more or less, in the Fort Sill Indian School Reservation in the State of Oklahoma, within the proposed Lawton reclamation project, for the irrigation of not to exceed 2,500 acres of Indian and private lands, upon the same terms and conditions as those prescribed for the acquisition of water rights for other lands to be irrigated by said project: *Provided*, That operation and maintenance charges shall not be assessed against said Indian land prior to completion of the lateral system so as to provide for actual delivery of water thereto, and the project shall include lateral construction for the Indian lands down to each legal subdivision thereof equal in area to the size of the farm unit for lands in private ownership within said project.

Mr. SMOOT. I think there ought to be some explanation of this amendment, particularly the part of the amendment beginning in line 23, following the word "Oklahoma," wherein it says:

Within the proposed Lawton reclamation project, for the irrigation of not to exceed 2,500 acres of Indian and private lands.

Mr. ASHURST. I will refer to the letter of the department as soon as I have it at hand, if the Senator will pardon me.

Mr. SMOOT. The Senator will notice that the Commissioner of Indian Affairs is "authorized to contract for water rights for the irrigation of 600 acres of land, more or less." That is found at the beginning, in lines 20 and 21, on page 62.

Mr. ASHURST. The words "more or less" are well defined in law. That would be within a reasonable limitation of 600 acres; but there is no objection to striking out the words "more or less."

Mr. SMOOT. The Senator interrupted me or I would have gone on and told him what the point is. After the word "Oklahoma," in line 22, we find the words:

Within the proposed Lawton reclamation project for the irrigation of not to exceed 2,500 acres of Indian and private lands.

I should like—

Mr. OWEN. That might go out without any objection, I should think.

Mr. SMOOT. If the Senator from Arizona has the letter he spoke of, I should like to have it read, because I can not see the connection between the two.

Mr. OWEN. Those words might as well go out.

Mr. ASHURST. While there would be no objection to their going out, I will say that they are very proper here. The letter will be obtained at the earliest possible moment, and when that letter is read the Senator will perceive, I think, that it is a very proper amendment.

Mr. SMOOT. I do not see why we should authorize the Commissioner of Indian Affairs to contract for water rights for the irrigation of 600 acres of land in this reclamation project and then provide for the irrigation of not to exceed 2,500 acres of Indian and private lands. What right have we to say how many acres the project shall water or what the area shall be? I suppose that has already been determined. But I shall wait until the Senator has the letter.

Mr. ASHURST. Let the amendment be passed over until I get the letter.

Mr. SMOOT. I ask that it may go over.

The PRESIDENT pro tempore. Unless there is objection, the item will be passed over.

The next amendment was, on page 63, after line 9, to insert:

For the purchase of certain articles of furniture originally bought from personal funds by Mr. Gabe Parker while superintendent of the Armstrong Academy, Oklahoma, and since used by that school, \$286, to be paid for from Choctaw funds.

The amendment was agreed to.

The next amendment was, on page 63, after line 14, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Women's Board of Domestic Missions, Reformed Church in America, the sum of \$10,000 for mission and school buildings built by them on the Fort Sill Military Reserve, Okla., for the use of the Apache Indians and rendered useless on account of the removal of said Indians to the Mescalero Indian Reservation in New Mexico.

Mr. SMOOT. There may be some good reason for an amendment of this kind to an appropriation bill, but I do not understand it. If there is any claim against the Government, it seems to me it ought to be made in the shape of a claim and go before the Claims Committee and be passed upon; and if there is any justice in the claim, we ought to pay it; but to bring in on an appropriation bill here a provision of this kind, it seems to me, is out of place. I say that with due deference to the judgment of the committee. I should like to ask the Senator from Arizona if there is any reason why this personal claim should be inserted in the appropriation bill. The Senator knows we have a rule against items of this kind.

Mr. ASHURST. I will advert to page 548, volume 2, of the hearings before the Committee on Indian Affairs:

RELIEF OF THE WOMAN'S BOARD OF DOMESTIC MISSIONS, REFORMED CHURCH OF AMERICA.

Statement of Mr. Meritt, assistant commissioner:

Mr. MERITT. We have another item that might well go in this bill. It was introduced in the House by Representative FERRIS and has received the favorable recommendation of the department. It is a bill for the relief of the Woman's Board of Domestic Missions, Reformed Church, in America. The item is as follows:

Then the item was read.

The department submitted the following report in regard to this matter. This is a department letter, which is dated March 18, 1914—

Senator CLAPP. I do not think it is necessary to read that to the committee. I move that the item be allowed.

It seemed to the committee, without further reading, that it was a just and proper claim. As to the propriety of putting it on this bill Senators may have a difference of opinion. It seemed to the committee just and proper and no objection was offered. It was discussed at some length.

I will read further from the statement of the assistant commissioner:

Mr. MERITT. I might say that this church organization has been doing missionary work among the Fort Sill Indians for a number of years. They have constructed certain buildings there, and because of the fact that the Indians have been removed from the reservation those buildings are no longer of any use to this mission. This Fort Sill property has been turned over to the War Department. This church wishes to reinvest the money derived from these mission buildings for mission-work purposes at Mescalero Reservation, N. Mex.

Mr. CLAPP. If the Senator from Utah will pardon me—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Gladly, Mr. President.

Mr. CLAPP. There is a good deal of force in what the Senator says, but the committee regarded it somewhat in the light of claims where reservations are abandoned and eliminated as reservations and different denominations have put buildings upon the ground. We usually provide in the Indian appropriation bill for granting a small amount of land—40 or 80 acres, it may be—to the particular denomination that put the building there.

Mr. SMOOT. I understand that.

Mr. CLAPP. Of course, strictly speaking, probably all such matters ought to go to the Committee on Claims, but this was so nearly analogous to that class of cases that the committee having all the information before it and the commissioner appearing before the committee, we thought that perhaps there would be no serious objection to dealing with it in the bill instead of sending it to the Committee on Claims.

Mr. SMOOT. Mr. President, I believe the Senator will admit that this is rather a dangerous precedent to set. If we are going to pay for every church building on every reservation that may be abandoned hereafter, well and good; we could pay for this; but it does seem to me that if we pass this item and compel the Government to pay \$10,000 for this school building it will be looked upon in the future as a precedent and will always be pointed to as a thing that the Government should do.

Mr. CLAPP. I was not directing my remarks so much to the wisdom of paying for the property; I was, rather, justifying the action of the committee in dealing with it instead of sending it to the Committee on Claims, it being, although the reverse of the operation, somewhat in the nature of recognizing a certain claim where they put buildings on reservations and granted them a small quantity of land with it. That goes rather to the merits of the case. Of course, it is for the Senate to decide the question.

Mr. SMOOT. If this item was not for a church, I would not hesitate a minute to make a point of order against it. It is not proper and it is not right to put a claim against the Government on an appropriation bill.

Mr. OWEN. Will the Senator pardon me for just a moment?

Mr. SMOOT. Certainly.

Mr. OWEN. Of course the Senator raises no question about the merits of it, but only as to its place on this bill?

Mr. SMOOT. I really do not know whether there is merit in it or not.

Mr. OWEN. It has been reported on favorably by the department and has that justification. The facts are that after this missionary board established these buildings upon an Indian reservation the Government, without consulting them, moved the Indians away. It was done after these people had put the buildings there for missionary purposes among the Indians. These women desire to transfer the buildings to the Mesalero Agency, where the Indians have been sent by the department. The Government has simply removed the people who were being served by this missionary society, and since it deals with an Indian reservation the Commissioner of Indian Affairs took it up with the Committee on Indian Affairs for that reason. That is all there is about it.

Mr. CRAWFORD. Mr. President—

Mr. SMOOT. I yield to the Senator from South Dakota.

Mr. CRAWFORD. There are a number of cases—I remember we had them several times in the Committee on Claims—where private citizens went on military reservations and put up a building for a store, a photograph gallery, or something of that kind, and did it largely at their own risk, and afterwards the Government abandoned the fort. Unless the Government in some way appropriated that property and used the material or derived some benefit from it by appropriation, I know we declined to grant the claimant anything for his property.

Mr. OWEN. I hope the Senator—

Mr. CRAWFORD. If the Senator will just let me finish the thought, it seems to me a little remarkable. Even with a church they are sometimes enthusiastic and a little visionary, and they will establish schools and different things where they have not used very good judgment about it, and sometimes commit serious errors in expending more money than they ought to spend for buildings, making them too expensive and too large. If when some accidental change occurs the Government is to take over the property and pay for it, where it has had no responsibility and made no use of it, and does not have any use for it, I think it is going too far, whether it is church property or some other property. It does not look to me as being at all a proper use to make of the Government funds.

The PRESIDENT pro tempore. Does the Senator make a point of order?

Mr. CRAWFORD. The Senator from Utah has the floor. I should be inclined to do so unless he makes the point.

Mr. SMOOT. I wish to say to the Senator that I look forward to the time when these Indian reservations will all be abandoned; and if we undertake now to pay \$10,000 for a church that was established upon this particular reservation—

Mr. OWEN. It is a school.

Mr. SMOOT. Well, the principle is the same. If we undertake to pay \$10,000 for a school that has been established on

this Indian reservation because of the fact that it has been abandoned, it will follow, as day follows night—

Mr. OWEN. I do not think the Senator can say it was abandoned when the Government moved the Indians from the place where those people had erected a school. They did not abandon it; the Government took the Indians away.

Mr. SMOOT. That is true, Mr. President; but did the Government ask them to come there and establish the school?

Mr. OWEN. The Government has always invited missionaries to undertake to teach civilization and Christianity to the Indians.

Mr. SMOOT. And very properly, too.

Mr. OWEN. I do not think they ought to be put on a level with those who are there conducting stores for profit. They are conducting it without any profit, doing it purely for an altruistic purpose. It is their purpose and desire to help the Indians, and they receive no recompense for it. Because it dealt with an Indian reservation it was stated by the Commissioner of Indian Affairs to the committee that it should be placed in this bill, which I think is orderly enough.

Mr. SMOOT. I want also to state, as has been so well stated by the Senator from South Dakota, that in the Claims Committee there have been dozens of claims made for buildings that have been established upon military reservations, and the committee has refused at all times to report one of those bills. They have had not only stores but different buildings on military reservations, some for religious purposes, and the Claims Committee of the Senate and also of the House has universally decided not to pay such claims.

Mr. ASHURST. Will the Senator yield to me a moment?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Arizona?

Mr. SMOOT. I do.

Mr. ASHURST. I think the Senate should also be in possession of this information. It will be observed from the reading of the amendment, on line 18, page 63, that it is not only a church but school buildings. The War Department now has charge and possession of these buildings, and this item, as the hearings disclosed, has not only been approved by the Interior Department, but by the War Department as well. That was, of course, persuasive on the committee.

Mr. SMOOT. I have noticed wherever there has been a reservation abandoned in any part of the country it will not be more than one or two years before there has been a bill introduced in Congress giving the buildings upon the reservation for some State purpose, and no objection has ever been made. The Government of the United States has willingly given them for State purposes. The Government, I take it for granted, will never receive any benefit from these buildings. I do not think the Government will ever get a cent out of them, as far as that is concerned.

Mr. President, I know the item should not be here, but, as I stated, I am not going now to make a point of order against it.

The PRESIDENT pro tempore. The Senator from Utah declines to make a point of order. The question is on the adoption of the amendment.

Mr. SUTHERLAND. I should like to ask a question about it. Where will the title to these buildings rest after we make this appropriation? Is it intended that the title shall vest in the Government of the United States?

Mr. ASHURST. In the Government of the United States.

Mr. SUTHERLAND. Does the Government of the United States own the land upon which these buildings were constructed?

Mr. ASHURST. The buildings are upon a military reservation belonging to the United States of America.

Mr. SUTHERLAND. The church or the mission had no title whatever to the land?

Mr. OWEN. No.

Mr. ASHURST. That is my understanding.

Mr. SUTHERLAND. Should there not be some provision in the amendment providing that the title of the buildings should pass?

Mr. ASHURST. That would be a very salutary provision, as far as I can see.

Mr. SUTHERLAND. They were put there under the license of the Government, I take it. This is simply an appropriation, and there is no transfer of title apparently. I simply suggest that to the Senator.

Mr. ASHURST. That is a good suggestion, and will be given attention.

The PRESIDENT pro tempore. Unless there is objection to the amendment, it will be agreed to. The Chair hears none, and it is agreed to.

Mr. KENYON. I should like to ask the Senator if this amount of \$10,000 comes out of the Indian fund or out of the Treasury of the United States.

Mr. ASHURST. It is a gratuity appropriation. It comes out of the Treasury of the United States.

I ask the attention of the Senator from Utah [Mr. SMOOT]. I wish to recur to the Fort Sill matter, which begins on line 19, page 62. Referring to that item, I have now a few data submitted by the Indian Bureau, which I will ask the Secretary to read.

The PRESIDENT pro tempore. Unless there is objection, the Secretary will read.

The Secretary read as follows:

LAWTON PROJECT,  
Fort Sill, May 29, 1914.

The proposed legislation is intended to authorize the inclusion of the lands of the Indian school reserve in the Lawton project.

On April 13, 1914, the chief engineer addressed a report to the commissioner, in which he considers the project from the points of engineering feasibility, water supply, needs of irrigation, requirements of Indian lands, legal condition, and human element.

The city of Lawton constructed a dam on Medicine Bluff Creek for the purpose of supplying water for domestic, manufacturing, and other city purposes. This dam lies about 12 miles from the city and has a present capacity of about 14,000 acre-feet. This provides considerably more water than is required by the city and enough to irrigate from 2,500 to 3,000 acres. About 600 acres of Indian land are so located as to be irrigable from the proposed system, and the legislation proposed authorizes the commissioner to contract for water rights for this amount; operation and maintenance charges are not to be assessed against Indian lands prior to completion of the lateral system.

The proposition is believed to be a favorable one, and was favorably reported to the Secretary under date of April 29, 1914, and to Senator ASHURST on the same date.

In view of the fact that no payments are to be required of land-owners for construction of the reservoir, in which storage capacity for this project has been donated by the city of Lawton, and that the payments for the diversion and distribution system will not be due until after completion thereof and promulgation of the customary public notices, no present appropriation is contemplated. The reports indicate the feasibility of the project, provided the Indian lands may be included and bear their proportionate share of the cost. It is not desired that any of the Indian lands be disposed of, but that they be reserved for the use and benefit of the Indian school and whatever other enterprises may be on the reservation.

Mr. SMOOT. I thank the Senator for the information, and based upon that—

The PRESIDENT pro tempore. Does the Senator request that that item be taken up at this time?

Mr. SMOOT. The chairman of the committee requested it.

Mr. ASHURST. I made that request.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The Senator will proceed.

Mr. SMOOT. Upon the information contained in the letter, I move to amend the amendment by striking out the following words in lines 23, 24, and 25, on page 62:

For the irrigation of not to exceed 2,500 acres of Indian and private lands.

So that it would read:

That the Commissioner of Indian Affairs be, and he is hereby, authorized to contract for water rights for the irrigation of 600 acres of land, more or less, in the Fort Sill Indian School reservation in the State of Oklahoma, within the proposed Lawton reclamation project, upon the same terms and conditions as those prescribed for the acquisition of water rights for other lands to be irrigated by said project.

Mr. OWEN. That is all right.

Mr. ASHURST. So far as I have authority to do it, the committee approves of the adoption of the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, on page 63, after line 22, to insert:

That the Secretary of the Interior is hereby authorized to expend the sum of \$16,500 from Chickasaw tribal funds for the purchase of the property known as Hargrove College or Ardmore College, situated at Ardmore, Okla., to be reserved and used as a boarding school for the Chickasaw Nation.

Mr. CRAWFORD. I ask the chairman of the committee if there is any report on that proposition? I should like to hear what has been said in regard to it.

Mr. ASHURST. I refer to page 550, volume 2, of the hearings before the Senate committee, under the head of "Hargrove or Ardmore College, Oklahoma," where this occurs:

Mr. MERRI. The commissioner asked me to request that this item be incorporated in the bill:

"The Secretary of the Interior is hereby authorized to expend the sum of \$16,500 from the Cherokee tribal funds for the purchase of the property known as Hargrove College or Ardmore College, situated at Ardmore, Okla., to be reserved and used as a boarding school for the Chickasaw Nation."

I have the following justification for this item:

"Accompanying this is a proposed item authorizing the Secretary of the Interior to expend the sum of \$16,500 of Chickasaw tribal funds for the purchase of the Hargrove College property at Ardmore, Okla.

It is intended to continue at this place the tribal school heretofore known as Bloomfield Seminary. Bloomfield Seminary has been at Hendrix, situated upon a tract of land reserved for school purposes by act of July 1, 1902 (32 Stat. L., 641). Recently the main building at Bloomfield was destroyed by fire. Insurance thereon will probably be collected to the amount of approximately \$15,000.

"The matter of the purchase of the Hargrove property, to be used in lieu of the old property, has been carefully investigated and is a very desirable proposition, both financially and for other reasons. The buildings are substantial and can be put in first-class condition by the expenditure of a small amount for plumbing and incidental repairs. If this purchase can be consummated, the Bloomfield property will be sold and the proceeds deposited to the credit of the tribes. It will cost the service at least \$16,500 to replace the main building at Bloomfield if it be compelled to continue the school there."

The assistant commissioner continues:

The Bloomfield buildings were recently destroyed by fire, as stated in the justification, and the commissioner would like to have this item incorporated in the bill.

The PRESIDENT pro tempore. Unless there is objection, the amendment will be agreed to. The Chair hears none, and it is so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 64, after line 3, to insert:

That the Secretary of the Treasury is hereby authorized to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of \$5,000 to Mrs. Robert Leo Bowman, widow of Robert Leo Bowman, late deputy special officer for the suppression of the liquor traffic among Indians, who was killed while in the performance of his duty.

Mr. CRAWFORD. Mr. President, I do not care to be constantly interfering with these items, but there is a matter which, it seems to me, ought to go in the list with that class of employees' claims which are provided for by statute under which the Committee on Claims is acting very frequently, upon which it makes reports to the Senate, and upon which appropriations are based, under the statute which provides for compensation for personal injuries and deaths in cases of employees, regulated by the salary received. I should like to know why a claim for a death loss is put in this bill without being referred to the regular Committee on Claims, which entirely ignores the provisions of that statute and comes in here without any action such as usually is taken in these cases? It is not fair for a claim to come before the Committee on Claims and a widow to receive on account of the death of her husband one year's salary which her husband was earning, which may have been only \$1,200 a year, under that statute, and then put a claim in here for \$5,000 for the death of a special deputy. I do not know how long he was special deputy; I do not know what salary or compensation he got or who employed him or what the particular nature of his service was, and yet in this appropriation bill is a lump sum of \$5,000 to his widow. I should like to have some information in regard to the claim and as to the reason for putting claims of this kind into a general Indian appropriation bill.

Mr. ASHURST. Mr. President, I can well appreciate the desire of the Senator from South Dakota to keep the Indian appropriation bill and all other appropriation bills free from claims. That is proper; but I will say that this belongs to a distinct class of claims, it occupies a peculiar relation.

Here is a claim which grows out of these facts: The man was murdered while in the actual discharge of his duty in enforcing the laws prohibiting the sale of intoxicating liquors to the Indians. He was shot and seriously and mortally injured. He lingered some time, and then died. In view of the fact that he was in the actual discharge of his duties with respect to the laws prohibiting traffic in intoxicating liquor among the Indians, the committee was of the opinion that it was a just and proper claim, and that the Committee on Indian Affairs, while it attempted in every possible way to prevent the placing of claims on the bill, felt that this occupied a peculiar position, as I said before, and was entitled to be put on the bill.

Mr. CRAWFORD and Mr. WHITE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arizona is entitled to the floor.

Mr. ASHURST. I yield to the Senator from South Dakota.

Mr. CRAWFORD. I think in every case where the Committee on Claims has recognized a personal-injury claim, a claim for damages growing out of the death of an employee, the accident or the damage must have occurred while the person was engaged in the line of duty at the time it occurred. This is no exception in that respect; such claims are all of that character. In those cases we follow a certain rule, which might give the widow of a deceased employee only one-fifth of what is proposed to be paid here to the widow of this man. It is not fair. If we are going to depart from that rule in one case, we ought to abandon it entirely, and let each case go it alone. How much compensation was this man getting?

Mr. ASHURST. He was getting \$100 per month.  
 Mr. CRAWFORD. Very well. Then his salary amounted to \$1,200 a year. If his death had occurred down here in the gun factory or had happened to an operative on the Isthmus of Panama or in one of the Government buildings, the widow would get \$1,200. Here is this man who was engaged in enforcing the laws in the liquor traffic among the Indians, and it is proposed to give his widow a lump sum of \$5,000. It is not fair to put an item like that into this bill granting \$5,000 in this case, and to follow the statute in other cases.

Mr. CLAPP. Mr. President, will the Senator from South Dakota pardon an interruption?

Mr. CRAWFORD. Certainly.

Mr. CLAPP. The fact that led the committee to give this consideration to this matter was that where a man is injured through the carelessness of others in the breaking of machinery, in explosions and such accidents, there may possibly be an element of negligence on his part, and always the negligence of some one which results in the accident which leads to the killing. In this case it was not negligence, but it was the overt, positive, premeditated act of those against whom he was trying to enforce the law. So there could be no possible question of his negligence.

Mr. CRAWFORD. If the Senator will permit me there, then there was absolutely no element of negligence so far as the Government is chargeable with it.

Mr. CLAPP. Not at all. It is upon the same principle that we make contributions to men who lose their lives in the service of the country; of course, upon a broader field, perhaps a more patriotic field; but there is that difference between a case where a man is killed by those who are resisting the enforcement of the law and where a man is killed by accident that is attributable, perhaps, in some cases in a greater or less degree to the negligence of some one.

Mr. CRAWFORD. Well, Mr. President—

Mr. CLAPP. Just one moment more, if I am not trespassing on the Senator's good nature—

Mr. CRAWFORD. Not at all.

Mr. CLAPP. This grew out of the performance of his duty by this man in the Indian Service, in a matter that was peculiarly within the purview of the Indian Office, with which, of course, primarily the Committee on Indian Affairs deals. The committee felt that they might put that item upon the bill, although, of course, ordinary claims, unless they be claims against the Indian funds, should go to the Committee on Claims. If the Senator feels that this is too much, I hope, instead of making a point of order against the amendment, he will seek to have the amendment modified to meet his views, for the Senator knows that it is just about useless to talk of this woman getting anything at all unless she gets it on this bill.

Mr. WHITE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Alabama?

Mr. CRAWFORD. Just a moment, if the Senator will pardon me—

Mr. WHITE. I simply want to ask the Senator from Minnesota a question.

Mr. CRAWFORD. I yield to the Senator from Alabama.

Mr. WHITE. Does this claim differ from the case of any other marshal or deputy marshal who was killed in the enforcement of the law?

Mr. CLAPP. Not at all, except, perhaps, in the circumstances of the killing. The service was the same. He was there enforcing the law.

Mr. WHITE. Then, would not this be showing favoritism to the widow of this officer who lost his life in the discharge of his duty as against the compensation which we allow to the widows of other officers who have lost their lives in the discharge of their duties?

Mr. CLAPP. Since I have been in the Senate, I think in every instance where a man has been killed in the discharge of his duty in enforcing the laws in the Indian country, we have made provision for his widow and children on Indian appropriation bills, and we have usually fixed the sum at \$5,000.

The Committee on Claims, of which the Senator from South Dakota [Mr. CRAWFORD] was formerly chairman, established a rule or perhaps secured the enactment of a statute—

Mr. CRAWFORD. It is a statute.

Mr. CLAPP. That widows shall only receive the equivalent of one year's wages or salary, whichever you may call it, of their husbands. This would not be an unusual thing, so far as making some reparation is concerned. The only question is, first, whether the item should be in the Indian appropriation bill, and, secondly, as to the amount that should be appropriated.

Mr. CRAWFORD. Mr. President, my feeling about this is simply one of being somewhere near fair in the treatment of

all claimants. The Government has never undertaken to put itself in the position of the ordinary employer of labor, liable for negligence, as a railroad company is liable for negligence, in the case of its employees. It would open a pretty wide door if the Government should undertake to assume a liability like that, and the Government has never done so. The States have never done so; counties have never done so; and there is not a rule of law anywhere that fixes a liability upon sovereignty for damages of that character.

The attitude of the Government has been fixed by statute, and since that statute was passed claims are settled under it without coming to Congress at all. Claims for damages occurring before that act was passed have come to Congress, been referred to the Committee on Claims, been investigated, reported upon, and appropriations made allowing relief, exactly the same as if they had occurred subsequent to the enactment of that statute. Hundreds of cases from the Isthmus of Panama, involving engineers, brakemen, and trainmen employed in connection with the construction of the Panama Canal, where accidents occurred before the enactment of the statute, have been paid by appropriations upon the same basis as they would have been adjusted had they occurred after the enactment of that statute. Such cases have come from every direction.

In this case, if this man was getting \$1,200 a year, under that statute his widow would get \$1,200; and over and over again—

Mr. CLAPP. May I ask the Senator a question there?

Mr. CRAWFORD. Certainly.

Mr. CLAPP. I am not familiar with that statute, but, as I understand, under that statute the claimants do not have to ask Congress or any court for relief.

Mr. CRAWFORD. The heads of the departments can adjust the claims.

Mr. CLAPP. Yes, and consequently a general, broad limitation was put in the statute; but that does not apply to Congress in dealing with individual cases. I can understand that if Congress is going to issue a license ad libitum, under certain rules of course, for the settlement of claims for injury or death, leaving nothing for Congress to do, but simply turning the case over to the departments, it might very well establish a lower level of compensation for damages than it would in individual cases.

Mr. President, I never heard of this man. We are taking a good deal of time in what may seem a small matter; yet it is a vital matter to the widow, of course, and I simply desire to ask the Senator, in case he can not agree to let the amendment go as it has been reported, instead of making a point of order against it to seek to amend the amendment by providing an amount that he thinks is fair and proper.

Mr. CRAWFORD. I will say to the Senator that I appreciate as keenly as anyone can—because of the opportunity I have had to witness hardships in similar cases—the cruelty of a long delay. Where dependent members of a family have a claim of this character, if they are to get relief at all, they ought to be afforded prompt relief; and I have no feeling or desire to do anything here that will delay giving this woman some relief, but I do insist that if we are going to make exceptions, as we are proposing to do in this case by paying one widow for the loss of her husband \$5,000, we ought to repeal the statute and get away from the practice of paying other poor women with dependent children, where the head of the family was receiving \$100 a month or \$600 a year of \$1,500 a year, a sum equal simply to one year's compensation. We have treated that statute as binding, and we have been following it; and now here comes a woman, whose husband lost his life through absolutely no negligence on the part of the Government, who was in the same position as a deputy marshal who might, in undertaking to make an arrest, be shot down. If we are going to take cases of this kind and appropriate \$5,000 in a lump sum to the widow we are being outrageously unfair to other claimants, and on that account I protest against the allowance of this sum in this way in this bill. I do not like to cut it out absolutely.

Mr. OWEN. I should like to suggest to the Senator that the particular kind of service in which this man was engaged is extrahazardous. A good many men have been killed in the service while engaged in suppressing the liquor traffic on Indian reservations.

Mr. CRAWFORD. I will say to the Senator that, while that is true, every deputy marshal and every marshal and every engineer who is riding in his cab is also taking his life in his hands. This man was not any better than they are, and we pay their widows, in case they are killed, one year's compensation, but propose to give this widow \$5,000.

Mr. OWEN. I was only making that suggestion to the Senator to indicate the reasonableness of giving some inducement to men to render that service which is an extrahazardous service.

Mr. CRAWFORD. I am going to do this—and I am not going to do it with this particular case in view, but I am going to do it in order to emphasize the fact that we are outrageously unfair in these cases. I am going to make a point of order against the amendment unless the amount is cut down to \$2,000.

Mr. OWEN. Then I will move that it be cut down to \$2,000.

Mr. CLAPP. I suggest that the Senator from South Dakota, instead of putting it in the alternative, move, first, to amend by striking out \$5,000 and inserting \$2,000, and if it is not amended the point of order can be made.

Mr. CRAWFORD. In one way I do not like to do that.

Mr. OWEN. Then I will make the motion.

Mr. CLAPP. I move to amend the amendment by striking out "\$5,000" and inserting "\$2,000."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the amendment reported by the committee on page 64, line 6, after the words "sum of," it is proposed to strike out "\$5,000" and to insert "\$2,000."

Mr. JONES. Mr. President, I am not going to oppose this amendment; I merely want to emphasize what the Senator from South Dakota [Mr. CRAWFORD] has said with reference to the enforcement of the rule laid down by the law and which the Committee on Claims has been following. The Senator from Minnesota [Mr. CLAPP] says that Congress has granted carte blanche to settle such claims, and that is true; but when claimants come to the committee the committee holds them to that law and does not grant them any other relief. For instance, I have the cases of two men who were killed at the navy yard at Bremerton, Wash. According to the report of the department, the accident by which they lost their lives was the result of the negligence of the Government. The widows of those men each got a year's pay. They then came to the committee, but the committee said, "We will not allow them anything at all."

Mr. CLAPP. Will the Senator pardon an inquiry?

Mr. JONES. Certainly.

Mr. CLAPP. I had supposed that the statute simply applied where a case was adjusted by a department. In such case, as a general shield of protection, we fixed the amount at a year's salary; but if you give the widow of a man who was killed under circumstances where she would be entitled to recover greater damages if the action were against private parties only \$1,200, or a year's salary, you establish a lower rate of recovery than any State of this Union.

Mr. JONES. I think that is right; that is what the committee does, and that is what Congress is doing all the time. The claims of these parties were rejected. I think the rule established, taking it as a hard and fast rule, is unfair and unjust. We ought to treat these cases in Congress, as nearly as we can, alike. I do not think that \$2,000 is anything too much in this case; and yet I think that where a man loses his life by the negligence of the Government his widow is more entitled to a larger compensation from the Government than is the widow in this case, because this man assumed the risk of his employment, and that, no doubt, was taken into consideration when his salary was fixed. There was no negligence on the part of the Government, and he knew he was likely to engender hatred and ill will and to suffer in consequence. Here are two cases that I have just mentioned where, according to the report of the Navy Department, the men lost their lives through the negligence of the Government itself and through no negligence on their part. One of them, I think, was getting \$2.50 a day; and yet all the committee says is, "This widow having gotten the amount allowed her by the statute, we can allow her nothing more." As the Senator from South Dakota says, I do think Congress ought to use more discrimination in these matters and try to treat these people as nearly alike as possible.

Mr. SUTHERLAND. Mr. President, claims of this character, which are constantly passing, emphasize the necessity of having a general compensation law. The Government of the United States ought to pay its employees who are injured and pay the dependents of those who are killed in its service precisely the same as various State governments compel private employers to pay. The difficulty with passing items of this kind is that they beget legislation by emotion instead of in accordance with any sort of a fixed rule. I remember a short time ago we had a claim up here of some poor girl who had sustained an injury, and the committee brought in a bill appropriating some \$3,500 or \$4,000, as I recall, but the emotions of Senators were stirred up by the appeals made on the floor and the amount was increased to six or seven thousand dollars.

Then an emotional appeal was made in the other House in that case, and the amount was increased still more—I have forgotten the final amount which was appropriated. I think

that we ought not to make appropriations of this character at all. I think we ought to pass a general law, under which whenever an injury is sustained or whenever an employee is killed a certain definite sum shall be paid, so that we shall not be paying \$1,200 in one case, \$5,000 in another case, and \$10,000 in another case. Under the law to which the Senator calls attention, as I understand, this widow would receive \$1,200. That is wholly inadequate. She ought to receive, and every widow in a case of this kind ought to receive, compensation far in excess of that; but so long as we have a statute of that kind under which the great majority of dependents are compelled to accept compensation, we ought not to make a special appropriation in one particular case.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Minnesota [Mr. CLAPP] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 64, after line 9, to insert:

That the Secretary of the Interior is hereby authorized and directed to sell to the State of Oklahoma for military purposes the following tract of land situated in Pittsburg County, Okla., to wit: The east half of the east half of the east half of the west half of section 9, the east half of section 9, the west half of the west half of section 9, the west half of the east half of the west half of section 10, the west half of the east half of the east half of the west half of section 10, township 5 north, range 14 east of the Indian base and meridian, being 640 acres, more or less, according to the Government survey thereof; *Provided, however,* That the said land shall be sold for cash at the appraised price fixed thereupon by the appraisers appointed by the President under authority of the act of Congress approved February 19, 1912, entitled "An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes;" *And provided further,* That the coal or asphalt on or under said lands is hereby reserved, and the Secretary of the Interior is instructed to expressly reserve the same in preparing conveyance thereof; *And provided further,* That this authorization shall lapse and expire by operation of law unless the said appraised price of said land shall be tendered to the Secretary of the Interior in behalf of the State of Oklahoma within six months from the date of the approval of this act by the President.

Mr. PAGE. Mr. President, I should like to ask either of the Senators from Oklahoma if this amendment should not somewhere show that we are legislating about Indian lands. There is nothing in the amendment to show that, although it is to be presumed, this being an Indian appropriation bill, that it does. Should it not so state, however?

Mr. OWEN. It states that on page 65, line 1, where reference is made to the act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations. It is Indian land, of course, under that.

Mr. PAGE. This amendment simply says that the land "shall be sold for cash at the appraised price fixed thereupon by the appraisers appointed by the President" under the authority of the act.

Mr. OWEN. That is the act dealing with the segregated coal and asphalt Indian lands.

Mr. PAGE. But should it not be a little more specific and say where the money received for these lands shall go? Is there under the law a place where it would go without any specification in the amendment?

Mr. OWEN. It would go without saying; yes. This being the Indians' land, it would go to the Indians' credit.

Mr. PAGE. I have no doubt that a point of order would lie against this amendment, but I do not wish to make it.

Mr. OWEN. Any amendment the Senator may suggest upon that line will be acceptable. I do not think it is really necessary, however.

Mr. PAGE. I wish to say that so far as the State of Oklahoma is concerned this bill contains a great deal of general legislation. There is some of it that, I think, I should very seriously oppose under any conditions, and I do not know but I shall have to interpose points of order later.

Mr. OWEN. I agree with the Senator that that is true; but it is also true that the Indian appropriation bill has been used as a vehicle for legislating for that part of the country because we have such a large number there, and it is so difficult to pass independent bills. The Senator, of course, is familiar with that practice.

Mr. PAGE. To what tribe does this land belong?

Mr. OWEN. The Choctaws and Chickasaws.

Mr. PAGE. The Senator says the appropriation bill has been oftentimes used as a vehicle for legislation of this kind?

Mr. OWEN. Yes.

Mr. PAGE. The Senator will remember that we had a long hearing as to the distribution of certain money which belonged to the Indians. I believe the amount was \$800. It is in the bill somewhere.

Mr. OWEN. Yes.

Mr. PAGE. If I remember correctly—and if I am incorrect, I hope the Senator will correct me—the claim was made that if hereafter we were obliged to add to the enrollment the names of as many Indians as it was insisted should be enrolled, there would not be \$800 each to be distributed.

Mr. OWEN. I will say to the Senator that that related to another tribe entirely—the Creek Tribe.

Mr. PAGE. All of this legislation, it seems to me, is important. So far as I am concerned, I have, at least, tried to do my duty about it, but I have not been quite satisfied that it ought to pass. It may be right and it may be wrong, but I have not seen evidence convincing me as to the wisdom of all of this legislation. Is there not so much of it, and is it not so important, that the provisions of this bill for the State of Oklahoma ought to be put in one general bill and considered outside of the Indian appropriation bill?

Mr. OWEN. Of course the Senator knows that that is impossible. This item simply permits the State of Oklahoma to acquire, for military purposes, a piece of this land at the appraised value. There is nothing extraordinary about it. There is nothing involved about it.

Mr. PAGE. I said that as to this item, although I was quite clear that it was open to a point of order, I would not make it; but in running through the bill it seems to me I have found so much general legislation—

Mr. OWEN. Oh, well, it is true, as the Senator says, that we are obliged to rely upon the Indian appropriation bill for such items as are not objected to. If they are objected to, they go out.

Mr. PAGE. I make no point of order as to this item.

Mr. OWEN. Anyone can strike them out, I take it.

Mr. ASHURST. Referring to this amendment, in line 12, page 64, after the word "the," I move to insert the words "surface of the," so as to read:

For military purposes, the surface of the following tract of land.

The amendment to the amendment was agreed to.

Mr. WHITE. Mr. President, I should like to suggest an amendment there. I move to insert, after the words "coal and asphalt," the words "and other minerals."

Mr. ASHURST. There is no objection to that.

Mr. OWEN. It is only coal and asphalt lands that are reserved.

Mr. CLAPP. Those words are used in describing the title of the act on page 65, line 2.

Mr. OWEN. It applies only to the coal and asphalt lands of the Choctaws and Chickasaws.

The PRESIDENT pro tempore. What disposition does the Senator desire to make of his amendment? Does he abandon it?

Mr. WHITE. Yes; since I have acquired from members of the committee information that I did not possess before.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended on motion of the Senator from Arizona.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 65, after line 11, to insert:

That the Secretary of the Treasury is hereby authorized to pay out of any moneys in the Treasury not otherwise appropriated the sum of \$65.50 to William Volz, in settlement of his account for horse hire furnished the agency physician at Oraibi, June 23 to October 21, 1905.

The amendment was agreed to.

The next amendment was under the subhead "Five Civilized Tribes," in section 17, on page 65, line 21, after the word "employees," to strike out "\$150,000" and insert "\$200,000," and, in the same line, after the word "That," to insert "effective July 1, 1914," so as to make the clause read:

Sec. 17. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, \$200,000; *Provided*, That, effective July 1, 1914, the offices of the Commissioner of the Five Civilized Tribes and superintendent of Union Agency, in Oklahoma, be, and the same are hereby, abolished, and in lieu thereof there shall be appointed by the President, by and with the advice and consent of the Senate, a superintendent for the Five Civilized Tribes, with his office located in the State of Oklahoma, at a salary of \$5,000 per annum, and said superintendent shall exercise the authority and perform the duties now exercised by the Commissioner to the Five Civilized Tribes and the superintendent of the Union Agency, with authority to reorganize the department and to eliminate all unnecessary clerks, subject to the approval of the Secretary of the Interior.

Mr. TOWNSEND. Mr. President, if my understanding is correct, the adoption of this amendment does not carry with it the section, and amendments to the bill other than the committee amendments will be in order later.

The PRESIDENT pro tempore. The Senator can move to amend at this time the amendment of the committee.

Mr. TOWNSEND. I do not care to amend the amendment.

The PRESIDENT pro tempore. Amendments offered by individual Senators will be entertained after the committee amendments have been disposed of.

The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 66, after line 15, to insert:

That the principal chief of the Cherokee Nation, with the approval of the Secretary of the Interior, is hereby authorized to convey to the Dwight Mission School, on Sallisaw Creek, Okla., 26 acres of land heretofore set aside in accordance with the provisions of section 24 of the Cherokee agreement approved July 1, 1902 (32 Stats. L., pp. 716, 720), for the use of such school for missionary and educational purposes, and now being occupied and used by the said Dwight Mission School, and the Secretary of the Interior is authorized to accept in payment therefor \$10 per acre.

The amendment was agreed to.

The next amendment was, on page 67, after line 2, to insert:

That full legal and equitable jurisdiction, without regard to lapse of time, is hereby conferred upon the Court of Claims to hear, determine, and adjudicate, as justice and equity shall require, all claims against the Cherokee Nation by the estate of John W. West, deceased, or by the heirs or any heir of said estate, and particularly the claim of the said estate and the heirs thereof against the said Cherokee Nation for the deprivation of the said John W. West, deceased, his estate and his heirs, of the beneficial use of certain property, wherein it is alleged that the said John W. West was interested; and any judgment rendered under this act against said nation shall be paid to the administrator of the estate of John W. West, deceased, out of any funds standing to the credit of said nation, and the amount necessary to pay any such judgment is hereby appropriated out of any money of the Cherokee Nation under control of, or held in trust by, the United States. Suit shall be begun, within 30 days after the approval of this act, by petition filed by the administrator of the estate, and service thereof shall be made on the principal chief of the Cherokee Nation, who shall appear by attorney, within 20 days after service of said suit is made upon him, and defend said suit on behalf of the nation; the record heretofore made in the case, together with any material evidence on file with the Department of the Interior pertaining to said claim, shall be considered by the court, and the Secretary of the Interior is directed to transmit to said court all such records in his department.

Mr. GORE. I make a point of order against the amendment. It is general legislation. It undertakes to confer jurisdiction upon the Court of Claims in a case where it does not have jurisdiction.

Mr. STERLING. Mr. President, I trust the Senator from Oklahoma will withhold his point of order on this amendment for a time, until I can call the attention of Senators to some matters connected with it.

Mr. GORE. Mr. President, I have no objection to passing the amendment for the present. I can not agree to withhold the point of order, however. I ask that it may be passed for the present.

The PRESIDENT pro tempore. The Senator from Oklahoma states that he will not withhold the point of order, but that he will suspend his remarks at this time in order that the Senator from South Dakota may make a statement concerning it. The Senator may proceed.

Mr. GORE. Mr. President, I meant to pass the consideration of the amendment for the present.

The PRESIDENT pro tempore. Does the Senator from Oklahoma present unconditionally a point of order against the amendment?

Mr. GORE. If there is no other recourse, I do.

The PRESIDENT pro tempore. The Chair will hear the Senator from South Dakota. The point of order is not debatable, but the Chair has discretion to hear him.

Mr. STERLING. I wish to say that the basis of this proposed legislation is an award made in 1883, whereby the heirs of John W. West, deceased, were to be paid the sum of \$5,000, with such interest thereon as should be deemed just and equitable. That award was made in pursuance of a treaty between the United States Government and the Cherokee Nation, whereby certain damages claimed by the heirs of John W. West were to be determined. The arbitrators were a representative selected by the Cherokee Nation and a representative of the United States, selected by the Secretary of the Interior.

The award was approved by the Secretary of the Interior; it was afterwards contested; but on a full hearing before Secretary of the Interior Teller the award was affirmed. A rehearing on the award for the payment of \$5,000 with interest was afterwards had before Secretary Lamar, and the previous decision was reaffirmed. This was in 1886. So the award determined in 1883 has been reaffirmed by two successive decisions of Secretaries of the Interior; and according to this award the Government of the United States has been owing, since the time of the award, anyhow, to the heirs of John W. West the sum of \$5,000 with interest.

This legislation has been before Congress for many years. It was before every Congress between the Forty-eighth and the Fifty-fourth Congress inclusive of those two Congresses. It has been reported on favorably by House committees four different times. A bill making a direct appropriation for the payment of the award has passed the Senate five times. It seems to me it has been determined here often enough that the United States owes this just debt, and surely the least Congress can do is, as provided by the proposed legislation, to let the Court of Claims determine the justice and the equity of the matter.

I wish to call attention to the report of the House committee on this bill, made in January, 1913, and to a few statements contained in that report. The House committee says:

This judgment or award, final and conclusive under the treaty and binding upon all parties, has never been paid. The doctrine of *res adjudicata* clearly applies to this award, whether considered from a judicial, executive, or legislative point of view. That doctrine amounts simply to this, that a cause of action once finally determined between the parties on the merits by a competent tribunal can not afterwards be litigated by a new proceeding either before the same or any other tribunal (100 Mass., 409); it is a general principle that a decision by a court of competent jurisdiction of matters put in issue by the pleadings is binding and conclusive upon all other courts of concurrent power and between the parties and their privies (168 U. S., 48); and it is a principle of public policy as well as a matter of private right (34 N. J. Eq., 535).

The rate of interest fixed in the bill, namely, 5 per cent per annum, is the same rate allowed the Cherokee Nation on its claims against the United States Government, arising in part out of the same treaty, by the Supreme Court of the United States in *Cherokee Nation v. United States* (202 U. S., 101), wherein the court allowed interest from the date the Government took the property of the Cherokee Nation.

The United States was a party to the treaty. It guaranteed fulfillment of the treaty provisions. The commission was appointed pursuant to the terms of the treaty. The award was regularly made. By the terms of the treaty it was a finality. The Government of the United States can not now shirk its responsibility, particularly as two Secretaries of the Interior—the officer of this Government whose duty it is to supervise such matters, and men whose legal ability and fairness all men must concede—examined into the award with care and approved it in all respects. The Government of the United States is in honor bound to see that this award is paid.

I wish to say that I myself, before presenting a bill for an appropriation to pay this award, something more than a year ago, investigated the evidence thoroughly, and from the investigation made I think the findings of the Secretaries of the Interior fully justified.

The report further says:

There has been no negligence on the part of the claimants in prosecuting their claim. They are not in fault. The delay in the payment of the award has been due to the failure of the House of Representatives to concur in legislation directing its payment, which has frequently come before it for action. On account of the long delay, for which Congress alone is responsible, your committee urges action at this session in order that the beneficiaries—Cherokee Indians—who have already waited for justice at our hands for many years, may no longer be subjected to the injustice which they have so long endured.

Mr. President, this matter ought not to be required to go to the Court of Claims. It ought to be settled, after this long delay and after this long course of injustice on the part of the United States, as against these heirs. It ought to be settled by a direct appropriation of so much money to pay the claim. The committee, however, has seen fit to provide for its reference to the Court of Claims, and it seems to me that is the very least we can do.

I hope the point of order will not be insisted upon.

Mr. GORE. Mr. President, I entirely agree with the Senator that this claim has been presented to Congress time and time again. The Chair has heard me discuss this proposition, I think, every session since I came to the Senate, and undoubtedly to his heart's discontent.

The original treaty under which this claim is sought to be presented provided that claims on the part of Western Cherokees could be presented. John W. West was an Eastern Cherokee. His brother, Buford West, was a Western Cherokee. John W. West never had any right even to start to present a claim of this character. He was disqualified under the express terms of the treaty. It granted permission to Western Cherokees to present claims. John W. West was an Eastern Cherokee. He never had any right in court or in Congress. This is one of those persistent claims that drags itself into the Senate whenever the Indian appropriation bill comes up for consideration.

The pending amendment undertakes to confer jurisdiction upon the Court of Claims to determine the rights in the premises. I have made a thorough investigation of the matter, and I do not think John W. West has any rights. I do not think he has any right to be heard, because the treaty was unequivocal in its terms.

Mr. STERLING. Permit me to say that these questions were raised before the commission appointed to arbitrate and make

an award, and were again urged before the Secretaries of the Interior. It seems to me that ought to be decisive.

Mr. GORE. Mr. President, I ought to have said that John W. West's descendants qualified and drew their portion of the money as Eastern Cherokees.

The PRESIDENT pro tempore. The Senator from South Dakota makes a much stronger case in his argument than is made by the amendment. The amendment treats this as an unliquidated demand, and proposes to confer jurisdiction upon the Court of Claims to adjudicate the fact of liability and the extent of it. The amendment also waives the statute of limitations in this instance, and is obviously subject to the point of order that it is general legislation and a provision for the payment of an unliquidated private claim, as well, in violation of clause 4 of Rule XVI. If the claimant had proceeded upon his original award made under the authority of the existing statute in presenting his claim against this particular tribe of Indians, whose funds are held and controlled by the United States, the matter might present a different aspect and raise a different question.

Subdivision 4 of Rule XVI says:

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

In the form in which it appears in the bill the amendment is subject to a point of order.

Mr. STERLING. I simply wish to suggest, before the President pro tempore rules, that the bill contemplates an appropriation for the payment of any judgment that may be rendered by the Court of Claims.

The PRESIDENT pro tempore. That is the very point. The claimant abandons the adjudicated claim and turns it over to the court to decide upon the equities of the matter, whether or not the first adjudication was right. He asserts his claim at large, as the lawyers say, reopens the whole thing, and makes a mere claim out of what otherwise would be an adjudication.

In the form in which it appears in the bill the item is subject to a point of order, and the point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 68, line 10, after the word "improvements," to strike out "\$7,000" and insert "\$15,000," and in line 11, after "\$15,000," to strike out "in all, \$42,000," and insert "in all, \$50,000: *Provided*, That any unexpended funds heretofore appropriated for this school for the fiscal year 1914 may be used during said year for the purchase of additional land, not to exceed 80 acres, repairs, and improvements," so as to make the clause read:

For the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tablequah, Okla., for the orphan Indian children of the Five Civilized Tribes belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, \$35,000; for repairs and improvements, \$15,000; in all, \$50,000: *Provided*, That any unexpended funds heretofore appropriated for this school for the fiscal year 1914 may be used during said year for the purchase of additional land, not to exceed 80 acres, repairs, and improvements.

Mr. SMOOT. Mr. President, I should like to ask the Senator what additional land is necessary? Where is the 80 additional acres of land located that they speak of purchasing?

Mr. OWEN. It is right near the school. They have only 40 acres, I believe, and they want to get 80 acres more, so as to have gardens adjacent to the school. It is outside of the 40 acres reserved.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ASHURST. On line 16, page 68, after the figures "\$275,000," obviously there is an error in the bill. The words "is hereby appropriated" should be inserted, so that it will read:

The sum of \$275,000 is hereby appropriated—

And so forth. I move that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On line 16, after the numerals "\$275,000," it is proposed to insert "is hereby appropriated."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 68, line 19, after the word "Chickasaw," to insert "Quapaw," so as to make the clause read:

The sum of \$275,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, Quapaw, and Seminole Nations in Oklahoma, during the fiscal year ending June 30, 1915: *Provided*, That this appropriation shall not



be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Mr. GORE. I move—and I assume the Senator from Arizona will accept the amendment—that the word "Quapaw," in line 19, page 68, be stricken out, and that after the word "Nations," in line 20, the words "and the Quapaw Agency" be inserted.

The words "Quapaw Nation" do not describe the community in question. The official designation is "Quapaw Agency."

The PRESIDENT pro tempore. The question, first, is on the amendment proposed by the committee.

The amendment was rejected.

The PRESIDENT pro tempore. The Secretary will now state the amendment proposed by the Senator from Oklahoma.

The SECRETARY. After the words "Seminole Nations," in line 20, page 68, it is proposed to insert "and the Quapaw Agency."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was at the top of page 69, to insert:

That section 9 of the act of May 27, 1908 (35 Stat. L., p. 312), be, and the same is hereby, amended as follows: By adding, after the word "allottee" in line 6 of said section, the following: "Provided, That no sale of inherited lands by heirs who are full-blood Indians shall be approved by the judge of the county court without giving at least three weeks' notice in some newspaper of general circulation published and printed in the county in which said land is situated that an application for such sale is pending, a copy of which notice shall be sent by registered mail at least three weeks before such sale is made to the United States Indian superintendent at Muskogee: *Provided further*, That upon the day fixed for such sale the judge of the county court may, in his discretion, accept the highest bid offered for such land and approve a conveyance by the heirs to such purchaser, or refuse to accept any bid offered: *Provided further*, That upon the approval of any sale of inherited land by full-blood heirs the judge of the county court shall require the purchase price to be paid into court or to the United States Indian superintendent, and such officers shall jointly supervise and control the proceeds derived from such sale of such land and shall pay the same to the heirs in such amounts, at such times, and under such rules and regulations as they may prescribe: *Provided further*, That the judge of the county court and the United States Indian superintendent shall have power and authority to expend such funds in the improvement of the lands of such heirs, in the purchase of stock or farming implements, or for such other use or purpose as they deem most beneficial to such heirs."

Mr. OWEN. Mr. President, I find that there is serious objection on the part of the people of Oklahoma to that item. I moved it myself in the first place in the committee, and, with the consent of the chairman, I make a point of order against it.

The PRESIDENT pro tempore. What matter does the Senator intend to include in his point of order?

Mr. OWEN. The matter beginning on line 1, page 69, and going down to and including line 5 on page 70.

The PRESIDENT pro tempore. Does the chairman of the committee desire to be heard on the point of order?

Mr. ASHURST. I do not, Mr. President.

The PRESIDENT pro tempore. On what ground does the Senator make the point of order?

Mr. OWEN. On the ground that it is general legislation.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. SMOOT. I should like to ask the Senator having the bill in charge if that provision has met the approval of the Commissioner of Indian Affairs.

Mr. OWEN. It has.

Mr. ASHURST. It has, Mr. President.

Mr. OWEN. I move to strike out the word "also," in line 25, and to insert "hereby."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, page 70, line 25, before the word "appropriated," strike out "also" and insert "hereby."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 71, line 11, after the word "property," to insert "including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 U. S. Stat. L., p. 67), and of the improvements thereon: *Provided*, That \$10,000 of the amount above appropriated shall be immediately available," so as to read:

That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding \$40,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 U. S. Stat. L., p. 67), and of the improvements

thereon: *Provided*, That \$10,000 of the amount above appropriated shall be immediately available: *Provided further*, That not to exceed \$10,000 of such amount may be used in connection with the collection of rents of unallotted lands and tribal buildings.

Mr. PAGE. Commencing on page 72, line 12, that is legislation which I do not think ought to be enacted at this time.

The PRESIDENT pro tempore. We have not reached that yet. We have not passed upon the particular amendment before the Senate.

Mr. PAGE. I wish to give notice now that after that amendment has been read I shall raise a point of order, and I should like to have the Chair give especial attention to the reading so as to decide on the point of order when the Secretary has concluded the reading of the amendment, commencing at line 11, on page 72, and concluding at line 26, on page 75.

The PRESIDENT pro tempore. The question is on agreeing to the amendment inserting line 12 to line 19 on page 71.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The next amendment was, on page 72, after line 10, to insert:

That the Commissioner of Indian Affairs is hereby authorized and directed to consider and determine the claims to enrollment as citizens of the Creek (Muskogee) Nation of Indians of the 64 persons whose names are contained in the list prepared by W. C. Pollock, assistant attorney for the Interior Department, bearing date of January 15, 1912, and which names appear in Senate Document No. 1139, Sixty-second Congress, third session, at pages 45 to 52, inclusive; and the said Commissioner of Indian Affairs is directed to enroll all such persons as he may adjudge to be citizens of the Creek Nation, and when so enrolled there shall be paid to each and every such person, out of any funds in the Treasury of the United States to the credit of the Creek Nation, the sum of \$800 in lieu of an allotment of land, said payment to be subject to such restrictions, rules, and regulations as he may prescribe, and hereafter such enrolled citizens shall share alike with all other citizens of the said nation in the distribution of tribal funds, and shall be entitled to all other benefits accruing to the members of said tribe.

The Secretary of the Interior is hereby authorized to enroll on the proper respective rolls of the Five Civilized Tribes, as indicated, the persons enumerated in Senate Document No. 478, Sixty-third Congress, second session.

That to carry into effect the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901 (31 Stat., p. 861), and the supplemental agreement of June 30, 1902 (32 Stat., p. 500), and other laws and treaties providing for a minimum allotment to each Creek citizen whose name has been placed on the roll by the Government of the United States under authority of said agreements and laws, of the standard value of \$1,040; and in order that the claim of said citizens of the Creek Nation who have received allotments in land and money of a less value than the standard allotment of 160 acres of the standard value of \$1,040 might be determined and finally adjudicated, jurisdiction is hereby conferred, upon the Court of Claims, with right of appeal as in other cases, to hear, determine, and render final judgment against the United States for such amount, if any, as may be found due by the United States, and as may be necessary to equalize all of such allotments to the treaty standard value of allotments of \$1,040; also to hear, determine, and render final judgment, with right of appeal as herein provided, in the matter of the claim of the Muskogee (Creek) Nation against the United States based on alleged errors in the survey of the boundary of said nation, and any other Creek lands in townships 11 and 12 north, range 6 east, and that may have been erroneously taken and disposed of by the United States without compensation therefor; and the actions herein authorized may be brought in the name of the Muskogee (Creek) Nation and against the United States. Said suits shall be begun by petitions filed within six months after the approval of this act, which petitions shall be verified by the principal chief of said nation or the national attorney for said nation, and said suit or suits shall be prosecuted by the national attorney for the Creek Nation and by attorney or attorneys, if any, employed by said nation or tribe, or its duly authorized representatives or individual members of said tribe, to prosecute said claims: *Provided*, That no attorney shall be authorized to represent said nation, or individual members of said nation, by reason of any contract or agreement made with the tribe or members thereof unless such contract of employment shall have been, subsequent to the passage of this act, approved by the Commissioner of Indian Affairs and the Secretary of the Interior: *And provided further*, That in the event of the employment of additional attorneys, as herein set out, the said attorney or attorneys shall not be paid out of any funds now to the credit of the Creek Nation, but his or their fee shall be fixed by the Commissioner of Indian Affairs and the Secretary of the Interior after final judgment, but in no event to exceed \$15,000 in each case and in event of a recovery, and shall then be taxed and paid as other costs of the actions in which such attorney or attorneys may be authorized to appear.

The money accruing under any judgment or judgments rendered under this act shall be distributed by the Secretary of the Interior to the persons entitled to participate therein under such rules and regulations as he may prescribe, payment to minors and restricted Indians to be subject to the conditions affecting the payments of funds derived from the sale of restricted lands. To effect a speedy settlement of the affairs of the Creek Nation said suits shall be advanced for hearing by the Court of Claims and by the Supreme Court if the same shall be appealed.

Mr. PAGE. At this point I raise a point of order on the part of the amendment from line 11, on page 72, to line 5, on page 73, ending with the words "accruing to the members of said tribe." I think it is general legislation.

The PRESIDENT pro tempore. The whole amendment is an entire proposition, is it not?

Mr. PAGE. I think the lines following, from line 6 to line 10, on page 73, may be wise legislation, and I do not care to make a point against those six lines. I think they are independent.

Mr. TOWNSEND. Mr. President, I was in hopes that the Senator from Vermont would not raise that point. It will make it necessary for me to oppose wherever possible any distribution of the fund or any portion of the fund of this tribe of Indians. Here are some Indians who were found by the agents of the department to be entitled to enrollment. Their names were not acted upon before the times fixed by the statute for the closing of the rolls. They were on their way to the department; they were entitled to recognition; and they are as legally or as morally entitled to go on the rolls as the names that were on them. It was agreed when this and similar matters were before the committee that those names which had been certified as being entitled to enrollment and reported by Mr. Pollock—

Mr. CRAWFORD. Will the Senator permit me? The Senator is talking about the enrollment of Indians as members of the Five Civilized Tribes of Indians on page 72.

Mr. TOWNSEND. It is a part of the Five Civilized Tribes. It is one tribe, the Creek Nation. The Senator from Vermont has made a point of order which applies directly to the Creeks.

Mr. CRAWFORD. Are they those who were on their way?

Mr. TOWNSEND. Many of those were on their way to the department and were entitled to the enrollment.

Mr. PAGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Vermont?

Mr. TOWNSEND. Certainly.

Mr. PAGE. I am in entire accord with what the Senator from Michigan has just stated. I believe that the enrollment should be completed by the addition of further names, and if that enrollment is completed it is very doubtful whether the sum of \$800 will be left for distribution to each one. That being the case and because of the very reasons the Senator has stated, I think we should not legislate at this time to appropriate the \$800.

Mr. TOWNSEND. Mr. President, it was shown before the committee that there are funds sufficient, but if there are not sufficient funds for that purpose it is all the more reason why there should be no further distribution of the funds of this or any other tribe so long as there is an incomplete enrollment. The time will come, in my judgment, when some of the gentlemen—not in the Senate, but attorneys outside—who are now interested in closing the rolls and keeping these men off will be quite as active in pressing bills before the Senate asking that the Indians who have been kept off the rolls shall be given what they are legally, or at least equitably, entitled to.

I do not care to open these rolls; I have tried to avoid that as best I could, but I have felt since I have been a member of the Committee on Indian Affairs that these Indians should be cared for.

As I said, it was agreed before the committee, as I understood it, that if these designated Indians whose title had been passed upon and recommended by the agents of the department as entitled to enrollment could go on this list and share in the distribution of the tribal funds as they were given out from time to time, at least the apparent defect in the enrollment would be cured, because, I repeat, these names have been passed upon by the department, and simply through the fact that the day fixed by statute passed while some of these names were already in the department but before they could be acted upon, these men ought not to be defrauded of their rights to this division of the tribal funds.

I say I am sorry the Senator from Vermont felt it was necessary to make the point of order against this item, because I am very confident that if it was known that these names were not going on the list there would have been no distribution of tribal funds. It seems to me it is quite time that we had this matter settled properly and equitably.

The PRESIDENT pro tempore. The Chair, as at present advised, is inclined to believe that the matter from line 6 to line 10 is separable from the preceding matter. It reads:

The Secretary of the Interior is hereby authorized to enroll on the proper respective rolls of the Five Civilized Tribes, as indicated—

Referring, of course, to that which has gone before—the persons enumerated in Senate Document No. 478, Sixty-third Congress, second session.

Mr. OWEN. Mr. President, I have in my hand the document referred to, containing a letter of April 24, 1914, from the office of the Secretary of the Interior, to this effect:

DEPARTMENT OF THE INTERIOR,  
Washington, April 24, 1914.

Hon. ROBERT L. OWEN,  
United States Senate.

MY DEAR SENATOR: In response to your request of April 22, I am inclosing herewith a list of the names of persons who, upon the investigation heretofore made, have been found apparently equitably entitled to enrollment on the rolls of the various tribes composing the Five Civilized Tribes of Oklahoma. The data as to each of these names have

heretofore been submitted to the Committee on Indian Affairs of the Senate, and may be found in Senate Document No. 1139, Sixty-third Congress, third session.

This list contains the names of all those whom the department has found equitably entitled to enrollment, omitting, as suggested, the names of new-born Choctaw freedmen.

Very truly yours,

A. A. JONES,  
First Assistant Secretary.

In the Choctaw and Chickasaw country there is quite a large number of claims, four or five thousand—I do not know the number—varying according to the estimates that are made. In the Choctaw and Chickasaw country that contention has been raised, but as far as these people are concerned, since the department has found them entitled, and since the attorneys representing the United States are willing to have them enrolled, I should not think anyone would agree to have these people kept off when they have the right to be enrolled. I hope the Senator from Vermont will not press his point of order.

Mr. PAGE. Mr. President, I am not objecting to any enrollment that the department thinks ought to be made. The point I make is this: We provide here for the payment of \$800 to each such person. I will read the provision at line 25, on page 72:

The sum of \$800 in lieu of an allotment of land, said payment to be subject to such restrictions, rules, and regulations as he—

The Commissioner of Indian Affairs—  
may prescribe.

I have been informed by those who have made a study of this matter—and perhaps I may say that in the last Congress a very valuable member of the Committee on Indian Affairs, who is now away, discussed this matter somewhat at length—and the information I have is that there is, in addition to the names referred to in Document No. 478, just referred to by the Senator from Oklahoma, another large number who claim to be entitled to allotments.

I confess my mind is not very clear in regard to the different Indian nations in Oklahoma; but if we are to make an appropriation of a certain sum, it seems to me we ought to safeguard the Treasury so that later on, if there are so many added allottees, it will not make the sum in the Treasury belonging to the tribe insufficient and the Federal Treasury be obliged to take funds not belonging to the Indians. I say I think we ought to safeguard the Treasury against that possibility.

At present I am not sufficiently conversant with the facts to say that we do that under this bill. Indeed, I rather think we do not do it. That was my purpose in raising the point of order.

I do not want, in any event, to take issue with the Senator from Michigan [Mr. TOWNSEND] about this matter, because he and I have thought very nearly alike in all the hearings and consideration of the bill in the committee. If he says that, in his judgment, I ought to withdraw the point of order, I am rather inclined to do it, although I wish I might have some further light before I consent to withdraw it.

The PRESIDENT pro tempore. It will be necessary for the Chair to know whether the Senator withdraws the point of order before he knows what action to take.

Mr. TOWNSEND. I will say to the Senator from Vermont there can be no possible question, if the information which has been presented to the committee is correct as to the condition of the treasury of this tribe, that the tribe will have something over \$2,000,000 when this payment has been made. That at least has been the testimony. I had no thought that this question could possibly have been raised. It was not stated before the committee.

Mr. PAGE. I withdraw the point of order.

Mr. STERLING. Mr. President, there seems to me some uncertainty among Senators in regard to the wisdom of this proposed legislation. The Senator from Michigan, I understand, is not quite satisfied as to the provision, and although the Senator from Vermont has withdrawn the point of order, I renew it. I make the point of order that it is general legislation.

Mr. OWEN. I hope the Senator from South Dakota will withhold the point of order until we can further consider it. I ask that we pass over the amendment for the present.

The PRESIDENT pro tempore. That request is addressed entirely to the Senator from South Dakota. It is subject to what he says.

Mr. OWEN. Will the Senator from South Dakota consent to pass it over for the present?

Mr. STERLING. I will consent to that course.

The PRESIDENT pro tempore. The item will be passed over at the request of the Senator from Oklahoma and with the consent of the Senator from South Dakota. Does that include

all the matter which appears in the bill from line 11, on page 72, down to and including line 26, on page 75?

Mr. TOWNSEND. Yes, sir.

The PRESIDENT pro tempore. The whole amendment will be passed over.

Mr. NELSON. I understood the objection was limited by the Senator from Vermont, and, in the first instance, it extended down to line 5, on page 73, and that the rest is undisposed of.

Mr. PAGE. I gave notice that I would raise the point of order as to the balance of the amendment from line 11, on page 73, to line 26, on page 75, and I give notice that I will do that when we return to the amendment, unless I have some light that I do not have now.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. I want to know how much has been passed over, because I have an amendment which I wish to offer.

The PRESIDENT pro tempore. To this matter?

Mr. WILLIAMS. Yes; and I want to see whether that part is included in the point of order.

The PRESIDENT pro tempore. To what extent does the Senator intend that his point of order shall apply? All the matter which appears from page 72, line 11, down to and including line 26, on page 75, seems to be associated and covers the same general topic. Is the point of order directed against the whole provision?

Mr. STERLING. Yes, sir.

Mr. WILLIAMS. That being the case, I desire to offer an amendment and let it be pending and go over with the entire subject matter.

The PRESIDENT pro tempore. The Chair has not passed on the point of order, but the amendment to the amendment can be entertained.

Mr. WILLIAMS. I want to offer it now and have it read and pending at the proper place, and I will let it go over with the entire subject matter to which it refers.

The PRESIDENT pro tempore. The amendment to the amendment will be read.

The SECRETARY. At the end of line 10, page 73, the Senator from Mississippi [Mr. WILLIAMS] proposes to insert the following proviso:

*Provided*, That the Secretary of the Interior is further authorized and directed to enroll on said citizenship rolls all persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, in the roll and report of said commission dated March 10, 1899, and in subsequent reports of said commission, which persons have not heretofore been finally enrolled; and he shall also enroll all full-blood Mississippi Choctaws not heretofore enrolled, and all persons who may satisfactorily establish their rights as descendants of Choctaws to whom privileges were guaranteed by the provisions of articles 14 and 19 of the treaty of 1830, known as the "Treaty of Dancing Rabbit Creek."

The PRESIDENT pro tempore. The amendment to the amendment will lie on the table until we reach the amendment of the committee in the further consideration of the bill. The next amendment will be stated.

The next amendment was, on page 77, after line 4, to insert:

That the Commissioner of Indian Affairs is hereby authorized to permit the principal chief of the Creek Nation to call a special session of the national council of said nation, and for said purpose there is hereby appropriated, out of any funds in the Treasury of the United States to the credit of the Creek Nation, the sum of \$10,000, or so much thereof as may be necessary, to pay the mileage and per diem of members and other incidental expenses of such council meeting upon the approval of the Commissioner of Indian Affairs: *Provided*, That the Commissioner of Indian Affairs shall fix the time for calling said session of the council, the length of time said council may remain in session, and the amount that shall be allowed members attending.

The amendment was agreed to.

The next amendment was, on page 77, after line 17, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, and Cherokee tribes of Indians of Oklahoma entitled under existing law to share in the funds of their respective tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Choctaws and Chickasaws, \$100 per capita, and in the case of the Cherokees, not to exceed \$15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

Mr. KENYON. I think this amendment is subject to the same point of order that was made by the Senator from South Dakota [Mr. STERLING], but I should like to have some explanation of it.

The PRESIDENT pro tempore. Is there any Senator who is inclined to enlighten the Senator from Iowa?

Mr. OWEN. Mr. President, the Five Civilized Tribes made agreements with the United States which took the form finally

of statutes of the United States. They passed as statutes with the Choctaws, Chickasaws, Creeks, and Cherokees. Under that statute provision it was agreed that as these funds arose from the sale of their lands they should be distributed. There is only about \$50 left to be distributed to the Cherokees. In the case of the Choctaws and Chickasaws they have property undistributed that will probably amount to between \$35,000,000 and \$40,000,000—a very large sum. There are, I suppose, about 30,000 of the Choctaws and Chickasaws, and at \$100 apiece it would take about \$3,000,000. If there were allowed the claims of those now demanding the reopening of the rolls, even to the extent of three or four or five thousand people, it would make no substantial difference, because there will be an abundant Choctaw and Chickasaw fund to meet any of such claims.

Mr. KENYON. Are there not a large number who are seeking to have the rolls reopened?

Mr. OWEN. Yes.

Mr. KENYON. Then, if there was not enough money for their share, that would become a claim against the Government?

Mr. OWEN. There is enough for any claim that they might have. That is what I was explaining to the Senator. The Senator from Michigan [Mr. TOWNSEND] knows the amount, and he knows the number of Choctaws and Chickasaws, being very familiar with the matter.

Mr. KENYON. It occurred to me that in all these provisions there is that danger if the rolls should be opened.

Mr. OWEN. The rolls never will be opened; never in the world.

Mr. KENYON. There are a good many people who think they will be.

Mr. OWEN. I know they have that apprehension, but they will never be opened.

Mr. KENYON. There are a good many Indians trying to have them opened.

Mr. OWEN. There are a good many people claiming that they should be opened, and who are trying to do it through their attorneys.

The statutes requiring the distribution of this fund to these people are very plain. This amendment is merely carrying out an existing law, and in pursuance of existing law these funds pass into the Treasury of the United States as trust funds and can not be disposed of except by consent of Congress. So Congress must direct the distributions that are made.

It therefore would not be subject to a point of order, as the other items are obviously subject to a point of order. Being in pursuance of a statute law and carrying out an existing agreement with the Indians, under the statute law it is not, I take it, subject to a point of order.

Mr. WILLIAMS. To what statute does the Senator refer?

Mr. OWEN. I refer to the statute of 1902.

Mr. KENYON. I will make the point of order that the provision commencing with line 18, page 77, and extending to line 11, page 78, is new legislation, and that it is not germane to the subject of this bill.

Mr. TOWNSEND. Mr. President, I should like to ask to have this item passed over temporarily. I am perfectly willing that it shall be disposed of this afternoon if the Oklahoma items are disposed of, but it will make some difference with me as to what is done with certain other items, because I think they are all related. I therefore ask that this item be passed now without a decision of the question raised.

Mr. OWEN. I shall be glad to have it passed over.

Mr. WILLIAMS. Before that is done, I have an amendment which I want to offer as a proviso.

The PRESIDENT pro tempore. This practice of reserving matters for future consideration is becoming a real evil. It ought not to be extended to the present situation. The Chair does not see any reason for withholding to a future day a decision on the point of order raised by the Senator from Iowa.

Mr. WILLIAMS. I expect that point of order will have to be argued to some extent.

The PRESIDENT pro tempore. That depends on whether there is an appeal from the decision of the Chair. This appeal may be argued, but there is no great danger of consuming much time in arguing the point of order itself.

Mr. WILLIAMS. I mean, if the Chair wants some enlightenment a whole lot of Senators are prepared to try to give it to him under the exercise of a wise discretion of the Chair which permits discussion. But before entertaining the request of the Senator from Michigan, what I rose for is to offer an amendment which is connected with the matter which he wants to have passed over. I ask that it be read and go over with the subject matter.

The PRESIDENT pro tempore. The Chair is not disposed to invite debate on the point of order to remove doubts as to what

action he should take. He now overrules the point of order. It seems that the proposition contained in the amendment affects trust funds held by the Government as trustee, and they never can be used in any way without authority derived from Congress. The amendment is not objectionable on the ground that it is general legislation, because it is a kind of legislation necessary to make the trust effective by affording the trustee that permission that the sovereign alone can give. It is not general legislation in any sense. It is the kind of legislation that is necessary to give the consent of the sovereign trustee which controls the ultimate disposition of the trust fund. It is not objectionable under the fourth clause of Rule XVI, because it is an amendment that is to carry out the provisions of an existing law. The Chair will hold that the point of order is not well taken.

Mr. WILLIAMS. Then I offer the amendment which I have sent to the desk.

Mr. KENYON. Just for the sake of the Record—

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. KENYON. I do not expect to convince the Chair at all, but I should like to call the attention of the Chair to the fact that a similar provision was inserted in the Indian appropriation bill, as it has been each year, on February 25, 1913, as will be found in the CONGRESSIONAL RECORD on page 4006.

Senator LODGE interposed a question of order against a similar provision on the appropriation bill of that year—that it was new legislation and not germane to the bill under the rules of the Senate. The question was submitted to the Senate, and by a vote of 57 to 34 it was decided that it was not in order on the bill. On June 18—

The PRESIDENT pro tempore. The question as to whether or not the amendment is germane to the bill is not for the decision of the Chair, but for that of the Senate. If the Senator insists upon the point that the amendment is not germane, that question must be submitted to the Senate.

Mr. KENYON. One further suggestion. On June 18, 1913, the Vice President—I assume it was the Vice President—held that a similar provision inserted in the Indian appropriation bill was not germane to the bill under the rules of the Senate. That is found in the CONGRESSIONAL RECORD of June 18, 1913, page 3386.

I ask that the question as to whether or not the amendment is germane be submitted to the Senate, if the Chair holds that it is proper.

The PRESIDENT pro tempore. It is proper. The Senator from Iowa having raised the question as to whether or not the amendment in question is germane to the bill, it becomes the duty of the Chair to submit the matter to the Senate.

Mr. NELSON. Let the paragraph be read for the information of the Senate.

The PRESIDENT pro tempore. The Secretary will read the paragraph.

The SECRETARY. It is the paragraph commencing on page 77, line 18, and running down to line 10, on page 78.

Mr. GORE. Mr. President, my recollection is that on the last Indian appropriation bill that question was submitted to the Senate, and the Senate decided it was in order; that it was germane.

Mr. WILLIAMS. No; it was decided that it was not.

Mr. GORE. I think the Senator from Mississippi is mistaken.

Mr. WILLIAMS. I remember when this exact point was up.

Mr. OWEN. I have the matter here, if I may call the attention of the Chair to it. It was decided by the Vice President that the amendment was not germane, and there was no appeal taken to the Senate.

The PRESIDENT pro tempore. Under the rules of the Senate, the question as to whether or not any proposition is germane is exclusively for the decision of the Senate.

Mr. OWEN. A Senator has the right to appeal to the Senate on the question of whether or not an amendment is germane under the rules. I believe the Chair has so held.

The PRESIDENT pro tempore. The rule under which the Senate must proceed reads:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

If the present occupant of the chair could decide the question, he would do so in accord with what he thought was right. Having no jurisdiction to deal with it at all, the question is submitted to the only tribunal that can pass on it. The question

is, Is the amendment germane to the bill? [Putting the question.] The noes appear to have it.

Mr. BORAH and Mr. OWEN called for a division.

The PRESIDENT pro tempore. A division is called for.

Mr. OWEN. I call for a quorum.

The PRESIDENT pro tempore. The Senator from Oklahoma suggests the absence of a quorum. The Chair doubts whether in the midst of taking a vote that can be done.

Mr. SMOOT. I think the call can not be made when the Senate is dividing.

The PRESIDENT pro tempore. That procedure need not be strictly adhered to unless we are bound to do it under some existing rule, and the Chair knows of no rule which requires it to be done. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Owen	Sterling
Borah	James	Page	Sutherland
Bryan	Jones	Perkins	Swanson
Camden	Kenyon	Ransdell	Thornton
Cañon	Lane	Reed	Tillman
Chamberlain	McCumber	Robinson	Townsend
Chilton	Martine, N. J.	Shafroth	Vardaman
Clapp	Myers	Shively	Warren
Clarke, Ark.	Nelson	Smith, Ga.	White
Crawford	Norris	Smith, Md.	Williams
Fletcher	O'Gorman	Smith, Mich.	
Gore	Overman	Smoot	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL], with whom I am paired, is necessarily absent. I will let this announcement stand for the day.

The PRESIDENT pro tempore. The call of the roll discloses the absence of a quorum. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators.

Mr. POMERENE, Mr. LEE of Maryland, Mr. SHERMAN, Mr. SHEPPARD, Mr. SMITH of Arizona, Mr. STONE, Mr. BRISTOW, and Mr. BRADY entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum of the Senate is present. Several Senators have come into the Chamber since the pending question was raised. The Chair will therefore restate it. Incidental to that, however, the Chair will ask the Secretary to read the item in dispute, which appears on page 77, beginning at line 18.

The SECRETARY. On page 77, after line 17, the committee propose to insert the following:

The Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, and Cherokee Tribes of Indians of Oklahoma entitled under existing law to share in the funds of their respective tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Choctaws and Chickasaws, \$100 per capita, and in the case of the Cherokees not to exceed \$15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. KENYON] raises the question as to the relevancy of this amendment to the pending bill. Under the rules of the Senate all questions of relevancy of proposed amendments to a pending bill are to be submitted to the Senate and decided without debate. That question is now submitted to the Senate. [Putting the question.] The Chair is in doubt.

Mr. VARDAMAN. I ask for the yeas and nays, Mr. President. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL], but I understand if he were present he would vote as I intend to vote. Therefore I will take the liberty of voting. I vote "yea."

Mr. JAMES. I transfer my general pair with the Senator from Massachusetts [Mr. WEEKS] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA], which I transfer to the junior Senator from New Hampshire [Mr. HOLLS] and vote "yea."

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. CALLINGER]. In his absence I withhold my vote.

## RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. Mr. President, when I presented to the Senate the report of the Committee on Commerce on the river and harbor bill I announced that I should ask the Senate to take up the bill for consideration on Monday next. Since that time a number of Senators have indicated to me a desire for a longer time in which to examine the rather voluminous report, embracing several hundred pages, a copy of which I hold in my hand. In deference to the wishes of these Senators, I shall not ask to take up the bill on Monday, but I give notice that I shall ask to take it up on Thursday of next week.

Mr. SMITH of Michigan. Mr. President, we could not understand the Senator from North Carolina. If I caught what he said in his closing sentence, it was that he would ask to take up the bill on Thursday next.

Mr. SIMMONS. Yes; I said that when I submitted the report to the Senate I made a statement to the effect that I would call it up on Monday next.

Mr. SMITH of Michigan. Yes.

Mr. SIMMONS. But that, in deference to the wishes of certain Senators for a longer time in which to examine the report, I would not call it up until Thursday next.

Mr. SMITH of Michigan. Then it is the intention of the Senator to call it up on Thursday?

Mr. SIMMONS. Yes.

## NAVAL APPROPRIATIONS.

Mr. SWANSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, 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 amendment numbered 6, 14, 15, 16, 18, 39, 42, 43, 44, 50, 54, 66, 68, 70, and 72.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 41, 46, 47, 48, 49, 51, 52, 56, 53, 60, 61, 62, 63, 64, 65, and 69, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "only," insert the following: "and officers of the Construction Corps"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following: "Provided, That the Secretary of the Navy is authorized to detail such naval officers not exceeding four as may be necessary to the Hydrographic Office"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of Senate amendment insert the following: "June 30, 1917"; and the Senate agree to the same.

Under authority of the House granted to change totals not in conference, the committee of conference amended the bill as follows: Page 20 of the bill, line 21, strike out "\$170,000" and in lieu thereof insert "\$180,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the words "to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out Senate amendment and in lieu thereof insert the following: "Naval Proving Ground, Indianhead, Md.: Toward extension of powder factory (cost not to exceed \$500,000), \$200,000"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the following: "for fuel-oil storage, at some point accessible to the oil fields of Texas and Oklahoma, to be determined by the Secretary of the Navy, \$150,000"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In said amendment strike out the words

"to be available until expended"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Line 7 of said amendment strike out "\$150,000" and insert in lieu thereof "\$75,000"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2 of said amendment after the word "men" insert the following: "of the Navy and Marine Corps"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the proviso in said amendment and in lieu thereof insert the following: "Provided, That such appointments shall be made in the order of merit from candidates who have in competition with each other passed the mental examination now or hereafter required by law for entrance to the Naval Academy, and who passed the physical examination required before entrance under existing law"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In line 1 of said amendment after the word "type" insert the following: "to have a surface speed of not less than 20 knots."

In line 5 of said amendment after the word "expended" strike out the comma and insert a period, and strike out the words "and the" and in lieu thereof insert "The."

In line 10 of said amendment after the word "said" insert the words "eight or more"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"Hereafter there shall be charged against the several appropriations for the support of the Naval Establishment the overhead charges incident to upkeep and to industrial work at navy yards and stations. The total sum so charged shall be distributed in accordance with the work done in the various yards and stations in order that the cost of work may be determined."

And the Senate agree to the same.

Amendment numbered 67: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 67, and agree to the same.

On the amendments of the Senate numbered 28, 29, 33, 40, and 71 the committee of conference have been unable to agree.

B. R. TILLMAN,  
CLAUDE A. SWANSON,  
GEO. C. PERKINS,

*Managers on the part of the Senate.*

L. P. PADGETT,  
J. FRED. C. TALBOTT,  
THOMAS S. BUTLER,

*Managers on the part of the House.*

The report was agreed to.

Mr. SWANSON. I move that the Senate further insist upon its amendments, ask a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS conferees at the further conference on the part of the Senate.

WIDOW OF THOMAS B. MCCLINTIC.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 661) for the relief of the widow of Thomas B. McClintic, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments to the said bill,

N. P. BRYAN,  
THOMAS S. MARTIN,  
COE I. CRAWFORD,

*Managers on the part of the Senate.*

EDW. W. POU,  
LUTHER U. MOTT,

*Managers on the part of the House.*

The report was agreed to.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On June 18, 1914:

S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses.

On June 19, 1914:

S. 55. An act for the relief of Daniel Hampton;

S. 2039. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey; and

S. 2226. An act for the relief of Joel J. Parker.

## INDIAN APPROPRIATIONS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 12579.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. On page 77, after line 17, the Committee on Indian Affairs proposes to insert:

That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, and Cherokee Tribes of Indians of Oklahoma entitled under existing law to share in the funds of their respective tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Choctaws and Chickasaws, \$100 per capita, and in the case of the Cherokees not to exceed \$15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

The senior Senator from Mississippi [Mr. WILLIAMS] proposes to add at the end of the amendment the following proviso:

*Provided, however*, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi to the amendment of the committee.

Mr. WILLIAMS. Mr. President, we went all through this debate a year ago. The Senate disagreed with the committee and adopted the amendment which I at that time offered. Then the committee, being determined that the amendment should not go through, made a point of order against the committee amendment as amended, and it went out of the bill, and now we have here to go over the whole thing again.

Mr. President, in 1830 there lived in the State of Mississippi a tribe of Indians known as the Choctaws. Unlike every other tribe of Indians in the United States, they had never had a quarrel with the English-speaking white man. No tomahawk had ever been raised by them against the American pioneers who settled that country. They were the friends of the English-speaking white settlers at all times. They fought for them and with them against Frenchmen and Spaniards. They fought with "Mad Anthony" Wayne.

About that year it was thought desirable to get them to remove, if they would, west of the Mississippi River. It was under Gen. Jackson's guidance and counsel that this was done. We entered into a treaty with them known as the Dancing Rabbit treaty, so named after the creek upon the banks of which the treaty was entered into.

Mr. President, it is a principle of universal law that citizenship in a savage tribe is not a matter of residence, but it is a matter of consanguinity, of blood relationship. It is interesting to go back and discover that this has once been the case with all people who have ever lived, not American Indians alone. I once investigated the points of resemblance between the tribal constitution of the Iroquois Indians, the "Indians of the Long House," and the early tribal institutions of Athens and of Rome. To be a citizen in any of them you had to be a member of the tribe by blood or adoption; place of residence had nothing to do with it. It is perfectly wonderful how far the institutions

of all in their early stages agree in this respect. Citizenship everywhere originally was a matter of kinship. To be a member of the tribe in blood made one a citizen of the tribe, or, as we call it when we refer to the tribes of Indians in America, a citizen of "the nation."

I dwell upon this a moment for the purpose of laying down the fundamental principle that a Choctaw is a Choctaw, independently of the fact whether he dwells in Mississippi or whether he dwells in Oklahoma; that a Choctaw is a citizen of the Choctaw Nation, independently of the fact whether he dwells in Oklahoma or in Mississippi; and I do it for the further purpose of calling your attention to the fact that the Dancing Rabbit treaty recognized that truth.

The Dancing Rabbit treaty went on to say that provided these people would move west of the Mississippi River a certain lump sum should be appropriated for their benefit, part of it for schoolhouses and school teachers and part for other purposes, and that certain annuities should be instituted, to be shared by those of them who went west of the Mississippi River. In addition to that there was the usual provision for giving the chiefs certain favors—so much land, and all that. In all our treaties with the Indians it has been found necessary to give special favors to the chiefs and subchiefs—men of influence—to induce them to influence the others.

Some of the Choctaws in Mississippi did not want to go west of the Mississippi River, and some of their chiefs did not want to go west—Moshalatubbee, Greenwood Le Flore, and some of the balance of them. It became necessary in this treaty to provide for those Mississippi Choctaws who declined to go and who were not willing to go, the object of the Government of the United States being to secure the land and be able to sell the land to white settlers; and in so far as the land in Mississippi was to be given to Indians there, to give it out by metes and bounds in individual ownership—in severalty, as we call it.

The consequence was that the Choctaw Indians going west of the Mississippi River became entitled to their proportionate share of this lump sum and their proportionate share of these annuities; but by article 14 of the Dancing Rabbit treaty the Choctaws who remained in Mississippi were specially recognized as having "all the privileges of citizens of the Choctaw Nation." This article 14 had to be inserted in order to secure any treaty at all. It was the *sine qua non*. Greenwood Le Flore insisted on it. It was admitted on all sides that unless those who chose to remain in Mississippi were to retain their Choctaw citizenship and receive the other advantages of article 14 there could be no treaty.

Mr. President, the Dancing Rabbit treaty can be found in the United States Statutes at Large, volume 7, "Indian Treaties from 1778 to 1842." I shall not undertake to read the treaty, of course; it is too much; but it is a treaty of "perpetual friendship, cession, and limit." It recites that one of the objects of it is "that the Choctaws may live under their own laws at peace with the United States and the State of Mississippi," and that therefore they have determined to sell their lands east of the Mississippi and have agreed to the following treaty. Why did they put in and at peace "with the State of Mississippi," except because there was no promise for all to go and no duty that all should go, and because many would remain in Mississippi?

Another portion of it is that which cedes to the United States the land which the Choctaws then owned as a Choctaw reservation within the State of Mississippi, Mississippi having extended her laws to all residents of the State.

Article 14, which is the important article, upon which I dwell, reads as follows:

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty—

Mr. OWEN. What page is that?

Mr. WILLIAMS. It is on page 335, the fourteenth article of the Dancing Rabbit treaty. By the way, I will say in this connection the Senator from Oklahoma [Mr. OWEN] was the first man in the world who ever called my attention to this particular article of this particular treaty. I continue the reading—

and he or she shall thereupon be entitled to a reservation of one section of 340 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age, and a quarter section to such child as may be under 10 years of age, to adjoining the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it.

Now, Senators, mark you—

Persons who claim under this article shall not lose the privilege of a Choctaw citizen; but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

Now, that cuts them out of the annuity alone; cuts them out of it, even if they subsequently removed to what afterwards became known as the Indian Territory. In all other respects, remaining in Mississippi, if they so elected, they are guaranteed "the privileges of a Choctaw citizen." Meanwhile they had already been cut out of the lump sum, which was a sum devoted to the purpose of removing the Choctaws west and of schooling them there, and so forth. Of course, those who did not remove to the west of the river obtained, from the very nature of the case, no part of the lump sum. In every other respect the Mississippi Choctaws were a party to this treaty, as Choctaw citizens; and neither the United States nor the United States in conjunction with the Choctaws in Oklahoma, or in the old Indian Territory, had any right to change their rights under the treaty without the consent of the Mississippi Choctaws. They certainly never had any right to change it by engraving upon it provisions which would cut out the Mississippi Choctaws from their express right under the Dancing Rabbit treaty. This is a fortiori true when you remember that just in so far as the Choctaws in Mississippi were cut out the fellow citizens in Oklahoma were benefited. Certainly a party of adverse interest to them could not represent them and waive their rights.

I had a long fight in the House of Representatives upon this question. I won the fight. The Committee on Indian Affairs there, upon which at that time was the late Vice President, Mr. Sherman, and the former Senator from Kansas, Mr. Curtis, and others, saw the justice of the claim of the Mississippi Choctaws, and it was provided that they should have the rights which were claimed for them.

But upon the legislation I found afterwards an insidious amendment that I did not know was there, and which provided that in order to have their rights they must remove to Oklahoma. The Mississippi Choctaws could no more move to Oklahoma than they could fly, because they for the most part did not have any money to move with, unless they walked, and, if they walked, had nothing to eat while walking.

Mr. OWEN. Was he doing well in Mississippi?

Mr. WILLIAMS. The Senator asks me if he was doing well in Mississippi. Yes; after his fashion he was doing very well. The Mississippi Choctaw in Mississippi, according to his idea, was in a very happy condition. He was in 1830, but he never was a money-maker, he never possessed a white man's love of money.

By the way, I want to pay tribute right here to the Choctaws in the State of Mississippi. This treaty you see looks to their becoming citizens of Mississippi, but Mississippi never permitted them to vote. She excepted from the ballot "Indians not taxed." But they lived there. They have lived, as their ancestors had, along the valley of the Pearl and the Leaf and the Youghiogheny. With squirrels, wild turkey, ducks, bear, and fish the Indians in Mississippi did not have to die to go to the "happy hunting grounds." He had them right there.

Now, the amendment referred to required these people to move to Oklahoma. So I afterwards secured an appropriation of \$20,000, I think it was, to help them remove. But I found that, though I procured this appropriation of \$20,000 to help them move, in the first place the sum was not sufficient, and in the next place that they had nothing to do and no way to make a living after they got to Oklahoma; they would have starved when they got there.

I and others interested in their welfare and their future afterwards prevailed upon the Dawes Commission to send a subcommittee to the State of Mississippi in order to identify the Mississippi Choctaws and put them upon the roll. That committee was headed by Capt. McKennon, of Arkansas. They came to Mississippi and went into the counties of Jasper and Newton and Le Flore and Leake and Neshoba, and Smith and Scott, and they gave notice, and the Mississippi Choctaws came up to be identified, and quite a number of them were identified and were placed by that subcommittee of the Dawes Commission upon the roll. Mr. President, there was no trouble in identifying full-blood Choctaw Indians. There were not any other sort of Indians in south and central Mississippi. The members of no other tribe ever remained in that section. Very few others ever lived in it, and they, small tribes right along the seacoast, had long since disappeared. Capt. McKennon did good work, and did it in a kindly spirit. A great number of the Indians came up and were put upon his roll. I am not certain of the number right now, but I think it was about 2,400.

Now, then, after he has acted for the Dawes Commission, has identified these people as Mississippi Choctaws, then the matter is brought into court in Oklahoma somehow or other and those rolls are not approved of.

Mr. OWEN. Mr. President—

Mr. WILLIAMS. Wait a minute. Then, furthermore, somehow or other when those rolls get here to Washington they do not receive the final approval of the Secretary of the Interior as to over eleven hundred of these men—unmistakable Choctaws of the full and half blood. Now, why? Not because they were not Choctaws. Nobody will say that. Capt. McKennon knew an Indian when he saw him; he knew him from a white man. These were full bloods and half bloods. Now, I yield to the Senator from Oklahoma.

Mr. OWEN. I wanted to remind the Senator that in the report which Capt. McKennon made subsequent to the list referred to by the Senator they were not put on the rolls because Capt. McKennon in his report said he found it was impossible for the persons of Indian blood to prove their descent. They had no family records; they had no records of 1830; and they could not prove their descent. He made that report, and that was the basis upon which that roll was afterwards disapproved by the Secretary of the Interior.

Mr. WILLIAMS. I understand that, Mr. President. I will come to that right now, though that was not the connection of the argument where I intended to bring it in. Here was a law that was passed by Congress in that connection in 1902. It shows that there were two classes of these people reported on by Capt. McKennon—Choctaws who were to be enrolled as of the full blood and Choctaws of mixed blood entitled by virtue of descent from patentees. But let me read it all to give the connection.

All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said commission, make bona fide settlement—

Now, this was a waiver of the requisition of going to Oklahoma before identification—

make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such commission as Mississippi Choctaws, entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior.

Then this language was put in. It goes on:

The application of no person for identification as a Mississippi Choctaw shall be received by said commission after six months subsequent to the date of the final ratification of this agreement—

Now, mark this, the pitfalls in it, and how carefully they were placed there:

The application of no person for identification as a Mississippi Choctaw shall be received by said commission after six months subsequent to the date of the final ratification of this agreement, and in the disposition of such applications *all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians, whether of full or mixed blood, who received a patent to land under the said fourteenth article of the said treaty of 1830, who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June 28, 1898, shall be deemed to be Mississippi Choctaws, entitled to benefits under article 14 of the said treaty of September 27, 1830, and to identification as such by said commission—*

The treaty referred to by date is the Dancing Rabbit treaty.

But—

Now, mark you this—

But this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant—

Now, mark it. To the advantage of what sort of an applicant?

And shall not be invoked by or operate to the advantage of any applicant *who is not a Mississippi Choctaw of the full blood—*

That is, Mississippi Choctaws of the full blood. That class could "invoke" it, and it could "operate" to their advantage. They could be identified without proving descent. How? By the eye of any man who knew an Indian when he saw him and had common sense.

It was the other class who could be identified only by proof of descent who must have been solely referred to in that part of Capt. McKennon's report referred to by the senior Senator from Oklahoma in his interruption of a moment ago.

The Mississippi Choctaws of full blood are taken out of this exception. There were two classes of these men. I continue to read the law of 1902—

or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said commission shall be upon a separate roll.

## LIST OF MEMBERS.

*Names and post-office addresses of Members and Delegates of the House of Representatives—Continued.*

Name.	Home post office.	Name.	Home post office.
Walters, Anderson H	Johnstown, Pa.	Wilson, Emmett	Pensacola, Fla.
Watkins, John T	Minden, La.	Wilson, Frank E	Brooklyn, N. Y.
Watson, Walter A	Jennings Ordinary, Va.	Wingo, Otis	De Queen, Ark.
Weaver, Claude	Oklahoma City, Okla.	Winslow, Samuel E	Worcester, Mass.
Webb, Edwin Y	Shelby, N. C.	Witherspoon, Samuel A	Meridian, Miss.
Whaley, Richard S	Charleston, S. C.	Woodruff, Roy O	Bay City, Mich.
Whitacre, John J	Canton, Ohio.	Woods, Frank P	Estherville, Iowa.
White, George	Marietta, Ohio.	Young, George M	Valley City, N. Dak.
Williams, William E	Pittsfield, Ill.	Young, James	Kaufman, Tex.
Willis, Frank B. <sup>10</sup>	Ada, Ohio.		

## DELEGATES.

Kalaniana'ole, J. Kuhio	Honolulu, Hawaii.	Wickersham, James	Fairbanks, Alaska.
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## RESIDENT COMMISSIONERS.

Earnshaw, Manuel	Manila, P. I.	Rivera, Luis Munoz	San Juan, P. R.
Quezon, Manuel L	Tayabas, P. I.		

<sup>10</sup> Resigned January 9, 1915.



O'SHEA, THOMAS D., pension (see bills H. R. 2012, 21089\*).

OSHKOSH, WIS., donate condemned cannon to city of (see bills S. 5495\*; H. R. 20351).

OSTEN, GEORGE, increase pension (see bill S. 7674).

OSTRANDER, GORDON P., increase pension (see bills S. 6471, 7566\*).

O'SULLIVAN, MICHAEL, increase pension (see bill H. R. 20618).

OSWEGO, N. Y., donate condemned cannon to Daughters of American Revolution of (see bill S. 5495\*).

OSWEGO RIVER, N. Y., amendment in Senate providing for dredging, 3627.

OTERO, ARMIJO Y, relief of estate (see bill S. 7605).

OTIS, WILLIAM G., increase pension (see bill H. R. 20622).

OTTER TRAWL FISHERIES. See FISH AND FISHERIES.

OURSLER, ANNA J., pay (see H. Res. 669\*).

"OUTJABBING THE JABBERWOCK," verses entitled, 4321.

OUTLOOK FOR PROSPERITY, address delivered by George W. Perkins on (Appendix, 528).

OVERBACKER, ADA C., report of Court of Claims on claim of (S. Doc. 769), 2299.

OVERLIN, HARRIET, increase pension (see bill H. R. 21262).

OVERMAN, LEE S. (a Senator from North Carolina).  
 Attended, 1.  
 Appointed conferee, 1126, 4392, 4447, 4694, 4728.  
 Appointed on committee to wait on President, 26.  
 Credentials presented, 1599.

*Amendments offered by, to*  
 Agricultural appropriation bill: protection of game, 2942.  
 Legislative, executive, and judicial appropriation bill, 4167.  
 — official opening of Panama Canal, 1330.  
 Navy appropriation bill, 4607.  
 War claims: bill (H. R. 8846), to pay, 1011.

*Bills and joint resolutions introduced by*  
 Graham, N. C.: to donate cannon to city of (see bill S. 7277), 1541.  
 Henderson, Minnie Lord: to pension (see bill S. 6864), 81.  
 Morganton, N. C.: donating cannon to city of (see bill S. 7124), 901.  
 Panama Canal: to provide for expenses of formal and official opening of (see S. J. Res. 223), 1157.  
 Premont, Delia May: to pension (see bill S. 7556), 2992.  
 Trollinger, Robert H.: to pension (see bill S. 7125), 902.  
 Wilson, N. C.: to increase cost of public building at (see bill S. 6918), 173.

*Motions and resolutions offered by*  
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 Lobby investigation: to continue (see S. Res. 569), 5252.  
 Rules of Senate: for special committee to consider and report on alterations and amendments to (see S. Res. 551), 4089.  
 Senate Manual: to prepare and print new edition of (see S. Res. 535; S. Doc. 938), 2310, 2993.

*Petitions and papers presented by, from*  
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*Remarks by, on*  
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 — Federal Trade Commission, 5333.  
 Diplomatic and Consular appropriation bill, 4718, 4719, 4720, 4721, 4722, 4725, 4726, 4727, 4728, 5243.  
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 Johnston, Joseph F.: death of, 1290.  
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 — designated employees of Senate, 4181.  
 — Eugene C. Moxley, 4171.  
 — Panama Canal opening, 4111, 4113.  
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*Reports made by, from*  
 Committee of conference:  
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Committee on Appropriations:  
 Diplomatic and Consular appropriation bill (bill H. R. 21201; Rept. 1024), 4523.  
 Employees of Senate and House: resolution to pay salaries on Dec. 22, 1914 (S. J. Res. 213), 334.  
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Committee on Rules:  
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 Rules of Senate: resolutions for amendment to limit debate (S. Res. 113, 538), 3622.

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OVERMIRE, SILAS, relief (see bill H. R. 19795).

OVERN, EDWARD F. AND CAROLINE A., report of Court of Claims on claim of (S. Doc. 645), 250.

OVERTON, JOHN P., increase pension (see bill H. R. 20006).

OVIATT, MARY J., increase pension (see bills H. R. 16760, 21037\*).

OWEN, ROBERT L. (a Senator from Oklahoma).  
 Attended, 1.  
 Appointed conferee, 4964.

*Amendments offered by, to*  
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 Indian appropriation bill, 5162, 5165.  
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 — sale of lands in Pittsburg County, Okla., 1542.  
 — trustees of Henry Kendall College, 202.  
 — unallotted land on public domain of Creek Tribe of Indians, 1285.  
 — wagon bridge across South Canadian River, 1285.

Judicial Code: bill (H. R. 15578) to codify, revise, and amend, 202.

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 — legislative reference division in Library of Congress, 1601.

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 Constitution of United States: for amendment relating to declaration of war (see S. J. Res. 227), 1601.  
 Cox, Alice: to pension (see bill S. 7486), 2478.  
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 Delaware Indians: for relief (see bill S. 7543), 2846.  
 England, Neal, alias Joseph England: to pension (see bill S. 7643), 3626.  
 Evans, John: to increase pension (see bill S. 7564), 2992.  
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 Hess, Samuel L., to increase pension (see bill S. 6904), 126.  
 Indian lands: to amend act to authorize issue of patents in fee to purchasers of (see bill S. 7452), 2303.  
 Ingram, Job: to increase pension (see bill S. 7485), 2478.  
 Iowa Tribe of Indians: for relief (see bill S. 7293), 1542.  
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*Motions and resolutions offered by*  
 "Agricultural Cooperation and Rural Credits in Europe": to print Senate Document 214 entitled, 493.  
 Civic training in schools: to print statement by Wilson L. Gill on (S. Doc. 662), 492.  
 Iowa Indians: to adjudicate claim of (see S. Res. 525), 2305.  
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 Creek Indian award (Rept. 917), 1703.  
 Creek Indian lands (Rept. 981), 3699.  
 Modisette, J. O. (Rept. 907), 1487.  
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*Votes of. See YEA-AND-NAY VOTES.*

OWEN, THOMAS J., increase pension (see bill H. R. 20172).

OWEN, WILLIAM H., increase pension (see bills H. R. 1574, 19545\*).

OWEN, WILLIAM O., appoint colonel on active list of Army (see bill S. 5525\*).

OWENS, DANIEL, pension (see bill H. R. 19794).

OWENS, DAVID, pension (see bill H. R. 20265).

OWENS, ELLEN, increase pension (see bills H. R. 13109, 20343\*).

OWENS, JAMES, relief (see bill H. R. 20291).

The \* indicates bills acted upon. See "History of Bills."

OWENS, LONDORRE F., increase pension (see bills H. R. 19145, 19545\*).

OYSTER BEDS. See TEXAS.

OZARK NATIONAL FOREST, ARK., reinstate certain homestead entries in (see bill H. R. 21057).

PABLO CANAL, correspondence relative to construction of, 5068.

PACIFIC BEACH, CAL., donate condemned cannon to San Diego Army and Navy Academy at (see bill S. 5495\*).

PACIFIC BUILDING & LOAN ASSOCIATION, relief (see bill H. R. 21592).

PACIFIC COAST, memorial of Legislature of Washington relative to fortification of harbors on, 4910.  
Remarks in House relative to surveys of waters on, 3580.

PADGETT, LEMUEL P. (a Representative from Tennessee).  
Attended, 10.  
Appointed conferee, 4164, 4869, 5208.  
Appointed teller, 2763, 2881, 3151.  
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Amendments offered by, to  
Navy appropriation bill, 2885, 2913, 2924, 2925, 3137, 3141, 3145, 3146.  
Navy mail lines: bill (S. 5259) to establish, 3882.

Bills and joint resolutions introduced by  
Lewis, John D.: to increase pension (see bill H. R. 19701), 78.  
Navy: to increase efficiency of personnel of (see bill H. R. 21202), 2452.

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Navy mail lines: for consideration of bill S. 5259 to establish (see H. Res. 732), 3763.

Petitions and papers presented by, from  
Citizens and individuals, 2537.

Remarks by, on  
Committee on Naval Affairs: hearings before, 102, 103.  
Deficiency appropriation bill—torpedo boat destroyers. (Appendix, 527).  
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Personal statement—torpedo boat destroyers, 4744.

Reports made by, from  
Committee of conference:  
Navy appropriation bill (bill H. R. 20975; Rept. 1500), 5200.  
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Navy appropriation bill (bill H. R. 20975; Rept. 1287), 1703, 1786.  
Committee to investigate cost of armor plant (H. Doc. 1620), 4793.

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PADUCAH & ILLINOIS RAILROAD CO., allow them to bridge Ohio River (see bills S. 7107\*; H. R. 20499\*).

PAGE, CARROLL S. (a Senator from Vermont).  
Attended, 1.  
Appointed on Committee on Disposition of Useless Papers in Executive Departments, 2272, 2834, 3982.

Bills and joint resolutions introduced by  
Sargent, John: to increase pension (see bill S. 7142), 902.

Petitions and papers presented by, from  
Citizens and individuals, 1747.

Remarks by, on  
Agricultural appropriation bill, 4500, 4501.  
Attendance of absent Senators, 2932.  
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Flathead irrigation project, 4933-4943.  
Navy appropriation bill—plucking board, 4620, 4624.  
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PAGE, HORACE, increase pension (see bills S. 5746, 7402\*).

PAGE, ROBERT N. (a Representative from North Carolina).  
Attended, 10.  
Appointed conferee, 4670.  
Chairman Committee of the Whole, 56.

Amendments offered by, to  
Agricultural appropriation bill, 2238, 2239.  
District of Columbia appropriation bill, 140, 160, 177.  
Indian appropriation bill, 886.  
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Bills and joint resolutions introduced by  
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Motions and resolutions offered by  
Adjourn: to, 38, 123, 161.  
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Citizens and individuals, 4680.

Remarks by, on  
Agricultural appropriation bill, 2197, 2198, 2199, 2200, 2201, 2354, 2355, 2360, 2480, 2533, 2534.  
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Reports made by, from  
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District of Columbia appropriation bill (bill H. R. 19422; Repts. 1438, 1461), 4848.  
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District of Columbia appropriation bill (bill H. R. 19422; Rept. 1204), 11.

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PAGE, WILLIAM H., report of Court of Claims on claim of (S. Doc. 870), 2836.

PAHL, CAROLINE E., pension (see bill S. 7392).

PAIGE, CALVIN D. (a Representative from Massachusetts).  
Attended, 10.  
Bills and joint resolutions introduced by  
Brigham, Abbie J.: to pension (see bill H. R. 21241), 3154.  
Denny, Mary Davis: for relief of estate (see bill H. R. 21471), 3924.  
Farnsworth, Sarah A.: to pension (see bill H. R. 21135), 2162.  
Murphy, Arthur: to pension (see bill H. R. 20765), 1328.  
Stanton, Edward: to remove charge of desertion (see bill H. R. 20262), 486.  
Tucker, Simon W.: for relief (see bill H. R. 21342), 3154.

Petitions and papers presented by, from  
Citizens and individuals, 164, 381, 488, 620, 1094, 1918, 2163, 2271, 3155.  
Societies and associations, 488, 1094.

Remarks by, on  
Sundry civil appropriation bill—physical valuation of railroads, 3614.

Votes of. See YEA-AND-NAY VOTES.

PAINS, ELLEN A., increase pension (see bill S. 7274).

PAINTER, JOHN A., pension (see bill S. 6742).

PALLAS (ship), report of Court of Claims on claim of owner of (H. Doc. 1296), 44, 76.

PALLEN, CONDÉ B., extracts from article on Roman Catholicism written by, 3017.

PALMER, A. MITCHELL (a Representative from Pennsylvania).  
Attended, —.  
Appointed teller, 3828.

Bills and joint resolutions introduced by  
Alaska: to protect certain animals in (see bill H. R. 20897), 1597.  
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Hincle, William: to increase pension (see bill H. R. 20219), 431.  
Interstate commerce: to prohibit interstate commerce in products branded or marked with name of any church, religious denomination, or society (see bill H. R. 20500), 899, 1322.  
Ross, Martha J.: to increase pension (see bill H. R. 20220), 431.

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Underwood, Oscar W.: retirement of, 5518.

Reports made by, from  
Committee on Ways and Means:  
Alaska seal fisheries (Rept. 1332), 2536.

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PALMER, JAMES M., increase pension (see bills S. 7482, 7598\*).

PALMER, LUCY A., pension (see bill S. 7548).

PALMER, LUTHER H., increase pension (see bill S. 7060).

PALMER, NANCY, pension (see bill H. R. 21227).

PALMER, NELLIE R., increase pension (see bill S. 7715).

PALOUSE IRRIGATION PROJECT, WASHINGTON, report of investigation of, referred, 3777.

PANAMA, amendment in Senate relative to appropriation for barracks and quarters in, 4204.  
Bill to pay the Malambo fire claims in (see bill S. 4254\*).

Estimate of appropriations for barracks, quarters, and store houses for troops in the Canal Zone at (H. Doc. 1487), 1596.  
Estimates of appropriation for hospital treatment of troops stationed in Canal Zone at (H. Docs. 1506, 1507), 1916.  
Estimate of deficiency appropriation for the third annual payment due (H. Doc. 1366), 290.  
Joint resolutions to allow the Southern Commercial Congress to place memorial tablet to John T. Morgan at Gamboa, Canal Zone (see S. J. Res. 196\*; H. J. Res. 403).

The \* indicates bills acted upon. See "History of Bills."

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SENATE ROLL-CALLS

Third Session, 63rd Congress

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**IMMIGRATION BILL (H. R. 6060).** CONGRESSIONAL RECORD, PERMANENT  
BOUND EDITION, Dec. 31, 1914, page 803.

Vote on amendment, offered by Senator Martine of New Jersey, as follows:  
Strike out of the bill the following:

"All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish. The result was announced—yeas 12, nays 47, as follows:

**YEAS—12.**

Brandegee, Conn.	Lewis, Ill.	McLean, Conn.	Ransdell, La.
Clarke, Ark.	Lippitt, R. I.	Martine, N. J.	Reed, Mo.
La Follette, Wis.	McCumber, N. D.	O'Gorman, N. Y.	Walsh, Mont.

**NAYS—47.**

Ashurst, Ariz.	Gronna, N. D.	Oliver, Pa.	Smith, Ga.
Borah, Idaho	Hardwick, Ga.	Overman, N. C.	Smith, S. C.
Bryan, Fla.	Hughes, N. J.	Page, Vt.	Smoot, Utah.
Burton, Ohio	James, Ky.	Perkins, Cal.	Sterling, S. D.
Chamberlain, Ore.	Johnson, Me.	POINDEXTER, Wash.	Sutherland, Utah
Clapp, Minn.	Jones, Wash.	Pomerene, Ohio	Swanson, Va.
Crawford, S. D.	Kern, Ind.	Robinson, Ark.	Thomas, Colo.
Cummins, Iowa	Lane, Ore.	Root, N. Y.	Thornton, La.
Dillingham, Vt.	Lodge, Mass.	Shafroth, Colo.	Townsend, Mich.
Fletcher, Fla.	Myers, Mont.	Sheppard, Tex.	White, Ala.
Gallinger, N. H.	Nelson, Minn.	Simmons, N. C.	Williams, Miss.
Gore, Okla.	Norris, Neb.	Smith, Ariz.	

**NOT VOTING—37.**

Bankhead, Ala.	du Pont, Del.	Owen, Okla.	Stone, Mo.
Brady, Idaho	Fall, N. Mex.	Penrose, Pa.	Thompson, Kans.
Bristow, Kans.	Goff, W. Va.	Pittman, Nev.	Tillman, S. C.
Burleigh, Me.	Hitchcock, Neb.	Saulsbury, Del.	Vardaman, Miss.
Camden, Ky.	Hollis, N. H.	Sherman, Ill.	Warren, Wyo.
Catron, N. Mex.	Kenyon, Iowa	Shields, Tenn.	Weeks, Mass.
Chilton, W. Va.	Lea, Tenn.	Shively, Ind.	Works, Cal.
Clark, Wyo.	Lee, Md.	Smith, Md.	
Colt, R. I.	Martine, Va.	Smith, Mich.	
Culberson, Tex.	Newlands, Nev.	Stephenson, Wis.	

So the amendment of Mr. Martine of New Jersey was rejected.  
Senator Martin of Virginia was absent. If present, he would have voted NAY.  
Senator Warren was absent. If present, eh would have voted YEA.  
Senator Bristow was absent. If present, he would have voted NAY.  
Senator Brady was absent. If present, he would have voted NAY.

**IMMIGRATION BILL (H. R. 6060).** CONGRESSIONAL RECORD, PERMANENT  
BOUND EDITION, page 807.

Vote on amendment, offered by Senator Reed of Missouri, to exclude immigrants of the African or black race.

The result was announced—yeas 29, nays 25, as follows:

**YEAS—29.**

Ashurst, Ariz.	Johnson, Me.	Sheppard, Tex.	Thornton, La.
Borah, Idaho	Kern, Ind.	Simmons, N. C.	Vardaman, Miss.
Bryan, Fla.	Lee, Md.	Smith, Ariz.	White, Ala.
Chamberlain, Ore.	Martine, N. J.	Smith, Ga.	Williams, Miss.
Clarke, Ark.	Myers, Mont.	Smith, S. C.	Works, Cal.
Fletcher, Fla.	Overman, N. C.	Sterling, S. D.	
Hardwick, Ga.	POINDEXTER, Wash.	Sutherland, Utah	
James, Ky.	Reed, Mo.	Swanson, Va.	

**NAYS—25.**

Brandegee, Conn.	Hughes, N. J.	Nelson, Minn.	Shafroth, Colo.
Burton, Ohio	Jones, Wash.	Norris, Neb.	Smoot, Utah
Clapp, Minn.	Kenyon, Iowa	Oliver, Pa.	Thomas, Colo.
Cummins, Iowa	Lane, Ore.	Page, Vt.	Townsend, Mich.
Dillingham, Vt.	Lewis, Ill.	Perkins, Cal.	
Gallinger, N. H.	Lodge, Mass.	Pomerene, Ohio	
Gronna, N. D.	McLean, Conn.	Robinson, Ark.	

NOT VOTING—42.

<i>Bankhead</i> , Ala.	du Pont, Del.	<i>Newlands</i> , Nev.	<i>Smith</i> , Md.
<i>Brady</i> , Idaho	Fall, N. Mex.	<i>O'Gorman</i> , N. Y.	<i>Smith</i> , Mich.
<i>Bristow</i> , Kans.	Goff, W. Va.	<i>Owen</i> , Okla.	<i>Stephenson</i> , Wis.
<i>Burleigh</i> , Me.	<i>Gore</i> , Okla.	Penrose, Pa.	<i>Stone</i> , Mo.
<i>Camden</i> , Ky.	<i>Hitchcock</i> , Neb.	<i>Pittman</i> , Nev.	<i>Thompson</i> , Kans.
<i>Catron</i> , N. Mex.	<i>Hollis</i> , N. H.	<i>Ransdell</i> , La.	<i>Tillman</i> , S. C.
<i>Chilton</i> , W. Va.	La Follette, Wis.	Root, N. Y.	<i>Walsh</i> , Mont.
<i>Clark</i> , Wyo.	<i>Lea</i> , Tenn.	<i>Saulsbury</i> , Del.	Warren, Wyo.
<i>Colt</i> , R. I.	Lippitt, R. I.	Sherman, Ill.	<i>Weeks</i> , Mass.
<i>Crawford</i> , S. D.	McCumber, N. D.	<i>Shields</i> , Tenn.	
<i>Culberson</i> , Tex.	<i>Martin</i> , Va.	<i>Shively</i> , Ind.	

So Mr. Reed's amendment was agreed to.  
 Senator Smith, of Michigan, was absent. If present, he would have voted NAY.  
 Senator Weeks was absent. If present, he would have voted NAY.

IMMIGRATION BILL (H. R. 6060). CONGRESSIONAL RECORD, PERMANENT  
 BOUND EDITION, Dec. 31, 1914, page 812.

Vote on amendment, offered by Senator Reed of Missouri, reading as follows:  
 Strike out the words "admit their belief in the practice of polgamy" and insert in  
 lieu thereof "believe in, advocate, or practice polygamy."  
 The result was announced—yeas 54, nays 3, as follows:

YEAS—54.

<i>Borah</i> , Idaho	<i>Johnson</i> , Me.	Norris, Neb.	<i>Simmons</i> , N. C.
<i>Brandegee</i> , Conn.	Jones, Wash.	<i>O'Gorman</i> , N. Y.	<i>Smith</i> , Ga.
<i>Bryan</i> , Fla.	Kenyon, Iowa	Oliver, Pa.	<i>Smith</i> , S. C.
<i>Burton</i> , Ohio	<i>Kern</i> , Ind.	<i>Overman</i> , N. C.	<i>Sterling</i> , S. D.
<i>Clapp</i> , Minn.	<i>Lane</i> , Ore.	Page, Vt.	<i>Swanson</i> , Va.
<i>Clarke</i> , Ark.	<i>Lee</i> , Md.	Perkins, Cal.	<i>Thomas</i> , Colo.
<i>Cummins</i> , Iowa	<i>Lewis</i> , Ill.	POINDEXTER, Wash.	<i>Thornton</i> , La.
<i>Fletcher</i> , Fla.	Lippitt, R. I.	<i>Pomerene</i> , Ohio	Townsend, Mich.
<i>Gallinger</i> , N. H.	Lodge, Mass.	<i>Ransdell</i> , La.	<i>Vardaman</i> , Miss.
<i>Gore</i> , Okla.	McCumber, N. D.	<i>Reed</i> , Mo.	<i>Walsh</i> , Mont.
<i>Gronna</i> , N. D.	McLean, Conn.	<i>Robinson</i> , Ark.	<i>White</i> , Ala.
<i>Hardwick</i> , Ga.	<i>Martine</i> , N. J.	Root, N. Y.	<i>Works</i> , Cal.
<i>Hitchcock</i> , Neb.	<i>Myers</i> , Mont.	<i>Shafroth</i> , Colo.	
<i>James</i> , Ky.	Nelson, Minn.	<i>Sheppard</i> , Tex.	

NAYS—3.

<i>Hughes</i> , N. J.	Smoot, Utah	Sutherland, Utah
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NOT VOTING—39.

<i>Ashurst</i> , Ariz.	<i>Colt</i> , R. I.	<i>Martin</i> , Va.	<i>Smith</i> , Md.
<i>Bankhead</i> , Ala.	<i>Crawford</i> , S. D.	<i>Newlands</i> , Nev.	<i>Smith</i> , Mich.
<i>Brady</i> , Idaho	<i>Culberson</i> , Tex.	<i>Owen</i> , Okla.	<i>Stephenson</i> , Wis.
<i>Bristow</i> , Kans.	<i>Dillingham</i> , Vt.	Penrose, Pa.	<i>Stone</i> , Mo.
<i>Burleigh</i> , Me.	du Pont, Del.	<i>Pittman</i> , Nev.	<i>Thompson</i> , Kans.
<i>Camden</i> , Ky.	Fall, N. Mex.	<i>Saulsbury</i> , Del.	<i>Tillman</i> , S. C.
<i>Catron</i> , N. Mex.	Goff, W. Va.	Sherman, Ill.	Warren, Wyo.
<i>Chamberlain</i> , Ore.	<i>Hollis</i> , N. H.	<i>Shields</i> , Tenn.	<i>Weeks</i> , Mass.
<i>Chilton</i> , W. Va.	La Follette, Wis.	<i>Shively</i> , Ind.	<i>Williams</i> , Miss.
<i>Clark</i> , Wyo.	<i>Lea</i> , Tenn.	<i>Smith</i> , Ariz.	

So Mr. Reed's amendment was agreed to.

IMMIGRATION BILL (H. R. 6060). CONGRESSIONAL RECORD, PERMANENT  
 BOUND EDITION, Jan. 2, 1915, page 868.

Vote on the passage of the bill containing the literacy test and other provisions  
 to reduce the number of immigrants admitted into the United States.  
 The result was announced—yeas 50, nays 7, as follows:

YEAS—50.

<i>Ashurst</i> , Ariz.	<i>Hitchcock</i> , Neb.	Oliver, Pa.	<i>Smith</i> , S. C.
<i>Bristow</i> , Kans.	<i>Hughes</i> , N. J.	<i>Overman</i> , N. C.	<i>Sterling</i> , S. D.
<i>Bryan</i> , Fla.	<i>James</i> , Ky.	Page, Vt.	<i>Swanson</i> , Va.
<i>Burton</i> , Ohio	<i>Johnson</i> , Me.	Perkins, Cal.	<i>Thomas</i> , Colo.
<i>Chamberlain</i> , Ore.	Jones, Wash.	<i>Pittman</i> , Nev.	<i>Thornton</i> , La.
<i>Clapp</i> , Minn.	Kenyon, Iowa	POINDEXTER, Wash.	Townsend, Mich.
<i>Crawford</i> , S. D.	<i>Kern</i> , Ind.	<i>Pomerene</i> , Ohio	<i>Vardaman</i> , Miss.
<i>Cummins</i> , Iowa	<i>Lane</i> , Ore.	<i>Robinson</i> , Ark.	<i>Weeks</i> , Mass.
<i>Dillingham</i> , Vt.	<i>Lee</i> , Md.	Root, N. Y.	<i>White</i> , Ala.
<i>Gallinger</i> , N. H.	Lodge, Mass.	<i>Shafroth</i> , Colo.	<i>Williams</i> , Miss.
<i>Gore</i> , Okla.	<i>Myers</i> , Mont.	<i>Sheppard</i> , Tex.	<i>Works</i> , Cal.
<i>Gronna</i> , N. D.	Nelson, Minn.	<i>Simmons</i> , N. C.	
<i>Hardwick</i> , Ga.	Norris, Neb.	<i>Smith</i> , Ga.	

NAYS—7.

Brandegee, Conn.	Martine, N. J.	Ransdell, La.	Walsh, Mont.
McCumber, N. D.	O'Gorman, N. Y.	Reed, Mo.	

NOT VOTING—39.

<i>Bankhead</i> , Ala.	<i>Culberson</i> , Tex.	McLean, Conn.	<i>Smith</i> , Md.
Borah, Idaho	du Pont, Del.	<i>Martin</i> , Va.	Smith, Mich.
Brady, Idaho	Fall, N. Mex.	<i>Newlands</i> , Nev.	Smoot, Utah
Burleigh, Me.	<i>Fletcher</i> , Fla.	<i>Owen</i> , Okla.	Stephenson, Wis.
<i>Camden</i> , Ky.	Goff, W. Va.	Penrose, Pa.	<i>Stone</i> , Mo.
Catron, N. Mex.	<i>Hollis</i> , N. H.	<i>Saulsbury</i> , Del.	Sutherland, Utah
<i>Chilton</i> , W. Va.	La Follette, Wis.	Sherman, Ill.	<i>Thompson</i> , Kans.
Clark, Wyo.	<i>Lea</i> , Tenn.	<i>Shields</i> , Tenn.	<i>Tillman</i> , S. C.
<i>Clarke</i> , Ark.	<i>Lewis</i> , Ill.	<i>Shively</i> , Ind.	Warren, Wyo.
Colt, R. I.	Lippitt, R. I.	<i>Smith</i> , Ariz.	

So the bill was passed.

Senator Fletcher was absent. If present, he would have voted YEA.

Senator Penrose was absent. If present, he would have voted YEA.

Senator Martin of Virginia was absent. If present, he would have voted YEA.

Senator Sherman was absent. If present, he would have voted NAY.

Senator Camden was absent. If present, he would have voted YEA.

Senator Smith of Arizona was absent. If present, he would have voted YEA.

MERCHANT MARINE (Senate 6856). CONGRESSIONAL RECORD, PERMANENT BOUND EDITION, Feb. 1, 1915, page 2787.

This was the Administration bill providing for the purchase of vessels and Government ownership and operation of a merchant marine.

The vote here given was on a motion to table a motion to recommit the bill and all amendments to the Senate Committee on Commerce. The Democrats who voted against laying the motion to recommit on the table were denounced by some as voting against their party.

Yeas 42, nays 44, as follows:

YEAS—42.

<i>Ashurst</i> , Ariz.	<i>Kern</i> , Ind.	<i>Reed</i> , Mo.	<i>Stone</i> , Mo.
<i>Bryan</i> , Fla.	La Follette, Wis.	<i>Robinson</i> , Ark.	<i>Swanson</i> , Va.
<i>Chamberlain</i> , Ore.	<i>Lane</i> , Ore.	<i>Saulsbury</i> , Del.	<i>Thomas</i> , Colo.
<i>Chilton</i> , W. Va.	<i>Lee</i> , Md.	<i>Shafroth</i> , Colo.	<i>Thompson</i> , Kans.
<i>Culberson</i> , Tex.	<i>Martin</i> , Va.	<i>Sheppard</i> , Tex.	<i>Thornton</i> , La.
<i>Fletcher</i> , Fla.	<i>Martine</i> , N. J.	<i>Shields</i> , Tenn.	<i>Tillman</i> , S. C.
<i>Gore</i> , Okla.	<i>Myers</i> , Mont.	<i>Shively</i> , Ind.	<i>Walsh</i> , Mont.
<i>Hollis</i> , N. H.	<i>Overman</i> , N. C.	<i>Simmons</i> , N. C.	<i>White</i> , Ala.
<i>Hughes</i> , N. J.	<i>Pittman</i> , Nev.	<i>Smith</i> , Ariz.	<i>Williams</i> , Miss.
<i>James</i> , Ky.	<i>Pomerene</i> , Ohio	<i>Smith</i> , Ga.	
<i>Johnson</i> , Me.	<i>Ransdell</i> , La.	<i>Smith</i> , Md.	

NAYS—44.

<i>Bankhead</i> , Ala.	Colt, R. I.	Lodge, Mass.	Sherman, Ill.
Borah, Idaho	Cummins, Iowa	McCumber, N. D.	Smith, Mich.
Brady, Idaho	Dillingham, Vt.	McLean, Conn.	Smoot, Utah
Brandegee, Conn.	du Pont, Del.	Nelson, Minn.	Stephenson, Wis.
Bristow, Kans.	Gallinger, N. H.	Norris, Neb.	Sterling, S. D.
Burleigh, Me.	Gronna, N. D.	<i>O'Gorman</i> , N. Y.	Sutherland, Utah
Burton, Ohio	<i>Hardwick</i> , Ga.	Oliver, Pa.	Townsend, Mich.
<i>Camden</i> , Ky.	<i>Hitchcock</i> , Neb.	Page, Vt.	<i>Vardaman</i> , Miss.
Clapp, Minn.	Jones, Wash.	Perkins, Cal.	Warren, Wyo.
Clark, Wyo.	Kenyon, Iowa	POINDEXTER, Wash.	Weeks, Mass.
<i>Clarke</i> , Ark.	Lippitt, R. I.	Root, N. Y.	Works, Cal.

NOT VOTING—10.

Catron, N. Mex.	Goff, W. Va.	<i>Newlands</i> , Nev.	<i>Smith</i> , S. C.
Crawford, S. D.	<i>Lea</i> , Tenn.	<i>Owen</i> , Okla.	
Fall, N. Mex.	<i>Lewis</i> , Ill.	Penrose, Pa.	

So the Senate refused to lay on the table the motion to recommit.

**TAYLOR EFFICIENCY SYSTEM—Army Appropriation Bill—H. R. 20347.**  
 CONGRESSIONAL RECORD, PERMANENT BOUND EDITION, Feb. 23, 1915, page 4389.

Vote on striking out of the bill the following section:

"No part of the appropriations made in this bill shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made, with a stop watch or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof or of the movements of any such employee while engaged upon such work."

A YEA vote was a vote *in favor* of striking out this section.

A NAY vote was a vote *against* striking out this section.

The result was announced—yeas 31, nays 29, as follows:

YEAS—31.

<i>Bankhead</i> , Ala.	du Pont, Del.	<i>Owen</i> , Okla.	Smoot, Utah
Brandegge, Conn.	<i>Fletcher</i> , Fla.	Page, Vt.	Stephenson, Wis.
Bristow, Kans.	Gallinger, N. H.	Perkins, Cal.	Sterling, S. D.
<i>Bryan</i> , Fla.	<i>Gore</i> , Okla.	<i>Ransdell</i> , La.	Thomas, Colo.
Burleigh, Me.	Lippitt, R. I.	Root, N. Y.	Warren, Wyo.
Burton, Ohio	McCumber, N. D.	<i>Shafroth</i> , Colo.	Weeks, Mass.
<i>Camden</i> , Ky.	<i>Newlands</i> , Nev.	Sherman, Ill.	Works, Cal.
<i>Chamberlain</i> , Ore.	Oliver, Pa.	Smith, Mich.	

NAYS—29.

<i>Ashurst</i> , Ariz.	<i>Johnson</i> , Me.	<i>Martine</i> , N. J.	<i>Simmons</i> , N. C.
<i>Chilton</i> , W. Va.	Jones, Wash.	<i>Myers</i> , Mont.	<i>Swanson</i> , Va.
Clapp, Minn.	<i>Kern</i> , Ind.	Norris, Neb.	<i>Thompson</i> , Kan.
<i>Culberson</i> , Tex.	La Follette, Wis.	<i>Pittman</i> , Nev.	<i>Walsh</i> , Mont.
Gronna, N. D.	<i>Lane</i> , Ore.	POINDEXTER, Wash.	<i>White</i> , Ala.
<i>Hollis</i> , N. H.	<i>Lewis</i> , Ill.	<i>Pomerene</i> , Ohio.	
<i>Hughes</i> , N. J.	Lodge, Mass.	<i>Sheppard</i> , Tex.	
<i>James</i> , Ky.	<i>Martin</i> , Va.	<i>Shively</i> , Ind.	

NOT VOTING—36.

Borah, Idaho	Fall, N. Mex.	<i>O'Gorman</i> , N. Y.	<i>Smith</i> , Md.
Brady, Idaho	Goff, W. Va.	<i>Overman</i> , N. C.	<i>Smith</i> , S. C.
Catron, N. Mex.	<i>Hardwick</i> , Ga.	Penrose, Pa.	<i>Stone</i> , Mo.
Clark, Wyo.	<i>Hitchcock</i> , Neb.	<i>Reed</i> , Mo.	Sutherland, Utah
<i>Clarke</i> , Ark.	Kenyon, Iowa	<i>Robinson</i> , Ark.	<i>Thornton</i> , La.
Colt, R. I.	<i>Lea</i> , Tenn.	<i>Saulsbury</i> , Del.	<i>Tillman</i> , S. C.
Crawford, S. D.	<i>Lee</i> , Md.	<i>Shields</i> , Tenn.	Townsend, Mich.
Cummins, Iowa	McLean, Conn.	<i>Smith</i> , Ariz.	<i>Vardaman</i> , Miss.
Dillingham, Vt.	Nelson, Minn.	<i>Smith</i> , Ga.	<i>Williams</i> , Miss.

So the amendment was agreed to.

Senator Smith of Michigan was paired. If at liberty to vote, he would have voted

YEA.

Senator Dillingham was paired. If at liberty to vote, he would have voted YEA.

**TAYLOR EFFICIENCY SYSTEM—Army Appropriation Bill—H. R. 20347.**  
 CONGRESSIONAL RECORD, PERMANENT BOUND EDITION, Feb. 23, 1915, page 4390.

Vote on striking out from the Army Appropriation Bill the following section:

"Nor shall any part of the appropriations made in this bill be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any government plant and no claim for services performed by any person while violating this proviso shall be allowed.

A YEA vote was a vote *in favor* of striking out this section.

A NAY vote was a vote *against* striking out this section.

The result was announced—yeas 33, nays 27, as follows:

YEAS—33.

<i>Bankhead</i> , Ala.	<i>Fletcher</i> , Fla.	<i>Overman</i> , N. C.	Sterling, S. D.
Brandegge, Conn.	Gallinger, N. H.	Page, Vt.	Thomas, Colo.
Bristow, Kans.	<i>Gore</i> , Okla.	Perkins, Cal.	Townsend, Mich.
<i>Bryan</i> , Fla.	Jones, Wash.	<i>Ransdell</i> , La.	Warren, Wyo.
Burleigh, Me.	Lippitt, R. I.	Root, N. Y.	Weeks, Mass.
Burton, Ohio	Lodge, Mass.	<i>Shafroth</i> , Colo.	Works, Cal.
<i>Camden</i> , Ky.	McCumber, N. D.	Sherman, Ill.	
<i>Chamberlain</i> , Ore.	<i>Newlands</i> , Nev.	Smoot, Utah	
du Pont, Del.	Oliver, Pa.	Stephenson, Wis.	

NAYS—27.

<i>Ashurst, Ariz.</i>	<i>James, Ky.</i>	<i>Martine, N. J.</i>	<i>Shively, Ind.</i>
<i>Chilton, W. Va.</i>	<i>Johnson, Me.</i>	<i>Myers, Mont.</i>	<i>Simmons, N. C.</i>
<i>Clapp, Minn.</i>	<i>Kern, Ind.</i>	<i>Norris, Neb.</i>	<i>Swanson, Va.</i>
<i>Culberson, Tex.</i>	<i>La Follette, Wis.</i>	<i>Pittman, Nev.</i>	<i>Thompson, Kans.</i>
<i>Gronna, N. D.</i>	<i>Lane, Ore.</i>	<i>POINDEXTER, Wash.</i>	<i>Walsh, Mont.</i>
<i>Hollis, N. H.</i>	<i>Lewis, Ill.</i>	<i>Pomerene, Ohio</i>	<i>White, Ala.</i>
<i>Hughes, N. J.</i>	<i>Martin, Va.</i>	<i>Sheppard, Tex.</i>	

NOT VOTING—36.

<i>Borah, Idaho</i>	<i>Fall, N. Mex.</i>	<i>O'Gorman, N. Y.</i>	<i>Smith, Md.</i>
<i>Brady, Idaho</i>	<i>Goff, W. Va.</i>	<i>Owen, Okla.</i>	<i>Smith, Mich.</i>
<i>Catron, N. Mex.</i>	<i>Hardwick, Ga.</i>	<i>Penrose, Pa.</i>	<i>Smith, S. C.</i>
<i>Clark, Wyo.</i>	<i>Hitchcock, Neb.</i>	<i>Reed, Mo.</i>	<i>Stone, Mo.</i>
<i>Clarke, Ark.</i>	<i>Kenyon, Iowa</i>	<i>Robinson, Ark.</i>	<i>Sutherland, Utah</i>
<i>Colt, R. I.</i>	<i>Lea, Tenn.</i>	<i>Saulsbury, Del.</i>	<i>Thornton, La.</i>
<i>Crawford, S. D.</i>	<i>Lee, Md.</i>	<i>Shields, Tenn.</i>	<i>Tillman, S. C.</i>
<i>Cummins, Iowa</i>	<i>McLean, Conn.</i>	<i>Smith, Ariz.</i>	<i>Vardaman, Miss.</i>
<i>Dillingham, Vt.</i>	<i>Nelson, Minn.</i>	<i>Smith, Ga.</i>	<i>Williams, Miss.</i>

So this section of the committee amendment was agreed to.

Senator Smith of Michigan was paired. If at liberty to vote, he would have voted

YEA.

Senator Dillingham was paired. If at liberty to vote, he would have voted YEA.



SENATORS RECORDED AS NOT VOTING.

Congress has failed to provide any method whatsoever of determining attendance. There are no daily-roll calls or any other record. The only way to form even an intelligent guess regarding the attendance of a Senator is from the number of times he is recorded as NOT VOTING on a YEA and NAY vote, and this method is far from conclusive.

There were some 115 record votes during the Third Session of the 63rd Congress. The following shows the number of times each Senator is recorded as NOT VOTING.

NAMES	No. Times Recorded As Not Voting.	NAMES	No. Times Recorded As Not Voting.
ASHURST, Ariz.	9	MYERS, Mont.	17
BANKHEAD, Ala.	49	NELSON, Minn.	40
BORAH, Idaho.	66	NEWLANDS, Nev.	83
BRADY, Idaho.	62	NORRIS, Neb.	37
BRANDEGEE, Conn.	33	O'GORMAN, N. Y.	42
BRISTOW, Kans.	44	OLIVER, Pa.	33
BRYAN, Fla.	11	OVERMAN, N. C.	16
BURLEIGH, Maine.	70	OWEN, Okla.	54
BURTON, Ohio.	33	PAGE, Vt.	18
CAMDEN, Ky.	64	PENROSE, Pa.	82
CATRON, N. Mex.	54	PERKINS, Cal.	31
CHAMERLAIN, Ore.	26	PITTMAN, Nev.	29
CHILTON, W. Va.	28	POINDEXTER, Wash.	33
CLAPP, Minn.	34	POMERENE, Ohio.	5
CLARK, Wyo.	42	RANSELL, La.	27
CLARKE, Ark.	83	REED, Mo.	24
COLT, R. I.	82	ROBINSON, Ark.	15
CRAWFORD, S. Dak.	67	ROOT, N. Y.	34
CULBERSON, Tex.	57	SAULSBURY, Del.	41
CUMMINS, Iowa.	41	SHAFROTH, Colo.	10
DILLINGHAM, Vt.	40	SHEPPARD, Tex.	0
DU PONT, Del.	61	SHERMAN, Ill.	47
FALL, N. Mex.	76	SHIELDS, Tenn.	59
FLETCHER, Fla.	13	SHIVELY, Ind.	55
GALLINGER, N. H.	25	SIMMONS, N. C.	14
GOFF, W. Va.	82	SMITH, S. C.	66
GORE, Okla.	19	SMITH, Ga.	22
GRONNA, N. D.	32	SMITH, Md.	39
HARDWICK, Ga.	37	SMITH, Ariz.	32
HITCHCOCK, Neb.	58	SMITH, Mich.	63
HOLLIS, N. H.	41	SMOOT, Utah.	8
HUGHES, N. J.	34	STEPHENSON, Wis.	72
JAMES, Ky.	11	STERLING, S. D.	37
JOHNSON, Me.	23	STONE, Mo.	36
JONES, Wash.	26	SUTHERLAND, Utah.	57
KENYON, Iowa.	42	SWANSON, Va.	15
KERN, Ind.	10	THOMAS, Colo.	16
LANE, Ore.	6	THOMPSON, Kans.	24
LA FOLLETTE, Wis.	25	THORNTON, La.	37
LEA, Tenn.	62	TILLMAN, S. C.	57
LEE, Md.	17	TOWNSEND, Mich.	30
LEWIS, Ill.	70	WARDAMAN, Miss.	28
LIPPITT, R. I.	42	WALSH, Mont.	18
LODGE, Mass.	34	WARREN, Wyo.	44
MCCUMBER, N. D.	42	WEEKS, Mass.	48
MCLEAN, Conn.	57	WHITE, Ala.	1
MARTIN, Va.	41	WILLIAMS, Miss.	31
MARTINE, N. J.	6	WORKS, Cal.	28

## CHIEF LEGISLATION OF THE SIXTY-THIRD CONGRESS.

Underwood-Simmons tariff act, with income tax, replacing Payne-Aldrich law.  
Federal Reserve act, reorganizing the currency system.  
Repeal of the Panama Canal tolls exemption for American coast-wise shipping.  
Anti-trust laws to supplement Sherman Act, including Clayton anti-trust law and Federal Trade Commission law, the former providing for the punishment of individuals who violate business regulations and the latter establishing a Government institution to aid in keeping business within the law.  
Act directing the building of a \$35,000,000 Government railroad in Alaska.  
Act to regulate cotton exchanges and penalize dealings in purely speculative cotton future sales.  
Special internal revenue tax, commonly called the "war tax."  
Government war risk insurance bureau to insure American ships against hazards of war, and act providing for transfer of foreign owned or built ships to American registration.

## MEASURES WHICH FAILED OF PASSAGE.

The Philippine enlarged self-government bill; rural credits legislation; bill to prohibit interstate commerce in goods manufactured by child labor; the ship purchase bill; the immigration bill which was vetoed; bill for Federal pay for the militia; the radium bill; good roads bill; Bureau of Labor Safety bill; the grain grading bill; proposed Constitutional amendments providing for national prohibition and woman suffrage; conservation measures to provide a new system for the leasing of water-power sites and a leasing system to open the mineral resources of the country; bill to regulate interstate commerce in convict-made goods; and the 640-acre homestead bill.

A total of 7,751 bills were introduced in the Senate and 245 joint resolutions; and 21,616 bills and 441 joint resolutions were introduced in the House of Representatives. 700 laws were enacted, 417 public laws and 283 private laws and resolutions.

Beginning with the extra session called by the President on April 7, 1913, the 63rd Congress was in session for 637 days.

WRIGHT, MRS. CONNOR, report of Court of Claims on claim of (S. Doc. 977), 5230.

WRIGHT, DANIEL THEW, resolution discharging Committee on Judiciary in House from further consideration of charges against, 5485.

WRIGHT, EDWIN B., increase pension (see bills S. 354, 7402\*).

WRIGHT, GEORGE L., report of Court of Claims on claim of (S. Doc. 881), 2835.

WRIGHT, JEROME B., increase pension (see bills S. 7128, 7402\*).

WRIGHT, JOHN, increase pension (see bill H. R. 19797).

WRIGHT, RHODA J., pension (see bills H. R. 10926, 21037\*).

WRIGHT, SARAH L., increase pension (see bill S. 7335).

WRIGHT, WILLIAM, increase pension (see bill S. 7627).

WRIGHT, WILLIAM H., increase pension (see bill H. R. 20183).

WRISTON, THOMAS H., increase pension (see bill H. R. 20850).

WRITS OF CERTIORARI. See COURTS OF UNITED STATES.

WRITS OF ERROR. See COURTS OF UNITED STATES.

WYNN, JOHN H., pension (see bills H. R. 13199, 21089\*).

WYNN, NANCY E., increase pension (see bills H. R. 17898, 21037\*).

WYOMING, amendment in Senate to increase appropriation for clerks in office of surveyor general of, 624.

Amendment in Senate to the judicial code bill relating to, 1943.

Bill to exchange lands with (see bill H. R. 20186).

Joint resolution making appropriation for payment of certain claims arising from construction of the Corbett Tunnel in (see S. J. Res. 74\*).

Remarks in House relative to appropriations for salaries and contingent expenses of office of surveyor general of, 314.

WYOMING, OHIO, donate condemned cannon to village of (see bill S. 5495\*).

XENIA, OHIO, donate condemned cannon to city of (see bill S. 5495\*).

YAKIMA INDIAN RESERVATION. See INDIANS.

YAKIMA RIVER, WASH., amendment in Senate making appropriation for construction of dam across, 1487.

YAKIMA SAVINGS & LOAN ASSOCIATION, relief (see bill H. R. 20129).

YANKTON INDIANS. See INDIANS.

YANTIC RIVER, CONN., amendment in Senate for survey of, 1542.

YATES, HARRY, pension (see bills H. R. 11413, 21089\*).

Remarks in House and correspondence relative to claim for pension of, 4983.

YATES, JAMES N., increase pension (see bills S. 6186, 7509\*).

YAZOO, MISS., donate condemned cannon to city of (see bill S. 5495\*).

YEA-AND-NAY VOTES IN HOUSE.

Actions for death on the high seas: on bill (H. R. 6143) relating to maintenance of, 1076.

Adjourn, 1531, 3828, 3831, 3833, 3905, 4240.

Agricultural appropriation bill (H. R. 20415): on motion to recommit with instructions, 5054.

— on conference report on, 5470.

Alcoholic liquor traffic: on bill (H. R. 18851) to prohibit sale or gift of intoxicating liquors to minors, 947.

— on joint resolution (H. J. Res. 168) for amendment to Constitution to prohibit, 610, 616.

Army appropriation bill (H. R. 20347): on motion to recommit, 2135.

Barrels: on bill (H. R. 4899) to fix standard for, 1527, 1528, 1529, 1530.

Bills of lading: on bill (S. 4522) relating to, 5451.

Census of agriculture: on amendment to repeal act requiring the taking and compiling of, 358.

Child labor: on bill (H. R. 12292) to prevent interstate commerce in products of, 3836.

Coast Guard: on bill (S. 2337) to create, 1996.

Cotton warehouses: on bill (S. 6266) to license, 477.

Currency: on bill (S. 6398) to issue emergency currency, 29, 30.

District of Columbia: on bill (H. R. 1710) to prohibit intermarriage of whites and negroes, 1366, 1367, 1368.

District of Columbia appropriation bill (H. R. 19422): on amendment relating to Emergency Hospital, 4664.

— on motion to instruct conferees not to agree to Senate amendment making appropriation for construction of Gallinger Hospital, 4669.

— on amendment to abolish the half-and-half system of paying expenses of, 178.

— on amendment to appoint joint select committee to investigate the so-called half-and-half system of paying expenses of the District, 4865.

Federal reserve banks: on bill (S. 6505) to amend act to establish, 31, 32.

Fortifications appropriation bill (H. R. 21491): on motion to recommit, 4443.

Georgia: on bill (H. R. 17869) for appointment of an additional district judge for southern district of, 74, 4535, 4537.

Government ship-purchase bill (S. 5259): on amendments offered to, 3920, 3921, 3922.

— on passage of, 3923.

Grain: on bill (H. R. 17971) for securing the uniform grading of, 959.

Immigration: on bill (H. R. 6060) to regulate, 1138.

— on conference report on bill (H. R. 6060) to regulate, 1633.

— on motion to pass bill (H. R. 6060) over veto of President, 3077.

Legislative, executive, and judicial appropriation bill (H. R. 19909): on amendment making appropriation for expenses of formal opening of, 4795.

Mileage for Senators and Members of Congress: on amendment providing for payment of actual expenses, 356.

YEA-AND-NAY VOTES IN HOUSE—Continued.

Naval appropriation bill (H. R. 20975): on motion to recommit, 3152.

Order of business, 2268, 3413, 3830, 4309, 4977.

Pensions: on bills (H. R. 21037, 21089) granting pensions and increase of pension in specified cases, 2822, 2825.

Post Office appropriation bill (H. R. 19906): on motion to recommit, 833.

Public Health Service: on report of Committee of the Whole House on the state of the Union to strike out the enacting clause of bill (S. 2616) to promote efficiency of, 2423.

Recess, 5517.

River and harbor appropriation bill (H. R. 20189), 1915, 5438.

Special orders in House: on resolutions (H. Res. 676, 684) for special order for new legislation in Post Office appropriation bill, 367, 428.

— on resolution (H. Res. 736) for special order for bill (S. 5259) to establish steamship lines, 3877, 3881.

Stuebenville, Ohio: on bill (H. R. 5849) to regulate holding United States courts at, 275.

Sundry civil appropriation bill (H. R. 21318): on motion to concur in amendment of Senate relating to Howard University, 4413.

Woman suffrage: on House joint resolution No. 1, for amendment to Constitution to provide, 1482, 1483.

YEA-AND-NAY VOTES IN SENATE.

Adjourn, 493, 494, 1765, 1766, 2028, 2404, 2576, 2587, 2787, 3354, 3579.

Agricultural appropriation bill (H. R. 20415): on amendment relating to purchase and distribution of seeds, 4572.

— on amendment relative to destruction of carnivorous wild animals, 4583.

— on amendment relative to appropriation for Government exhibit at the International Dry Farming Congress, 4585.

Appeal from decision of Chair, 1758, 2406, 2786, 3275, 3280, 3313, 3317, 3320, 3320, 3781, 3935.

Army appropriation bill (H. R. 20347): on amendment relative to use of the stop-watch or other time-measuring device on employees, 4389.

— on amendment relating to purchase of armored motor cars, 4392.

Correction of Journal, 3540.

Deficiency appropriation bill (H. R. 21546): on conference report on, 5338.

District of Columbia appropriation bill: on amendments relating to the so-called half-and-half system of paying expenses of, 1394, 1395.

— on amendment relative to purchase of ground for proposed Eastern High School, 1564.

Georgia: on bill (H. R. 17869) for appointment of an additional district judge for southern district of, 4843.

Government ship-purchase bill: on amendments to bill S. 6856, 2588, 2589, 2590, 2591, 2592.

— on amendments to bill S. 5259, 3936, 4009, 4015, 4017.

— on amendment to motion to refer bill S. 6856 to committee, 3628, 3730, 3781.

— on appeal from decision of chair and on motion to lay on table the motion to recommit, 2787.

Immigration: on bill (H. R. 6060) to regulate, 85, 215, 223, 787, 788, 803, 805, 807, 812, 847, 866, 868.

Indian appropriation bill (H. R. 20150): on amendment to strike out provision for per capita payments to Choctaw and Chickasaw Indians, 5156.

— on amendment providing for readjudication of applications for enrollment on rolls of Five Civilized Tribes, 5162.

Legislative, executive, and judicial appropriation bill (H. R. 19909): on amendment relative to formal opening of Panama Canal, 4114, 4184.

— on amendment providing for taking census of agriculture, 4167.

— on amendment to strike name of Henry M. Rose out of, 4182.

Naval appropriation bill (H. R. 20975): on amendment relating to the so-called plucking board, 4690.

Order of business, 335, 384, 492, 626, 904, 905, 966, 1383, 1507, 1543, 1759, 1816, 2029, 2083, 2581, 2582, 2584, 2585, 2586, 3379, 3628, 3629, 5138, 5189, 5145.

Post Office appropriation bill (H. R. 19906): on amendment relating to pay of rural mail carriers, 4465.

— on amendment relative to experimental village delivery service, 4473.

Recess, 2397, 2398, 2404, 2405, 3254.

Rules of Senate: on point of order that a two-thirds vote is necessary in order to suspend, 1513.

— on report of Committee on Rules recommending certain suspension of, 1745.

Seamen's bill (S. 136): on motion to lay on table the motion to reconsider action of the Senate in agreeing to conference report on, 4817.

Senate: on motion to lay on table an amendment to motion providing for limitation of debate in, 3857.

Senators: on amendment to proposed order for arrest of absent, 3281.

— on amendment to proposed order requiring constant attendance in Senate of, 3315.

YELLOWSTONE NATIONAL PARK, amend act to protect birds and animals and to punish crimes in (see bill S. 6970.)

Estimate of appropriation for administration and protection of (H. Doc. 1502), 1812.

Memorial of legislature of California relative to transfer to San Luis Obispo County of certain elk in, 3770.

YELTON, ANNIE E., increase pension (see bills S. 6669, 6980\*).

YORK, CASWELL, increase pension (see bills H. R. 14713, 20562\*).

YORK, MARTHA, increase pension (see bills H. R. 19511, 20562\*).

YORK, PA., donate condemned cannon to city of (see bill S. 5495\*).

YOUNG, CORA DAY, increase pension (see bills H. R. 20966, 21037\*).

The \* indicates bills acted upon. See "History of Bills."

**YOUNG, GEORGE M.** (*a Representative from North Dakota*).  
 Attended, 10.  
*Amendments offered by, to*  
 Agricultural appropriation bill, 2329.  
 Post Office appropriation bill, 773.  
*Bills and joint resolutions introduced by*  
 Bismarck, N. Dak.: to construct additional building at Indian school at (see bill H. R. 19978), 248.  
 Fleming, Louisa: to pension (see bill H. R. 20240), 431.  
 Widener, George W.: to pension (see bill H. R. 21182), 2270.  
*Petitions and papers presented by, from*  
 Citizens and individuals, 2434, 2538, 3764, 4243.  
 Societies and associations, 79, 164, 433, 489, 2271, 2740, 2773, 3617, 4889.  
 State legislatures, 3837.  
*Remarks by, on*  
 Absentee voting, 2183.  
 Agricultural appropriation bill—seed distribution, 2174, 2175, 2329, 2331.  
 Exportation of arms and munitions of war (Appendix, 876, 892).  
 Grading of wheat, 4041-4044.  
 Henry, A. J.: relief of, 3521, 3522.  
 Immigration—Belgian immigrants, 1149, 1150.  
 —veto message (Appendix, 876).  
 Indian appropriation bill, 1193.  
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*Reports made by, from*  
 Committee on Claims:  
 Rogers, Frank Henry—heirs (Rept. 1385), 3482.  
 Sherman County, Oreg., settlers (Rept. 1442), 4553.  
*Votes of.* See YEA-AND-NAY VOTES.  
**YOUNG, HOWARD**, increase pension (see bill H. R. 21594).

**YOUNG, JAMES** (*a Representative from Texas*).  
 Attended, 11.  
*Remarks by, on*  
 Agricultural appropriation bill, 2483, 2484.  
 El Paso & Rock Island Railway Co., 3807, 3808, 5187, 5188.  
*Reports made by from*  
 Committee on Agriculture:  
 El Paso & Rock Island Railway Co. (Rept. 1288), 1734.  
*Votes of.* See YEA-AND-NAY VOTES.  
**YOUNG, WILLIAM C.**, increase pension (see bills H. R. 9570, 20562\*).  
**YOUNGER, EDWARD**, increase pension (see bills H. R. 9449, 20643\*).  
**YOUREE, MARY A.**, referring claim of estate to Court of Claims (see H. Res. 591\*).  
**YOUTS, DAVID**, increase pension (see bill S. 7291).  
**YUKON RIVER.** See ALASKA.  
**YUMA, ARIZ.**, erect public building at (see bill H. R. 21404).  
 Bill to purchase site for public building at (see bill H. R. 21465).  
**ZANE, ELIZABETH**, erect monument to (see bill H. R. 21551).  
**ZANESVILLE, OHIO**, donate condemned cannon to town of (see bill S. 5495\*).  
**ZARR, PETER**, increase pension (see bills H. R. 15825, 20643\*).  
**ZEIMER, JOSEPH**, increase pension (see bills S. 7399; H. R. 20983).  
**ZERBE, ISAAC**, increase pension (see bills H. R. 20296, 21037\*).  
**ZIEGLER, JOHN BROWNLOW**, granting American citizenship to (see S. J. Res. 192\*).  
**ZSCHOCKE, JOHANNA**, increase pension (see bills H. R. 20060, 20562\*).  
**ZUKER, WILLIAM**, increase pension (see bills H. R. 18149, 21037\*).  
**ZUMBRIGER, CLEMENT**, increase pension (see bills H. R. 19146, 20562\*).

The \* indicates bills acted upon. See "History of Bills."