By Mr. OLIVER:
A bill (S. 6750) granting an increase of pension to Arnold Bloom (with accompanying papers); to the Committee on Pensions.
By Mr. CATRON:
A bill (S. 6751) relative to the powers and duties of United States surveyors general; to the Committee on Public Lands.
By Mr. CUMMINS:
A bill (S. 6752) granting an increase of pension to George B. Turney (with accompanying paper); to the Committee on Pensions.
By Mr. DU PONT:
A bill (S. 6753) for the relief of the heirs of John W. Massey; to the Committee on Claims.
A bill (S. 6754) granting an increase of pension to George Elliott; to the Committee on Pensions.
By Mr. GUGGENHEIM:
A bill (S. 6755) granting an increase of pension to Jane Hubbard; to the Committee on Pensions.
By Mr. BRADLEY:
A bill (S. 6756) granting an increase of pension to John T. Craddock (with accompanying paper); to the Committee on Pensions.

AMENDMENT TO MILITARY ACADEMY APPROPRIATION BILL.

Mr. DU PONT submitted an amendment providing that hereafter graduates of the Military Academy shall receive mileage as authorized by law for officers of the Army, from West Point, N. Y., to the station which they first join for duty, etc., intended to be proposed by him to the Military Academy appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

THE METAL SCHEDULE.

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," which was ordered to lie on the table and be printed.

DRY-LAND HOMESTEADS.

Mr. HEYBURN submitted the following resolution (S. Res. 306), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and is hereby, directed to furnish the Senate with full information as to the number of homestead entries and the additions to existing homesteads made in each State and in the aggregate under the enlarged homestead acts approved February 19, 1909, and June 17, 1910.

RECALL OF JUDGES (S. DOC. NO. 649).

Mr. LODGE. I present a brief argument in opposition to the recall of judges, by Rome G. Brown, of Minneapolis, Minn., presented before the Minnesota State Bar Association at its annual meeting at Duluth, Minn., July 19, 1911. I ask that the argument be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

INITIATIVE AND REFERENDUM (S. DOC. NO. 651).

Mr. OWEN. I present a memorial by C. F. Taylor, editor of the Equity Series, on the initiative and referendum and the fundamental error in the reasoning set forth in the argument found in certain Senate documents. I ask that the memorial be printed as a Senate document.

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

SENATE AMENDMENTS TO ARBITRATION TREATIES (S. DOC. NO. 654).

Mr. HITCHCOCK. I ask to have printed as a Senate document an article which appeared in the North American Review for the current month of May by the senior Senator from Georgia, Hon. AUGUSTUS O. BACON, on the subject of the Senate amendments to the arbitration treaties. I will submit the article later.

The VICE PRESIDENT. Without objection, the order will be entered as requested.

BILLS OF LADING (S. DOC. NO. 650).

Mr. CLAPP. I ask that the hearings before the Committee on Interstate Commerce, United States Senate, Sixty-second Congress, on the bill (S. 4713) relating to bills of lading in commerce with foreign nations and among the several States, and the bill (S. 957) relating to bills of lading, being parts 1, 2, and 3, be printed as a Senate document.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

HOUSE BILL REFERRED.

H. R. 5602. An act authorizing the Leo N. Levi Memorial Hospital Association to occupy and construct buildings for the use of the corporation on lots Nos. 3 and 4, block No. 114, in the city of Hot Springs, Ark., was read twice by its title and referred to the Committee on Public Lands.

BRIDGE ACROSS THE BIG SANDY RIVER.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6167) to authorize the Williamson & Pond Creek Railroad Co. to construct a bridge across the Tug Fork of the Big Sandy River at or near Williamson, Mingo County, W. Va., which were, on page 1, line 6, to strike out "railroad"; and on page 1, line 8, after "at," to insert "a point suitable to the interests of navigation."

Mr. NELSON. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

SENATOR FROM ILLINOIS.

Mr. BRISTOW. Mr. President, I should like to inquire of the chairman of the Committee on Privileges and Elections when we shall have a report on the Lorimer case?

Mr. DILLINGHAM. Mr. President, I hope by the end of this week the report will be completed. It is in a good state of progress. We have devoted a great deal of time to it in order to condense the information and get it in presentable form. I expect we shall be able to complete the report during the present week.

Mr. BRISTOW. I make the inquiry because it has been now three months to-day, if I remember rightly, since the hearings closed, or since the case was closed. Senators have had the abstract of evidence for many weeks. The session is approaching summer, and I do not think the Senate should adjourn without action on this case. It seems to me—a year practically has now passed since the case was referred to the committee—that we should have had a report sooner, and I had in mind a motion asking the committee to make a report not later than Monday next. I believe I will make that motion. I move that the Senate request the Committee on Privileges and Elections to file its report in the Lorimer case not later than Monday next.

The VICE PRESIDENT. The Senator from Kansas moves that the Committee on Privileges and Elections be requested to make the report in the Lorimer case on or before Monday next.

Mr. CULBERSON. We have been unable on this side of the Chamber to hear the Senator from Vermont [Mr. DILLINGHAM]. I should like to ask him to repeat substantially his statement, if he will do so.

Mr. DILLINGHAM. Mr. President, I have no apologies whatever to make for any delay there has been in filing the report in the Lorimer case. True it is, as the Senator from Kansas [Mr. BRISTOW] has said, that case was referred to our committee nearly a year ago. The committee has substantially devoted five months—of course, with interruptions—to the investigation. One hundred and two full working days were given to public hearings in that case and over 180 different witnesses were summoned and examined before the committee. In addition to that, a large volume of documentary evidence was received. That evidence was printed and it has been presented to the Senate in eight volumes, containing nearly 9,000 pages of testimony. After the hearings closed, time was given to counsel to file briefs in the case, first, with respect to the law, and, secondly, with respect to the facts. Those briefs were filed probably six weeks ago, more or less; I do not know. I did not attempt to take up the work of drawing a report until the briefs were filed. Then I was called away from the city twice, once on public business and once for the same reason that almost every Senator has left the Chamber and has left the city during the present session. Other members of the committee have been out of the city. It has been almost impossible to bring them together for a consideration of certain questions that needed to be considered. I have devoted more work to the affairs of the Senate this winter than I ever did in any previous winter in my experience here. I have worked evenings as well as days.

As I said when I began, I have no apologies to offer for any delay there has been in making the report. The report has been enormously expensive to the Government; it has been made upon newly discovered evidence, so called; it has required a great deal of time to go through these volumes, to harmonize the testimony of different witnesses, to eliminate that which seemed to be false, to reach the kernel of the truth, and try to present it to the Senate.

I do not relish the criticism that came from the Senator from Kansas; I do not accept it as rebuke. I read in the Chicago Tribune of the 30th of April that some movement of this kind was to be taken; I have been expecting it since that time. I

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say now that the work of drawing the report is well advanced. The majority of the committee are holding meetings twice and three times a week, and last night were together until nearly midnight in connection with this work. If it has come to that in this Senate, that men who like to stand for character in a matter of this importance are to be criticized for delay, I must submit; but I want to say for the committee that has been back of me—if I do not say it for myself—that I have never heard a suggestion of delay. I do not think that the thought has ever entered the mind of any member of the committee that there has ever been any purpose to delay its report beyond a point where it was necessary to go in order to present an intelligent report to this body. The charge that there is an intention of throwing the matter over until next winter is false. The Senate can do what they please about this motion.

Mr. CULBERSON. Mr. President——

Mr. DILLINGHAM. I beg pardon of the Senator from Texas. I said in opening—and I forgot to repeat it in answer to his inquiry—that the report is so far advanced that I expected it would be completed during the present week.

Mr. CULBERSON. That is what I wanted to understand.

Mr. KENYON. Mr. President, the inquiry of the Senator from Kansas was not directed to the minority of the Committee on Privileges and Elections, as I understand; but I want to say on behalf of the minority that their report is ready. There are, however, no rules of the Senate, as I understand, by which a minority report can be filed.

Without any spirit of criticism of the record in this case, the dates would seem to indicate that a report ought soon to be filed. The investigation was ordered on June 7, 1911; hearings were commenced on June 20, 1911, and were closed on February 9, 1912; briefs on the law were to be filed by March 1; briefs on the facts by March 15; and the last brief was filed on March 17. It is, therefore, three months since the testimony closed and 52 days since the last brief was filed. It would seem that some time ought to be fixed for a report—not any immediate time, if more time is necessary—but simply that some time ought to be fixed.

Mr. HEYBURN. Mr. President——

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

Mr. KENYON. I yield.

Mr. HEYBURN. I should like to ask the Senator from Iowa a question. Under what rule of this body does the document denominated a "minority report" come?

Mr. KENYON. I understand that it is merely a presentation of the views of the minority.

Mr. HEYBURN. It is not provided for by any rule of this body, nor is it recognized otherwise, and it should not be. The majority of a committee is the committee. I merely make that suggestion. I hope the time is close at hand when these documents called "minority reports" will pass out of existence.

Mr. KENYON. I do not think they will pass out in the Senator's time or mine.

Mr. HEYBURN. They may.

Mr. BRISTOW. Mr. President, the Senator from Vermont [Mr. DILLINGHAM] seemed to exhibit some warmth in replying to a suggestion that I had made. I do not care to criticize the Committee on Privileges and Elections, but I do feel that there should be action in this case. It has been pending for practically a year. The taking of evidence was closed three months since, and we are advised now that the minority of the committee, who hold different views from the majority, are ready to submit their views. So it seems to me that the Senate is entitled to have the views of the majority as well.

The action I took this morning was taken because I believed the report ought to be made; but upon the statement made by the Senator from Vermont that probably his report will be filed during the week, I will withdraw the motion and not press it at this time.

The VICE PRESIDENT. The Senator from Kansas withdraws his motion.

HOUR OF DAILY MEETING.

Mr. GALLINGER. Mr. President, I have a resolution which I desire to offer. I will simply suggest that, in my individual opinion, the time has come when the Senate ought to meet at 12 o'clock and diligently work with a view to final adjournment at some reasonable time during the year. I offer the resolution that I send to the desk.

The VICE PRESIDENT. The Secretary will read the resolution submitted by the Senator from New Hampshire.

The Secretary read as follows:

Resolved, That until otherwise ordered the hour of daily meeting of the Senate shall be 12 o'clock noon.

The resolution was considered by unanimous consent and agreed to.

RETRIAL OF MILITARY ACADEMY CADETS.

Mr. CURTIS. Mr. President, yesterday I objected to the consideration of Senate joint resolution 99 because it did not cover the case of a Kansas cadet, whose name I was informed would be included. Since that time I have carefully looked into the case, and while I find that the cadets included by the joint resolution were dismissed for committing the same offense as the cadet I had in mind, they were tried at a different time, and the bill would not assist the cadet living in the State of Kansas. I therefore withdraw my objection and hope the Senate will give unanimous consent to consider the joint resolution at this time.

The VICE PRESIDENT. The Senator from Kansas asks unanimous consent for the present consideration of a joint resolution, the title of which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which, on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them.

Mr. GALLINGER. Mr. President, before action is taken on the joint resolution I should like the Senator having it in charge to tell just what offense these young men committed. I recall the fact that, perhaps, two or three years ago we restored some young men, I think, to the Naval Academy, by act of Congress, and there was very severe criticism of that action; in fact, it was stated to me by some of the officers of that academy that it greatly demoralized the academy and was a great detriment to the service. I have not had time to look at the report in this case, if there is any, but I should like a brief statement made as to the real offense or offenses committed by these young men.

Mr. CURTIS. Mr. President, before the statement is made by the chairman of the committee, I desire to explain to the Senate why I asked unanimous consent for the present consideration of the joint resolution. The joint resolution was taken up yesterday, and would have passed but for the objection which I made. I made the objection because the joint resolution did not include a cadet who had been dismissed from the academy, and who lived in the State of Kansas, whom I had expected would be included in the provisions of the joint resolution. After looking up the case, I have found that it would do no good to include him in this joint resolution, because no relief could be given; and I thought it only proper, therefore, to ask unanimous consent for the present consideration of the joint resolution, inasmuch as it had gone over yesterday upon my objection.

Mr. DU PONT. Mr. President, the old regulations of the Military Academy, among other things, provided as follows:

No cadet shall drink any spirituous or intoxicating liquor, or bring or cause the same to be brought within the cadet limits, or have the same in his room, tent, or otherwise in his possession, upon pain of being dismissed the service.

It will be observed that this is a very stringent regulation and that it goes very far. The new regulations which were approved by the Secretary of War on the 15th of June last, and as such have the force of law, provide as follows:

Cadets who shall drink or be found under the influence of intoxicating liquor, or bring or cause the same to be brought within the cadet limits, or have the same in their rooms, tents, or otherwise in their possession, shall be dismissed the service or otherwise less severely punished.

The idea of the new regulations was to discriminate between a man who might have taken a glass of beer, for example, without affecting him in any respect, and a man who might have taken liquor to such an extent as to be disorderly or otherwise misconduct or disgrace himself.

As to the facts in connection with these four cadets, it appears that the Corps of Cadets was on a practice march; that is to say, they marched a number of miles into the country, went into camp, and the following day marched back to the academy. This was in the line of their military instruction. It appears that after having marched away from West Point and had gone into camp, several of the cadets walked about in the neighborhood.

The cases of three of those mentioned in the joint resolution are very fresh in my recollection. They stopped at a country store and asked for a soft drink of some kind, ginger ale or other nonalcoholic beverage, and that not being procurable, they drank a glass or two of blackberry wine. That was their offense. The fourth had a phial of some sort of intoxicating liquor in his coat pocket, which he had not tasted. It was a very small quantity, a quarter of a pint or something of that kind, and he had not himself tasted any of the liquor.

Now, in addition to that I will say to the Senator from New Hampshire these four cadets were not detected in their violations of the regulations. They were known to have been walk-

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vestment in or the development of steamship lines or coastwise trade generally as this amendment provides.

We deem it especially important for the great industries of New England that under proper restrictions railroads should be allowed to develop and maintain transportation by water. This is of the utmost importance in the transportation of the freight to and from New England points and the South, especially in connection with the cotton industry. We believe that, with the opening of the Panama Canal, it is of the greatest importance that there shall be adequate transportation facilities by water between New England and the Gulf cities.

Therefore we protest against the adoption of the Covington amendment to the Panama Canal bill as unnecessarily impeding the development of transportation by water and as thus retarding the development of New England's commerce with southern and Pacific ports, and we urge New England Congressmen to do everything in their power to defeat the amendment.

Sayles Bleacheries, Saylesville, R. I., by Chas. O. Read, general manager; Glenlyon Dye Works, Saylesville, R. I., by Chas. O. Read, treasurer; Lorraine Mfg. Co., Pawtucket, R. I., I. R. MacColl, treasurer; Ponemah Mills, Taftville, Conn., J. A. Atwood, treasurer; Lonsdale Co., Goddard Bros., agents; Hope Co., Goddard Bros., agents; Blackstone Mfg. Co., Goddard Bros., agents; Slater Mfg. Co., Wm. H. Harriss, treasurer; Quidnick Windham Mfg. Co., J. H. Hamble, treasurer.

Mr. WETMORE presented a petition of the Local Council of Women of Rhode Island, praying for the enactment of legislation providing for vocational education, which was ordered to lie on the table.

He also presented a telegram in the nature of a memorial from E. A. Beaman, president of the Rhode Island Branch of the National Metal Trades Association, remonstrating against the passage of the so-called eight-hour bill, which was ordered to lie on the table.

Mr. CULLOM presented a memorial of the Allied Printing Trades Council of Quincy, Ill., remonstrating against any increase in second-class postage rates, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Trades and Labor Assembly of Decatur, Ill., praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

He also presented petitions of members of the Morgan County Medical Society and of the Medical Club of Jacksonville and of the North Central Illinois Medical Association, of Streator, all in the State of Illinois, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. BURNHAM presented a petition of Local Grange No. 167, Patrons of Husbandry, of Candia, N. H., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. JONES. I present a telegram, in the nature of a petition, in support of the Owen medical bill. I ask that the telegram lie on the table and be printed in the RECORD.

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

SEATTLE, WASH., *May 8, 1912.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

We hope you will see your way clear to give your hearty support to the Owen bill establishing a national department of health. No bill was ever more clearly in the interests of the masses of the people than this one. It would be an essential aid to the pure-food law. It is expressly declared in this bill that the health service established under it shall have no power to regulate the practice of medicine or practice of healing or to interfere with the rights of citizens to employ a practitioner of their choice. There is not a line in the bill that by any construction would interfere with the personal right or liberties of the individual citizen.

THOMAS BURKE.

Mr. TOWNSEND. I present a telegram, in the nature of a petition, relative to the Owen medical bill. I ask that the telegram lie on the table and be printed in the RECORD.

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

PONTIAC, MICH., *May 8, 1912.*

Senator CHARLES E. TOWNSEND,
Washington, D. C.:

The Pontiac Commercial Association at its regular meeting, May 7, in response to request from people of the city by resolution directed me to request you to vote for the Owen bill, now pending before the United States Senate, and to use your personal influence to secure its enactment.

E. B. LINABURY, *Secretary.*

Mr. TOWNSEND presented a petition of Holland Camp, No. 38, Department of Michigan, United Spanish War Veterans, of Holland, Mich., praying for the enactment of legislation to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Brant, Mich., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. OLIVER presented a petition of Hopewell Grange, No. 1398, Patrons of Husbandry, of Cross Roads, Pa., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of members of the Westmoreland County Medical Society, of Pennsylvania, praying for the establishment of a department of public health, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Mahoning, Pa., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of the Business Men's Association of Coatesville, Pa., praying for the enactment of legislation providing for the opening of the Panama Canal to vessels of all tonnage irrespective of ownership, which was referred to the Committee on Interoceanic Canals.

Mr. GALLINGER presented a memorial of the Columbia Heights Citizens' Association, of Washington, D. C., remonstrating against the enactment of legislation to provide deficiencies in the fund for police and firemen's pensions, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Columbia Heights Citizens' Association, of Washington, D. C., and a petition of the congregation of the Congress Street Church, of Washington, D. C., praying for the enactment of legislation governing the granting of licenses for bar rooms in the District of Columbia, and for other purposes, which were ordered to lie on the table.

He also presented the petition of William M. Bass, of Washington, D. C., praying for the enactment of legislation to maintain the present water rates in the District, which was referred to the Committee on the District of Columbia.

Mr. ASHURST presented a petition of the United Brotherhood of Leatherworkers on Horse Goods of Kansas City, Mo., praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

Mr. JOHNSTON of Alabama presented a petition of sundry citizens of Tuscumbia and Sheffield, in the State of Alabama, praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was referred to the Committee on Education and Labor.

Mr. CURTIS presented petitions of sundry citizens of Auburn and Michigan Valley, in the State of Kansas, praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Goodland, Kans., praying for the enactment of legislation providing for free mail delivery in towns, cities, and villages with a population of 1,000 or over, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Baileyville and Emporia, in the State of Kansas, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Muscotah, Concordia, Basehor, Bonner Springs, Holton, Dresden, Michigan Valley, Stockton, and Hollenberg, all in the State of Kansas, remonstrating against the enactment of legislation to permit the coloring of oleomargarine in immitation of butter, which were referred to the Committee on Agriculture and Forestry.

Mr. DU PONT presented a petition of the executive board of the State Federation of Women's Clubs, of Wilmington, Del., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. OWEN. I present a telegram in the nature of a petition, in favor of the national department of health bill. I ask that the telegram lie on the table and be printed in the RECORD.

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

LINCOLN, NEBR., *May 8, 1912.*

Senator OWEN,
United States Senate, Washington, D. C.:

Nebraska State Medical Association, of 1,000 members, in annual session unanimously indorse your bill for a national department of health.

Truly,
W. H. WILSON, M. D.,
Chairman of Committee on Legislation.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to which was referred the bill (S. 4838) to amend section 96 of the "act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported it with amendment.

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Mr. BURNHAM, from the Committee on Commerce, to which was referred the bill (S. 5387) to construct and place a light-ship near Monhegan Island, entrance to Penobscot Bay, Me., reported it with amendments and submitted a report (No. 717) thereon.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (H. R. 23407) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Levisa Fork of the Big Sandy River, reported it without amendment and submitted a report (No. 718) thereon.

Mr. OLIVER, from the Committee on Commerce, to which was referred the bill (H. R. 22731) to extend the time for the construction of a dam across the Pend Oreille River, Wash., reported it without amendment and submitted a report (No. 719) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 1332) an act regulating Indian allotments disposed of by will, reported it without amendment and submitted a report (No. 720) thereon.

Mr. OWEN, from the Committee on Indian Affairs, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 4947. A bill providing for the equalization of Creek allotments (Rept. No. 721); and

S. 3843. A bill granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes (Rept. No. 722).

Mr. TILLMAN, from the Committee on Naval Affairs, to which was referred the bill (S. 2001) to provide for the award of congressional medals of honor to officers of the naval service, and officers and enlisted men of the Revenue Marine, and for other purposes, reported it with amendments and submitted a report (No. 723) thereon.

Mr. BROWN, from the Committee on Military Affairs, to which was referred the bill (S. 5808) granting right of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington, reported it with amendments and submitted a report (No. 724) thereon.

Mr. DU PONT, from the Committee on Military Affairs, submitted a report (No. 725) to accompany the joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which, on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them, heretofore reported by him.

COAL-MINING OPERATIONS IN WYOMING.

Mr. CLARK of Wyoming. From the Committee on Public Lands I report back favorably, with an amendment, the joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming. For the reason that the necessity for its passage is immediate, I ask for the present consideration of the joint resolution.

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

The Secretary read the joint resolution, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 4, after the word "authorized," to strike out the words "in his discretion," so as to make the joint resolution read:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized to allow the Owl Creek Coal Co. to continue the operation of its mine or mines upon any of the lands embraced in Lander (Wyo.) coal entries Nos. 18 to 49, inclusive, in general conformity with the terms of an order made October 5, 1910, by the Circuit Court of the United States for the District of Wyoming in a proceeding wherein the United States of America was plaintiff and the Owl Creek Coal Co., Clara H. Carhart, and Elsie C. Carhart were defendants.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HEYBURN. I suggest that the title needs amendment. The word is "authorizing." It should be made to conform to the amendment.

Mr. CLARK of Wyoming. The word "authorizing" is all right. It does not need amendment.

Mr. HEYBURN. The Secretary of the Interior has no discretion about it. The words "in his discretion" have been cut out.

Mr. CLARK of Wyoming. That does not affect the title of the joint resolution.

Mr. HEYBURN. If the title expresses it properly, all right.

UNION PACIFIC RAILROAD CO. CONVEYANCES.

Mr. SMOOT. On May 7 the bill (H. R. 16689) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co. came to the Senate and was referred to the Committee on Public Lands. I ask that that committee be discharged from the further consideration of the bill and that it be referred to the Judiciary Committee.

Mr. HEYBURN. I should like a little further information in regard to the nature of that bill.

Mr. SMOOT. There was a bill introduced by the Senator from Kansas [Mr. BRISTOW] on April 29, 1912, similar to the one which passed the House. The bill in the House was referred to the Judiciary Committee and reported out of that committee. It passed the House and came over here, and was, as I stated, referred to the Committee on Public Lands. My attention was called to it this morning by the chairman of the Judiciary Committee, stating that he thought it ought to be referred to the Judiciary Committee, and therefore I make the request. It is in relation to a right of way.

Mr. HEYBURN. Mr. President, the rules of the House and the rules of the Senate differ materially in regard to the jurisdiction over such matters. I have been waiting with a watchful eye for this proposed legislation to come before the Senate with a view of investigating the merits of the proposal. I would ask that the Senator allow it to go over.

Mr. SMOOT. I will withdraw the request, so that the Senator from Idaho may have an opportunity to examine the bill.

Mr. HEYBURN. Very well.

The VICE PRESIDENT. The Senator from Utah withdraws the request for the present.

Mr. SMOOT subsequently said: I asked that the Committee on Public Lands be discharged from the further consideration of the bill (H. R. 16689) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co., and that it be referred to the Committee on the Judiciary. The Senator from Idaho [Mr. HEYBURN] objected. After an examination of the bill, however, he has no objection to such reference, and I now renew my request for the change of reference.

The VICE PRESIDENT. Without objection, the change of reference will be made.

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. CULLOM:

A bill (S. 6757) granting an increase of pension to John Harrison; to the Committee on Pensions.

By Mr. THORNTON:

A bill (S. 6758) for the relief of heirs or estate of Joseph Melancon, deceased (with accompanying paper); to the Committee on Claims.

By Mr. GARDNER:

A bill (S. 6759) granting an increase of pension to John D. Perkins (with accompanying paper); to the Committee on Pensions.

By Mr. BORAH (by request):

A bill (S. 6760) for the relief of Nathaniel M. Eldredge; to the Committee on Public Lands.

By Mr. BURNHAM:

A bill (S. 6761) for the relief of Augustus A. Gibson and others; to the Committee on Claims.

By Mr. KERN:

A bill (S. 6762) granting an increase of pension to Richard F. Jacks (with accompanying paper); to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 6763) to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River between said cities, without a draw; to the Committee on Commerce.

By Mr. OWEN:

A bill (S. 6764) granting an increase of pension to Lansing B. Nichols (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 6765) providing for the improvement of the roadway from the railroad depot at Fredericksburg, Va., to the national cemetery near Fredericksburg; to the Committee on Military Affairs.

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By Mr. CLARKE of Arkansas:
A bill (S. 6766) providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark.; to the Committee on Military Affairs.
By Mr. OWEN:
A bill (S. 6767) to terminate the Indian Office, and for other purposes; to the Committee on Indian Affairs.
By Mr. PENROSE:
A bill (S. 6768) granting an increase of pension to W. E. Roach;
A bill (S. 6769) granting an increase of pension to Levi H. Hahn; and
A bill (S. 6770) granting a pension to Robert W. Shaffer; to the Committee on Pensions.
By Mr. LEA:
A bill (S. 6771) appropriating $250,000 for levee work on the Mississippi River; to the Committee on Commerce.
By Mr. GORE:
A joint resolution (S. J. Res. 106) creating a joint commission on public highways, and for other purposes; to the Committee on Agriculture and Forestry.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. GORE submitted an amendment proposing to create a joint commission on public highways, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 21279), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. BURNHAM submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.
Mr. BACON submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was ordered to be printed and, with the accompanying copy of the findings of the Court of Claims, referred to the Committee on Claims.

EIGHT-HOUR LAW.

The VICE PRESIDENT. The morning business is closed.
Mr. BORAH. Mr. President, I gave notice day before yesterday that I would ask the Senate to consider at this time House bill 9061, known as the eight-hour bill. I am not going, however, to ask for anything more than the reading of the bill this morning, owing to the fact that the Senator from Minnesota [Mr. NELSON] desires to proceed with the river and harbor bill, and the further fact that a Senator is absent who desires to be present when the bill is discussed. I therefore, with this modification of the notice, ask unanimous consent to call up the bill.
Mr. GALLINGER. Mr. President, there is no objection to that if it is for the purpose of simply reading the bill. I wish to say to the Senator from Idaho that there is at least one Senator who has not had time to examine the bill with the care that he desires to give to it before it is taken up for serious consideration, and I hope the Senator will not unduly press the bill.
Mr. BORAH. I will not unduly press it.
Mr. GALLINGER. I do not know exactly what the Senator means by that. Perhaps I did not use a very apt term.
Mr. BORAH. I think the Senator used the correct term, but I want the emphasis in the right place.
Mr. GALLINGER. I wanted to suggest to the Senator, knowing the Senator's persistence when he is in charge of a bill, that probably this bill will not be expedited unless we be given full time to examine it and prepare ourselves to discuss it. We have been pretty busy here of late, some of us at least. I hope the Senator——
Mr. BORAH. I do not think the Senator will have any reason to complain. I propose to give time for the bill, because the more Senators study it the more they will be in favor of it.
Mr. GALLINGER. That may be so.
The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes, be taken up. Without objection, the bill is before the Senate as in Committee of the Whole.
Mr. LODGE. Has the bill been read?
The VICE PRESIDENT. The bill has not been read. The bill is taken up as in Committee of the Whole, without objection. The Chair hears no objection.
Mr. LODGE. I thought the bill was to be read for information.
The VICE PRESIDENT. It was the request of the Senator from Idaho that the Senate should proceed with the reading of the bill. It will be read.
The Secretary proceeded to read the bill.
Mr. BORAH. Mr. President, I desire to suggest the correction of what is a really verbal inaccuracy. On page 3, in line 25, before the words "this act," I move to insert the words "section 1 of."
The VICE PRESIDENT. The amendment proposed by the Senator from Idaho will be stated.
The SECRETARY. In section 2, on page 3, line 25, before the words "this act," it is proposed to insert the words "section 1 of."
The VICE PRESIDENT. Without objection, the amendment will be agreed to.
Mr. HEYBURN. Mr. President, I did not understand that we were going to consider the bill now for amendment.
The VICE PRESIDENT. Oh, no; the bill is not being considered for amendment. The junior Senator from Idaho simply suggested a verbal amendment, and it may only be considered by unanimous consent, and even that——
Mr. HEYBURN. I should like to have the verbal amendment which has been proposed restated.
The VICE PRESIDENT. The Secretary will again state the amendment proposed by the junior Senator from Idaho.
The Secretary again stated the amendment proposed by Mr. BORAH.
The VICE PRESIDENT. If there is any objection, the amendment can not be now considered. No amendment can be now considered except by unanimous consent.
Mr. HEYBURN. There will be something doing when this bill is really before the Senate. I did not understand that it would be before the Senate now.
Mr. BORAH. I have no desire to urge the amendment if the senior Senator from Idaho objects.
The VICE PRESIDENT. Very well. The amendment will not be considered as suggested at the present time, but is withdrawn. The Secretary will resume the reading of the bill.
The Secretary resumed and concluded the reading of the bill.
Mr. LODGE. Mr. President, I ask that two amendments which I intend to propose to the bill may be printed and lie on the table.
The VICE PRESIDENT. Without objection, it is so ordered.
Mr. BORAH. I ask to have the report upon this bill printed in the RECORD in connection with the reading of the bill, and then I ask that the bill be laid aside.
The VICE PRESIDENT. Without objection, the report of the committee on the bill will be printed in the RECORD following the reading of the bill.
The report referred to is as follows:

[Senate Report No. 601, Sixty-second Congress, second session.]

HOURS OF DAILY SERVICE OF LABORERS AND MECHANICS UPON GOVERNMENT CONTRACTS.

Mr. BORAH, from the Committee on Education and Labor, submitted the following report, to accompany House bill 9061:
The Committee on Education and Labor, having had under consideration House bill 9061, report the same favorably without amendment and recommend its passage.
The following is a copy of the bill as it passed the House and is now reported to the Senate:
"An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.
"*Be it enacted, etc.*, That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of $5 for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting by the officer or

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person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may within six months after decision by such head of a department of the Commissioners of the District of Columbia file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.

"SEC. 2. That nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not: *Provided*, That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract, by individuals, firms, or corporations for on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of this act. The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent. No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been justifiable. Nothing in this act shall be construed to repeal or modify the act entitled 'An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia,' being chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892, or to apply to work done under contracts made prior to the passage of this act."

The constitutionality of this measure has been discussed at great length before the committee by able counsel, especially as against its constitutionality. There does not seem to the committee, however, to be any serious doubt as to the power of Congress to pass such a measure. The bill provides that every contract hereafter made to which the United States is a party, and every contract made for and on behalf of the United States which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work covered by the contract in the employ of the contractor or any subcontractor shall be required or permitted to work more than eight hours in any one calendar day.

The sole question would seem to be, may the Government exercise its discretion in entering into a contract and require terms which preclude men working for more than eight hours for any calendar day? The numerous questions which have arisen, and which have been many times before the court and most ably discussed before the committee relative to prohibiting individuals and concerns entering into contracts limiting the hours of work, can not be relevant or controlling here. The Government has the right to contract, and it would seem that it would have the right to decline to enter into a contract unless the terms of the same are satisfactory to it as to any contracting party.

The most serious question, and the one to which the most earnest consideration was given, is as to the policy of such a measure. Is it wise for the Government to refuse to contract except upon such terms as will prevent the laborer from working more than eight hours? This in fact brings up the question of an eight-hour day, its moral and economic effects upon society, for the influence and effect of this law will greatly augment the strength of the movement for a universal eight-hour day. The friends and supporters of the measure recognize the effect in this respect which this law is bound to have. It will no doubt in many ways reach in effect beyond the immediate contracts entered into by the Government.

Much has been said as to the inconvenience which would result to the employers in establishing the eight-hour day. Doubtless in some instances and to some extent this inconvenience, necessitating in some instances rearrangement, will follow. It is perhaps true, also, that in some instances there may result a greater expense to the Government. But these things we believe are to be considered as of minor importance compared to the general benefit to be derived from an eight-hour day for laborers. We believe it means better work, better citizens, and in the end far better for society.

Prof. Rao, in his careful study of the eight-hour day and speaking particularly of the eight-hour day in Victoria, says:

"Of course differences in the value of product are not the same thing as differences in its amount, and the figures must be taken for what they are worth. Only I think they tend to support the conclusion that the shortening of the day to eight hours has not been followed by any corresponding loss of product, but rather—whatever it be due to—by an increase of product and even by an increase per hand employed. * * * It is, I think, beyond question that the shortening of the day to eight hours has improved the efficiency of labor during the time employed both as to quantity and quality, and there is every probability that in some trades and some particular kinds of work this cause alone would lead to as much being done in the short day as the long one."

Again the authority says:

"What use does the workingman of Victoria make of the leisure he has obtained through the eight-hour day? The 'go' and energy he is said by so many observers to put into his work is itself good evidence that he does not spend his time in vicious dissipation. If a shorter day in the workshop meant only a longer evening in the tavern he could not possibly show such signs of invigoration, and his day's work and his day's wages would soon have hopelessly declined. The general opinion in Victoria is that the habits of workingmen have improved and not deteriorated through the short hours. By leaving early in the afternoon they are able to live out in the suburbs in neat cottages with little gardens behind them which are almost invariably owned by their occupiers and they spend much of their leisure tending their little garden or in some outdoor sport or with their families. The two first effects of the 10-hour act in this country were the multiplication of mechanics' institutes—night schools and popular lectures on the one hand and the multiplication of the garden allotments on the other. Work people had neither time nor energy for such pursuits before—the only resource of the languid is the tavern. But with the longer evening at their disposal it became worth while devising other ways of enjoying it and the favorite among the English factory hands seemed to be the mechanics' institute in winter and the garden allotment in summer."

The conclusion of the author upon this subject may be stated as follows, and practically in his own language:

The evidence gathered and the facts at hand lead us to believe that the approach of a general eight-hour day of labor has no blight to cast on the economic prosperity either of the working class or of the Nation at large, while it will be certain to contribute greatly to the moral and social elevation of both.

It would be much better, no doubt, if an eight-hour day could be secured without legislation. Legislation in such matters should ordinarily be postponed long enough to give every opportunity for the business world to adjust itself to proper rules and conditions. It would be better for the employer and employee to adjust the hours of labor without the rigid and positive provisions of the law. If it could be brought about in this way peculiar and exceptional conditions could be arranged for and taken care of which it is impossible to do under the law. A law universal in its application, as it must be, makes it necessary for some concerns or employers to suffer embarrassment for a time. But it is believed that legislation is now necessary. This legislation has been up for discussion now for more than 10 years before the Congress of the United States. The business concerns have had ample notice. Those who can best afford to give an eight-hour day and who have most influence by their stand in retarding the movement seem determined not to yield until compelled to do so by law. A distinguished member of Parliament once said while the eight-hour law was under discussion in that country:

"Employers would never introduce the eight-hour law out of their own accord. In all my 40 years of experience, I have never known them of their own accord to either raise wages or shorten hours. And nothing can make the eight-hour day general but legislation."

This is stated too broadly so far as this country is concerned, for many employers have adopted the eight-hour day. But while individual employers have adopted the rule they can ill afford to abide by the rule if their more powerful competitors refuse to do so. So long as the large and dominant business concerns stand in the way of this movement there can be no permanent or general results obtained. Although individuals in particular concerns may receive the benefits by reason of the eight-hour day in those particular concerns, there can be no general benefit from a general rule, and, moreover, in the end these particular individuals must inevitably go back to the longer hours. Too much can not be said in favor or in commendation of many of the employers of labor in this country for the manner in which they have come to treat their employees—the improved sanitary conditions and the voluntary shortening of the hours. But what they voluntarily do others equally able to do refuse to do. It follows, therefore, that these individual employers seeking to better conditions are loaded with an extra burden which they ought not to bear.

No better illustration of the refusal of many of our industries to yield to nothing less than a rigid and exacting rule may be found in a most instructive report lately made by the Department of Commerce and Labor in the steel industry, a part of which is quoted, and it is as follows:

"The fact that stands out most strikingly in any study of the labor conditions in the iron and steel industry in the United States is the unusually long schedule of working hours to which the larger number of the employees in this industry are subject.

"During May, 1910, the period covered by this investigation, 50,000, or 29 per cent, of the 173,000 employees of blast furnaces and steel works and rolling mills covered by this report customarily worked 7 days per week, and 20 per cent of them worked 84 hours or more per week, which, in effect, means a 12-hour working day every day in the week, including Sunday. The evil of 7-day work was particularly accentuated by the fact developed in the investigation that the 7-day working week was not confined to the blast-furnace department, where there is a metallurgical necessity for continuous operation, and in which department 88 per cent of the employees worked 7 days a week, but it was also found that, to a considerable extent, in other departments, where no such metallurgical necessity can be claimed, productive work was carried on on Sunday just as on other days of the week. For example, in some establishments the Bessemer converters, the open-hearth furnaces, and blooming, rail, and structural mills were found operating 7 days a week for commercial reasons only.

"The hardship of a 12-hour day and a 7-day week is still further increased by the fact that every week or two weeks, as the case may be, when the employees on the day shift are transferred to the night shift, and vice versa, employees remain on duty without relief either 18 or 24 consecutive hours, according to the practice adopted for the change of shift. The most common plan to effect this change of shift is to work one shift of employees on the day of change through the entire 24 hours, the succeeding shift working the regular 12 hours when it comes on duty. In some instances the change is effected by having one shift remain on duty 18 hours and the succeeding shift work 18 hours. During the time that one shift is on duty, of course, the employees on the other shift have the same number of hours of relief from duty.

"That much of the Sunday labor which has been prevalent in the steel industry is no more necessary than in other industries is shown conclusively by the fact that at the time of the investigation made in 1910 by this bureau into the conditions of labor in the Bethlehem Steel Works the president of the steel corporation directed the rigid enforcement of a resolution adopted three years previous, cutting out a large part of Sunday work except in the blast-furnace department. Even in the blast-furnace department, where there is a metallurgical necessity for continuous operation day and night throughout seven days of the week, there is practically nothing except the desire to economize in the expense of production that has prevented the introduction of a system that would give each employee one day of rest out of the seven.

"Since the beginning of the present investigation, however, this matter of abolishing seven-day work for the individual employees in the blast furnaces, as well as in other departments of the industry, has received the attention of the American Iron and Steel Institute, and through a committee of that organization a plan has been proposed which gives each employee one day of rest each week. A number of the plants throughout the country have, at the instance of the institute, adopted this plan or some modification of it, and have successfully operated it for several months. A thorough discussion of these plans and of their value in solving the problem to which they are applied will be found in the volume dealing with the general conditions of labor in the industry.

"During the investigation those in charge of the plants have in their discussions with representatives of the bureau frequently emphasized

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tion to be in order, I move that the Senate proceed to its consideration notwithstanding the objection.

The PRESIDENT pro tempore. The rule is that the bill is open to objection at any time.

Mr. HEYBURN. Did the Senator from Georgia object?

Mr. SMITH of Georgia. I did.

Mr. HEYBURN. Then I move that the Senate further proceed with the consideration of the bill notwithstanding the objection of the Senator from Georgia.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Idaho that the Senate proceed with the further consideration of the bill notwithstanding the objection.

The motion was agreed to.

Mr. SMITH of Georgia. Mr. President, I am opposed to this indebtedness. It ties us up that much more with the Philippines. While we are not directly responsible for the debt, indirectly the Government becomes responsible, and I do not think we ought to authorize the indebtedness. I had not supposed that the bill would be brought up at this time, not having been pressed during the past few weeks during which it has been upon the calendar. I merely desire to express that objection to the bill.

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

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. SMITH of Georgia. On that I call for the yeas and nays.

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

Mr. CHILTON (when his name was called). I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. I do not know how he would vote if present, and therefore I withhold my vote.

Mr. CLAPP (when his name was called). In the absence of my general pair, the Senator from North Carolina [Mr. SIMMONS], I withhold my vote. If he were present, I would vote "yea."

Mr. DU PONT (when his name was called). I announce my general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I withhold my vote. If he were present, I should vote "yea."

Mr. HEYBURN (when his name was called). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. NIXON (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. SWANSON] and therefore withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is detained from the Senate on important business. I understand that he has a general pair with the junior Senator from Missouri [Mr. REED].

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Arkansas [Mr. DAVIS] and vote. I vote "nay."

Mr. WATSON (when his name was called). In the absence of my general pair, the Senator from New Jersey [Mr. BRIGGS], I withhold my vote. If I were at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. DU PONT. As already stated, I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I will transfer that pair to the junior Senator from Kentucky [Mr. BRADLEY] and vote. I vote "yea."

Mr. GUGGENHEIM (after having voted in the affirmative). I desire to withdraw my vote, as I observe that the Senator from Kentucky [Mr. PAYNTER], with whom I have a general pair, is not in the Chamber.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence, I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. DILLINGHAM. I should like to be informed whether the senior Senator from South Carolina [Mr. TILLMAN] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. DILLINGHAM. I then withhold my vote, being paired with that Senator.

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were here, I would vote "yea."

Mr. MYERS. I have a pair for this week with the Senator from Connecticut [Mr. MCLEAN]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and vote. I vote "nay."

Mr. MCCUMBER (after having voted in the affirmative). I should like to ask if the senior Senator from Mississippi [Mr. PERCY] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. MCCUMBER. I have a general pair with the senior Senator from Mississippi. I withdraw my vote.

Mr. SMOOT. I desire to announce that the Senator from Wisconsin [Mr. STEPHENSON] is detained from the Senate. He has a general pair with the senior Senator from Virginia [Mr. MARTIN].

The result was announced—yeas 45, nays 10, as follows:

YEAS—45.

Borah	du Pont	Lea.	Sanders
Bourne	Fall	Lippitt	Smoot
Brandegee	Fletcher	Lodge	Stone
Bristow	Gallinger	Martine, N. J.	Sutherland
Brown	Gardner	Nelson	Thornton
Burton	Gronna	O'Gorman	Townsend
Catron	Heyburn	Page	Warren
Clark, Wyo.	Hitchcock	Penrose	Wetmore
Crane	Johnson, Me.	Perkins	Works
Crawford	Johnston, Ala.	Poindexter	
Cummins	Jones	Pomerene	
Curtis	Kern	Root	

NAYS—10.

Ashurst	Myers	Smith, Ariz.	Williams.
Bryan	Overman	Smith, Ga.	
Clarke, Ark.	Shively	Smith, S. C.	

NOT VOTING—40.

Bacon	Cullom	Lorimer	Rayner
Bailey	Davis	McCumber	Reed
Bankhead	Dillingham	McLean	Richardson
Bradley	Dixon	Martin, Va.	Simmons
Briggs	Foster	Newlands	Smith, Md.
Burnham	Gamble	Nixon	Smith, Mich.
Chamberlain	Gore	Oliver	Stephenson
Chilton	Guggenheim	Owen	Swanson
Clapp	Kenyon	Paynter	Tillman
Culberson	La Follette	Percy	Watson

So the bill was passed.

CLAIMS OF SHAWNEE INDIANS.

The bill (S. 459) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians was announced as next in order on the calendar, and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT pro tempore. The bill was reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert other words in lieu thereof. That amendment has been twice read heretofore. The question is upon agreeing to the amendment of the committee.

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.

BILLS PASSED OVER.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure was announced as next in order.

Mr. LODGE. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests was announced as next in order.

Mr. GRONNA. I ask that the bill may go over.

The PRESIDENT pro tempore. It will go over.

PRESIDENTIAL PRIMARIES IN THE DISTRICT OF COLUMBIA.

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen was announced as next in order on the calendar.

Mr. SMOOT. I ask that the bill may go over.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. It will go over.

Mr. BRISTOW. I move that the Senate proceed to the consideration of the bill.

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The PRESIDENT pro tempore. The Senator from Kansas moves that the Senate proceed to the consideration of the bill notwithstanding the objection which has been interposed. Does the Senator from Missouri rise to the motion?

Mr. LODGE. It is not debatable.

Mr. STONE. I did not mean to object, but——

The PRESIDENT pro tempore. The Senator from Utah made the objection. The Senator from Kansas moves that the Senate proceed to the consideration of the bill notwithstanding the objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill and read to line 18, on page 4.

Mr. WILLIAMS. I desire to offer an amendment there, to which I will call the attention of the Senator from Kansas.

Mr. BRISTOW. Just where?

Mr. WILLIAMS. After the words "District of Columbia," in line 14, page 4. I offer as an amendment these words:

And who can read and write and shall have paid all taxes due by them to the city of Washington or District of Columbia on or before the first Monday of February of the year preceding the primary election, and who have not been convicted of any felony or misdemeanor involving moral turpitude.

The PRESIDENT pro tempore. Does the Senator from Mississippi desire to have the amendment acted on now or does he give notice of the amendment?

Mr. WILLIAMS. I desire to have it pending.

Mr. HEYBURN. The bill has not been read.

Mr. WILLIAMS. I will give notice of the amendment that the amendment may be pending, to be voted upon at the proper time. If it is not out of order I should like to say a few words that the Senate may know the character of the amendment.

Mr. LODGE. Is it not proper that the bill should be read first?

Mr. BRISTOW. The bill has been read.

The PRESIDENT pro tempore. The Chair suggests that the bill must be read first for the information of the Senate before any action is taken on it.

Mr. BRISTOW. The bill has been read. It is being read now for amendment.

Mr. WILLIAMS. Have I the floor?

The PRESIDENT pro tempore. The Senator from Mississippi has the floor.

Mr. LODGE. Any Senator can call for the reading of the bill as in Committee of the Whole at any time. This is not one of the three readings. This is the reading in committee.

Mr. BRISTOW. The formal reading of the bill was dispensed with.

The PRESIDENT pro tempore. In the opinion of the Chair the amendment is not in order for consideration until the formal reading has been completed.

Mr. WILLIAMS. Then I merely give notice——

Mr. BRISTOW. Mr. President, a parliamentary inquiry. The formal reading of the bill was dispensed with when it was before the Senate on a former occasion.

Mr. HEYBURN. On what day?

Mr. BRISTOW. The RECORD will show.

The PRESIDENT pro tempore. The Chair will state, however, that in the opinion of the Chair when the bill was laid aside without any action, that that not having been in the nature of a formal unanimous-consent agreement, the bill is before the Senate in its original presentation, and if it is desired that the formal reading of the bill shall be dispensed with present action of the Senate in that respect is required. It is a question of convenience simply whether the bill shall be first read, or whether amendments shall be offered pending the reading of the bill.

Mr. BRISTOW. Do I understand that every time a bill is taken up the formal reading of the bill must be dispensed with? The bill was once before the Senate, and the formal reading was dispensed with. Now, does that action have to be repeated every time the bill is brought before the Senate?

The PRESIDENT pro tempore. The Chair does not understand that the Senate considered the bill.

Mr. WILLIAMS. This bill has never been read for amendment, as I understand it.

Mr. BRISTOW. It is now being read for amendment.

Mr. WILLIAMS. If it is now being read for amendment, then I am in order.

The PRESIDENT pro tempore. In the opinion of the Chair, the Senate is entitled to have the bill read if it is so desired.

Mr. GALLINGER. I think that all the Senate did before was to vote to proceed to the consideration of the bill.

Mr. BRISTOW. No.

Mr. GALLINGER. I think that is right.

Mr. BRISTOW. No. The Senator from New Hampshire will remember that he himself consented to the consideration of the bill upon a statement made by myself that I would only ask that the bill be taken up. The formal reading was then dispensed with, and the bill was afterwards laid aside. The RECORD will show that I am right.

Mr. GALLINGER. It would have to be done by a vote.

Mr. BRISTOW. No; not by a vote. The Senator is mistaken, because I remember distinctly what occurred, and the RECORD will bear out my statement.

The PRESIDENT pro tempore. The Chair will state that the indorsement upon the bill is that on April 20, 1912, the formal reading of the bill was dispensed with, the bill to be read for amendment; but the indorsement does not show that the bill was then read for any purpose.

Mr. LODGE. What was the date of that indorsement?

The PRESIDENT pro tempore. April 20.

Mr. BRISTOW. Do I understand the ruling of the Chair is that when the formal reading of a bill is dispensed with upon its consideration on one day that is a nullity and that the next day that action does not stand as to dispensing with the formal reading of the bill?

The PRESIDENT pro tempore. The Chair is of the opinion that if the RECORD showed that the Senate had proceeded with the execution of that order, that order would stand; but the RECORD does not show that the Senate did proceed with the consideration of the bill for amendment or that anything was done under that order. The matter is altogether in the disposition of the Senate. If they desire the bill read for amendment, it may now be easily ordered.

Mr. GALLINGER. I shall object to that, Mr. President.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. The Chair is of the further opinion that even if that had been done it would be competent for the Senate now to order the bill to be read, if it saw fit to do so, the reading not having been dispensed with by formal unanimous consent. The informal dispensing with the formal reading of a bill does not amount to unanimous consent.

Mr. BRISTOW. I do not question the authority of the Senate to order the bill to be read; but when the Senate has once dispensed with the formal reading and ordered the bill to be read for amendment, and then it is laid aside——

The PRESIDENT pro tempore. The Chair will submit the question to the Senate. Shall the formal reading of the bill be dispensed with and the bill be read for amendment? [Putting the question.] The ayes appear to have it.

Mr. WILLIAMS. I call for the yeas and nays, Mr. President.

Mr. HEYBURN. I rise to a parliamentary inquiry.

Mr. WILLIAMS. Surely the Senator from Kansas does not want this bill put through without an opportunity to amend it.

Mr. BRISTOW. Certainly not.

Mr. HEYBURN. I rise to a parliamentary inquiry, Mr. President, and that is, Does it not require unanimous consent to dispense with the performance of an act required by the Constitution? It requires unanimous consent.

The PRESIDENT pro tempore. It does not require unanimous consent to dispense with the formal reading of a bill in the form that the Senate binds itself by unanimous consent, but it is within the control of the Senate.

Mr. WILLIAMS. Mr. President, there seems to be a little misunderstanding as to what is the motion before the Senate.

The PRESIDENT pro tempore. The Senate will please be in order.

Mr. WILLIAMS. There seems to be a little misunderstanding as to what is the motion actually before the Senate. I understood it to be a motion to dispense with the formal reading of the bill.

The PRESIDENT pro tempore. The Chair will again state the motion. In view of the discussion which was had, in order to bring the matter to a conclusion, the Chair submitted the question to the Senate, whether the formal reading of the bill should be dispensed with.

Mr. WILLIAMS. That is what I thought; and a vote "yea" would be a vote to dispense with the formal reading of the bill?

The PRESIDENT pro tempore. It would be.

Mr. WILLIAMS. And a vote "nay" would force the bill to be read for amendment?

The PRESIDENT pro tempore. The Senator is correct.

Mr. SMOOT. The Senators around me misunderstood the question.

Mr. HEYBURN. Now, I rise to a parliamentary inquiry. Is that a matter——

The PRESIDENT pro tempore. The Senator from Mississippi [Mr. WILLIAMS] has the floor.

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sale or lease or any other disposition according to the laws of the United States. That the President, through said commission or otherwise, as he may deem best, shall, in connection with the construction and operation of said railroad, develop and operate a coal mine or mines within the area so reserved in the Bering River coal fields and deliver the coal mined at such point or points as may be necessary for the purposes of the Government, and he is authorized, through said commission or otherwise, to provide all the necessary facilities of all kinds and character to accomplish this purpose: *Provided*, That any coal mined and not needed for Government purposes may be sold to the public at not less than 6 per cent more than the cost at the place of delivery, such cost to be ascertained and determined by the commission.

SEC. 4. That any line of railroad designated and constructed under the provisions of this act may connect with the line of any existing railroad in Alaska, and, in such case, the existing line shall be operated in connection with the new line as a through route with through rates upon a fair and reasonable apportionment of revenue and expenses.

SEC. 5. That the Secretary of the Treasury is hereby authorized to borrow, on the credit of the United States, from time to time, as the proceeds may be required to defray expenditures authorized by this act (such proceeds when received to be used only for the purpose of meeting such expenditure), the sum of $4,000,000, or so much thereof as may be necessary, and to prepare and issue therefor coupon or registered bonds of the United States, in such form as he may prescribe, and in denominations of $20 or some multiple of that sum, redeemable in gold coin at the pleasure of the United States after 10 years from the date of their issue, and payable 30 years from such date, and bearing interest, payable quarterly in gold coin, at the rate of 3 per cent per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all the citizens of the United States an equal opportunity to subscribe therefor; but no commissions shall be allowed or paid thereon, and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of preparing, advertising, and issuing the same.

SEC. 6. That it is the intent of this act to authorize and empower the President to do any and all things necessary to carry out and accomplish the purposes herein provided for.

SEC. 7. That the President, through said commission or otherwise, is also authorized and directed to cause such surveys for additional railroad lines, extensions, or branches to be made in order that he may recommend to Congress such action as he may deem advisable with reference to the extension of the railroad herein provided or the construction and operation of new lines or branch lines.

Mr. BACON. Mr. President, as I understand, the question before the Senate is whether the bill shall be referred to the Committee on Public Lands or to the Committee on Territories. Before I vote I should like very much to know which committee is least apt to report this bill favorably, because that is the committee to which I should like to have it referred.

Mr. BRISTOW. I desire to state that the question now is on the motion to reconsider the action of the Senate in referring the bill to the Committee on Public Lands. The chairman of the Committee on Territories is not present; I know that committee has been considering this matter, and I ask that the action be reconsidered and that the bill lie on the table pending action until he can be present.

The VICE PRESIDENT. The question is on the motion to reconsider.

Mr. CULBERSON. Mr. President I only wish to say that evidently the primary object of this bill is to construct a railroad in Alaska. Whatever there may be in it with respect to public lands is merely incidental to the main purpose of building a railroad and in my judgment the bill ought obviously to go to the Committee on Territories.

The VICE PRESIDENT. The question is on the motion to reconsider the action of the Senate in referring the bill to the Committee on Public Lands. On that question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained from the Senate. I therefore withhold my vote.

Mr. GARDNER (when the name of Mr. JOHNSON of Maine was called). My colleague [Mr. JOHNSON] is necessarily absent from the Chamber. He is paired with the senior Senator from New York [Mr. ROOT].

Mr. McCUMBER. I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I understand that the Senator is necessarily absent from the city on account of severe illness in his family, and I therefore withhold my vote.

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). My colleague [Mr. MARTIN] is detained from the Senate on account of serious illness in his family. He is paired with the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. GALLINGER (when Mr. NEWLAND'S name was called). I am requested to announce that the senior Senator from Nevada [Mr. NEWLANDS] is paired with the Senator from Ohio [Mr. BURTON].

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH]. I transfer that pair to the Senator from Ohio [Mr. POMERENE] and vote. I vote "yea."

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. As he is not present, I withhold my vote.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. In his absence, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Nebraska [Mr. BROWN]. As he does not seem to be present, I withhold my vote. If he were present, I should vote "yea."

Mr. CHILTON (when Mr. WATSON'S name was called). My colleague [Mr. WATSON] has a pair with the senior Senator from New Jersey [Mr. BRIGGS]. My colleague is unavoidably detained from the Chamber.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. In his absence, I withhold my vote. I ask that this announcement stand for the day.

The roll call was concluded.

Mr. BRANDEGEE (after having voted in the affirmative). I inquire if the junior Senator from New York [Mr. O'GORMAN] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. BRANDEGEE. I have a general pair with that Senator, and I therefore withdraw my vote.

Mr. CULBERSON (after having voted in the affirmative). In view of my general pair with the Senator from Delaware [Mr. DU PONT], I withdraw my vote.

Mr. LODGE. I desire to announce the pair of my colleague [Mr. CRANE] with the Senator from Arkansas [Mr. DAVIS].

Mr. CRAWFORD. I desire to announce that my colleague [Mr. GAMBLE] is paired with the Senator from Oklahoma [Mr. OWEN].

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is unavoidably absent from the Chamber.

Mr. HEYBURN (after having voted in the negative). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not see him present, and I inquire if he has voted?

The VICE PRESIDENT. The Chair is informed that the Senator from Alabama has not voted.

Mr. HEYBURN. Then I withdraw my vote.

Mr. JOHNSTON of Alabama. I am satisfied that if my colleague, the Senator from Alabama [Mr. BANKHEAD], were present he would vote "nay."

Mr. HEYBURN. Then, upon that statement, I will allow my vote to stand.

The result was announced—yeas 31, nays 23, as follows:

YEAS—31.

Ashurst	Crawford	Hitchcock	Rayner
Bacon	Cummins	Kern	Reed
Borah	Curtis	Lea	Stone
Bourne	Foster	Lippitt	Shively
Bristow	Gallinger	Lodge	Swanson
Bryan	Gardner	Martine, N. J.	Tillman
Chilton	Gore	Myers	Warren
Clarke, Ark.	Gronna	Overman	

NAYS—23.

Bradley	Fall	Nixon	Smoot
Catron	Fletcher	Oliver	Sutherland
Chamberlain	Heyburn	Page	Thornton
Clark, Wyo.	Johnston, Ala.	Perkins	Townsend
Cullom	Jones	Sanders	Works
Dillingham	McLean	Smith, Ariz.	

NOT VOTING—41.

Bailey	Dixon	Newlands	Smith, Ga.
Bankhead	du Pont	O'Gorman	Smith, Md.
Brandegee	Gamble	Owen	Smith, Mich.
Briggs	Guggenheim	Paynter	Smith, S. C.
Brown	Johnson, Me.	Penrose	Stephenson
Burnham	Kenyon	Percy	Watson
Burton	La Follette	Poindexter	Wetmore
Clapp	Lorimer	Pomerene	Williams
Crane	McCumber	Richardson	
Culberson	Martin, Va.	Root	
Davis	Nelson	Simmons	

So Mr. BRISTOW'S motion to reconsider was agreed to.

The VICE PRESIDENT. The bill will lie on the table subject to the presence of the chairman of the Committee on Territories.

Mr. BACON. I do not object to that course, but I intended to move that the bill be referred to the Committee on Finance.

The VICE PRESIDENT. The Senator from Kansas asked that the bill be referred to the Committee on Territories.

Mr. BACON. It is of such importance and involves such tremendous expenditures, including an issuance of United States bonds, that I think it ought to go to the Committee on

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Finance. But I will not make the motion now, because of the absence of the chairman of the Committee on Territories.

THE JUDICIARY.

Mr. CRAWFORD. I introduce a joint resolution proposing an amendment to the Constitution, which naturally will go to the Committee on the Judiciary, but I ask that it may lie on the table, as I intend in the near future to address the Senate upon it.

Mr. HEYBURN. Let it be read.

Mr. CRAWFORD. I ask that it be read at length.

The joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following be proposed as an amendment of section 1 of Article III of the Constitution of the United States, which will be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States, namely:

Amend said section 1 to read as follows:

"The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior court, shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office. The judges of the Supreme Court shall hold their offices during good behavior. The judges of the inferior courts shall hold their offices for terms of 10 years."

The VICE PRESIDENT. Without objection, the joint resolution will lie on the table.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HEYBURN submitted an amendment proposing to pay former employees of the Forest Service the amount recommended by the Secretary of Agriculture for injuries incurred in fighting fires in the Coeur d'Alene National Forest, in Idaho, August, 1910, 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. SMITH of Arizona submitted an amendment relative to the rates to be fixed by order of the Interstate Commerce Commission, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

INDIAN ALLOTMENTS.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 1332) regulating Indian allotments disposed of by will, which was referred to the Committee on Indian Affairs and ordered to be printed.

THE METAL SCHEDULE.

Mr. TOWNSEND submitted an amendment intended to be proposed by him to the amendment submitted by Mr. CUMMINS to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was ordered to lie on the table and be printed.

THE NATIONAL BANKING SYSTEM.

Mr. SMOOT. I ask that 200 additional copies of Senate Document No. 538, Sixty-first Congress, second session, be printed for the use of the Treasury Department.

The VICE PRESIDENT. Without objection, an order therefor will be entered.

The order as agreed to was reduced to writing, as follows:

Ordered, That 200 additional copies of Senate Document 538, Sixty-first Congress, second session, on Crises in the history of the national banking system, be printed for the use of the Treasury Department.

PRIVILEGES OF THE PRESS GALLERY.

The VICE PRESIDENT laid before the Senate the resolution (S. Res. 314) submitted by Mr. HEYBURN on the 17th instant, which was read and referred to the Committee on Rules, as follows:

Resolved, That any paper publishing the proceedings of an executive session of the Senate, or what purports to be the proceedings of an executive session, shall not be entitled to the privileges of the press gallery of the Senate; and that the Sergeant at Arms of the Senate be instructed to exclude from the press gallery any representative of any paper publishing such report who may be found therein.

LOANS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CURTIS. I move that the Senate insist upon its amendments and consent to the conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. CURTIS, Mr. DILLINGHAM, and Mr. PAYNTER conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BURNHAM. I move that the Senate insist upon its amendments and that the request of the House of Representatives for a conference be granted, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BURNHAM, Mr. WARREN, and Mr. BANKHEAD conferees on the part of the Senate.

HOUSE BILL REFERRED.

H. R. 24153. An act to amend and reenact section 5241 of the Revised Statutes of the United States was read twice by its title and referred to the Committee on Finance.

EIGHT-HOUR LABOR LAW.

Mr. BORAH. I ask unanimous consent to call up for present consideration the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

The VICE PRESIDENT. For the purpose of discussion?

Mr. BORAH. For the purpose of consideration.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 9061) entitled "An act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes."

The VICE PRESIDENT. Is there objection?

Mr. GALLINGER. Before consent is given I will ask the Senator if it is his purpose to have final action to-day. I understand the Senator from New York [Mr. ROOT], who is absent, desires to be present when the bill is considered, and I do not know that he will be here to-day.

Mr. BORAH. I have an understanding with the Senator from New York that I will not press the bill to final disposition in his absence, but there are amendments that can be disposed of to-day. I shall not ask for a final vote in the absence of the Senator from New York.

Mr. GALLINGER. I will further inquire from the Senator whether it is his intention to explain the provisions of the bill which are in controversy?

Mr. SIMMONS. That will not interfere with the unfinished business?

The VICE PRESIDENT. No. Is there objection to the present consideration of the bill (H. R. 9061) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes?

Mr. GALLINGER. Let the bill be read.

The VICE PRESIDENT. The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

Mr. GALLINGER. Let it be read for information.

The VICE PRESIDENT. Without objection, the Secretary will again read the bill. The bill has been read, and the Senator from New Hampshire asks that it be read for the information of the Senate. Without objection, the Secretary will read the bill.

The Secretary read the bill.

Mr. BORAH. Mr. President, the law relative to an 8-hour day as it now stands upon the statutes of the United States is as follows:

That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to 8 hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than 8 hours in any calendar day except in case of extraordinary emergency.

The other provisions of the law perhaps it is not necessary to read, but I will insert them in the RECORD, being sections 2 and 3, which I have not read.

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Eight-Hour Labor Law 1912 9061

The SECRETARY. Add at the end of section 1 the following proviso: By Mr Lodge

Provided, That if a Saturday half holiday is given to laborers and mechanics engaged on such work, an employment thereon of not more than 48 hours per week of workdays of not more than 9 hours each shall be deemed a compliance with the provisions of this act.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Massachusetts.

The Secretary proceeded to call the roll.

Mr. LODGE (when Mr. CRANE's name was called). My colleague [Mr. CRANE] is absent from the Chamber. He has a general pair with the Senator from Arkansas [Mr. DAVIS].

Mr. BORAH (when Mr. KENYON's name was called). The Senator from Iowa [Mr. KENYON] is necessarily absent. If he were present, he would vote "nay."

Mr. NIXON (when his name was called). I have a general pair with the junior Senator from Virginia [Mr. SWANSON]. Therefore I withhold my vote.

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. BRANDEGEE], who is not now in the Chamber. If I were at liberty to vote, I should vote "nay."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I desire to announce that my colleague [Mr. OVERMAN] is unavoidably absent from the Chamber. He is paired with the Senator from California [Mr. PERKINS].

Mr. WILLIAMS (when Mr. PERCY's name was called). I wish to announce that my colleague [Mr. PERCY] is kept from the Chamber by a sudden and serious illness of one of his brothers. He is paired with the Senator from North Dakota [Mr. MCCUMBER].

Mr. PERKINS (when his name was called). I am paired with the Senator from North Carolina [Mr. OVERMAN]. In his absence, I withhold my vote.

Mr. JONES (when Mr. POINDEXTER's name was called). I desire to state that my colleague [Mr. POINDEXTER] is absent from the Chamber on important business. I think if he were present he would vote "nay" on this amendment.

Mr. ROOT (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I transfer that pair to the Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. If he were present, and I were at liberty to vote, I should vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Chamber.

The roll call was concluded.

Mr. HEYBURN (after having voted in the affirmative). I inquire whether the senior Senator from Alabama [Mr. BANKHEAD] has voted?

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

Mr. HEYBURN. Then I withdraw my vote, having a pair with that Senator.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If I were at liberty to vote I should vote "yea."

Mr. FOSTER. I have a general pair with the junior Senator from Wyoming [Mr. WARREN], who is unavoidably absent from the Senate on public business. In his absence I withhold my vote.

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not present in the Chamber, I will withhold my vote.

Mr. SMITH of Georgia (after having voted in the negative). I have a general pair with the senior Senator from Nebraska [Mr. BROWN], and as I find that he has not voted and is not in the Chamber, I will withdraw my vote.

Mr. CHILTON (after having voted in the negative). I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. I inquire whether he is recorded as voting?

The PRESIDING OFFICER. The Chair is informed he has not voted.

Mr. CHILTON. Then I withdraw my vote.

While I have the floor I desire to announce that my colleague [Mr. WATSON] is necessarily absent from the Senate. He has a general pair with the senior Senator from New Jersey [Mr. BRIGGS].

Mr. O'GORMAN. I desire to inquire whether the senior Senator from Connecticut [Mr. BRANDEGEE] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. O'GORMAN. I have a general pair, as I have already announced, with the senior Senator from Connecticut, but I transfer that pair to the junior Senator from Maine [Mr. GARDNER] and vote. I vote "nay."

Mr. CRAWFORD. I am requested to announce that my colleague [Mr. GAMBLE] is paired with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 14, nays 35, as follows:

YEAS—14.

Bradley	Fletcher	McLean	Sanders
Bryan	Gallinger	Oliver	Wetmore
Burton	Lippitt	Richardson	
Dillingham	Lodge	Root	

NAYS—35.

Ashurst	Curtis	Martine, N. J.	Shively
Bacon	Fall	Myers	Smith, Ariz.
Borah	Gore	Newlands	Smith, S. C.
Bourne	Gronna	O'Gorman	Sutherland
Bristow	Guggenheim	Page	Tillman
Chamberlain	Hitchcock	Penrose	Townsend
Clarke, Ark.	Jones	Pomerene	Williams
Crawford	Kern	Rayner	Works
Cummins	Lea	Reed	

NOT VOTING—46.

Bailey	Cullom	Lorimer	Smith, Ga.
Bankhead	Davis	McCumber	Smith, Md.
Brandegee	Dixon	Martin, Va.	Smith, Mich.
Briggs	du Pont	Nelson	Smoot
Brown	Foster	Nixon	Stephenson
Burnham	Gamble	Overman	Stone
Catron	Gardner	Owen	Swanson
Chilton	Heyburn	Paynter	Thornton
Clapp	Johnson, Me.	Percy	Warren
Clark, Wyo.	Johnston, Ala.	Perkins	Watson
Crane	Kenyon	Poindexter	
Culberson	La Follette	Simmons	

So Mr. LODGE's amendment was rejected.

Mr. LODGE. Mr. President, I offer the amendment which I send to the desk, and I hope the Senator from Idaho will be willing to accept it. It is a small matter and relates to the construction of certain boats. I will explain it in a moment.

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

The SECRETARY. In section 2, on page 4, line 15, after the date "1892," it is proposed to strike out "or to apply to work done under contracts made prior to the passage of this act" and to insert the words "or apply to contracts which have been or may be entered into under the provisions of appropriation acts approved prior to the passage of this act."

Mr. LODGE. Mr. President, the bill now exempts from the application of the proposed law work done under contracts made prior to the passage of this act. There were three vessels—not large vessels—authorized under a recent act which would have been contracted for some time ago but that the plans had to be changed in order to meet the requirements of the appropriation. Unless this alteration is made—for, of course, this will increase very much the price of all these vessels—those vessels will not be constructed and it will be necessary to again appropriate for them. It was thought at the department that as it was an accident owing to the changes in the plans, there would be no objection to exempting them as they would have been exempted had it not been for the delay, under the bill as it now stands.

Mr. BORAH. I ask that the amendment proposed by the Senator from Massachusetts may be reread.

The PRESIDING OFFICER. The amendment proposed by the Senator from Massachusetts will be again stated.

The Secretary again read Mr. LODGE's amendment.

Mr. BORAH. Mr. President, I have no objection to that amendment; that is, to the principle of the amendment, but, unless I am in error as to the amendment, it would make necessary some other changes which the amendment does not anticipate.

Mr. LODGE. It was not intended to do anything except extend it to vessels already appropriated for.

Mr. BORAH. With that understanding——

Mr. LODGE. If it goes further than that, the Senator from Idaho can modify it in any way he desires.

Mr. BORAH. So far as I can do so, I accept the amendment.

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

The amendment was agreed to.

Mr. ROOT. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 1, line 4, after the word "party," it is proposed to insert "except contracts made in connection with the construction of the Isthmian Canal."

The PRESIDING OFFICER. Does the Senator from New York desire all the printed amendments to be considered together?

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Mr. ROOT. I think if the first is passed upon the second will follow necessarily. The third is a separate amendment.

Mr. BORAH. Mr. President——

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

Mr. ROOT. Certainly.

Mr. BORAH. I hold in my hand an amendment offered by the Senator from New York under date of May 7, 1912. Is that the amendment which he has offered?

Mr. ROOT. That is the amendment.

Mr. BORAH. Mr. President, so far as I am concerned, I see no objection to the amendment, but, because of the manner in which it is inserted, I am of the opinion that it might have a different effect than that which is anticipated. It reads:

On page 1, line 4, after the word "party," insert the words "except contracts made in connection with the construction of the Isthmian Canal."

Then, with the amendment inserted, the provision would read as follows:

That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, except contracts made in connection with the construction of the Isthmian Canal, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract—

And so forth. Perhaps that is all right.

Mr. ROOT. I think so. I think it incorporates the exception into the general description of contracts affected. That is what it was intended to do.

Mr. BORAH. The purpose of the Senator, of course, is simply to except the Isthmian Canal and contracts made in pursuance of its construction.

Mr. ROOT. That is all.

Mr. BORAH. Now, would the Senator be willing to submit as an amendment an extra section, simply providing that this bill shall not apply to the Isthmian Canal?

Mr. ROOT. Perfectly. There is a suggestion that Col. Goethals himself has made which has come in since this amendment was printed, and I think the Senator from Idaho has a copy of the letter in which he makes the suggestion; and that is, in line 3, on page 4, at the end of the sentence which authorizes the President to waive the provisions of the act as to specific contracts during time of war or when war is imminent, to add these words:

And until January 1, 1915, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal.

Mr. BORAH. I have no objection to that amendment.

Mr. ROOT. Then, I will withdraw the other amendment which I offered and offer that instead.

The PRESIDING OFFICER. The Senator from New York withdraws his first amendment and offers an amendment in place thereof, which will be stated.

The SECRETARY. On page 4, line 3, after the word "imminent," it is proposed to insert "and until January 1, 1915, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal."

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

The amendment was agreed to.

Mr. ROOT. Mr. President, that disposes of the first two amendments on the paper I have sent to the desk, but I think the third had better be passed upon. It is on page 4, line 15, after the word "ninety-two," insert the words "as modified by the acts of Congress approved February 27, 1906, and June 30, 1906."

That is merely to prevent a possible misunderstanding.

The PRESIDING OFFICER. The Senator from New York offers an amendment, which will be stated.

The SECRETARY. On page 4, line 15, after the word "ninety-two," it is proposed to insert the words "as modified by the acts of Congress approved February 27, 1906, and June 30, 1906."

Mr. ROOT. The bill as reported saves the act, chapter 352 of the laws of 1892, from the effect of the bill. That act has been amended, and I want to make it sure that the act as amended is saved.

Mr. BORAH. What amendment was made to that act to which the Senator refers?

Mr. ROOT. I think it is the amendment——

Mr. BORAH. Is that the amendment excepting foreign labor from the operation of the act?

Mr. ROOT. Yes. It reads:

SEC. 4. The provisions of an act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August 1, 1892, and of an act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes," approved February 27, 1906, shall not apply to unskilled alien laborers and to the foremen and superintendents of such laborers employed in the construction of the Isthmian Canal within the Canal Zone.

I wanted to be sure that in saving that original act from this we saved also the amendments.

Mr. BORAH. Very well; I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

Mr. CLARKE of Arkansas. Mr. President, I think there should be additional language inserted in the bill by adding, after the amendment already adopted, the words "except as herein otherwise expressly provided." There have been several modifications of the acts of 1892 and 1906, and with the passage of this bill, if the text of those statutes is now in existence, necessarily the latest law will control. There ought to be a provision inserted as to conflicting provisions or provisions that cover the same ground, whether they conflict or not.

The PRESIDING OFFICER. Does the Senator from Arkansas offer an amendment?

Mr. CLARKE of Arkansas. I call it to the attention of the Senator from Idaho, and move that it be adopted as an amendment.

The PRESIDING OFFICER. The Senator from Arkansas proposes the following amendment, which will be stated.

The SECRETARY. It is proposed to add to the amendment proposed by the Senator from New York the words "except as herein otherwise expressly provided."

Mr. ROOT. Might not that have the effect of nullifying the whole amendment?

Mr. CLARKE of Arkansas. No. The text of the acts remains the law except in cases where it is expressly provided otherwise by this proposed act.

Mr. ROOT. This provision is that nothing in this act shall be construed to repeal or modify the act of 1892.

Mr. CLARKE of Arkansas. Yes.

Mr. ROOT. And as amended by the proposal I made it would be that nothing in this act shall be construed to repeal the act of 1892 as amended.

Mr. CLARKE of Arkansas. I suggest the words "except as herein otherwise expressly provided."

Mr. BORAH. The Senator's amendment, I think, would have the effect of militating against the amendment of the Senator from New York.

Mr. CLARKE of Arkansas. I beg pardon. I did not hear the last remark of the Senator from Idaho.

Mr. BORAH. If I understand the amendment of the Senator from Arkansas correctly, it would have the effect of modifying the amendment of the Senator from New York.

Mr. CLARKE of Arkansas. I had no such intention. I intended merely to preserve so much of the two acts mentioned as is not changed by the passage of this law.

Mr. BORAH. The act of 1892 does not affect it. I have no particular objection to that amendment. If it is found to be an error, it can be taken care of in conference, I presume.

Mr. CLARKE of Arkansas. If my amendment provokes any discussion or is likely to delay the passage of the bill, in view of the fact that other business will shortly take precedence of it, I will withdraw it.

I offer the amendment I send to the desk, and call the attention of the Senator from Idaho to it.

The PRESIDING OFFICER. The Senator from Arkansas withdraws his former amendment?

Mr. CLARKE of Arkansas. Yes.

The PRESIDING OFFICER. And offers an amendment, which will be stated.

Mr. ROOT. I understand the amendment I offered was agreed to.

Mr. CLARKE of Arkansas. Yes.

The PRESIDING OFFICER. The amendment of the Senator from New York was agreed to.

The SECRETARY. It is proposed to amend by adding, after the word "not," line 18, on page 3, the following: "Nor to the construction or repair of levees or revetments necessary for protection against floods and overflows on the navigable waters of the United States."

Mr. BORAH. Does the Senator from Arkansas intend that to apply to cases of emergency?

[Mr. CLARKE of Arkansas addressed the Senate. See Appendix.]

Mr. BORAH. May the amendment again be stated?

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handful of pebbles until you come in contact with labor and its products. There for the first time your gold has the capacity of value.

Mr. CULBERSON. Mr. President, I notice that there is only one Senator on the opposite side of the Chamber present. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Texas suggests the absence of a quorum. The Secretary will call the roll.

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

Ashurst	Culberson	Johnson, Me.	Rayner
Bacon	Cullom	Johnston, Ala.	Sanders
Bankhead	Cummins	Lodge	Shively
Borah	Curtis	McCumber	Simmons
Bourne	Fall	Martine, N. J.	Smith, Ga.
Bradley	Fletcher	Myers	Smoot
Bristow	Gallinger	O'Gorman	Stephenson
Bryan	Gore	Overman	Swanson
Catron	Gronna	Page	Wetmore
Clark, Wyo.	Heyburn	Paynter	Williams
Clarke, Ark.	Hitchcock	Pomerene	

Mr. ASHURST. I desire to announce that my colleague [Mr. SMITH of Arizona] is absent on important public business.

Mr. SMOOT. I desire to state that my colleague [Mr. SUTHERLAND] is detained from the Senate on business of the Senate. He has a general pair with the Senator from Maryland [Mr. RAYNER], if a vote should be called. I make this announcement for the day.

Mr. WILLIAMS. I wish to make the announcement that my colleague [Mr. PERCY] is absent because of a death in his family.

The PRESIDENT pro tempore. Forty-three Senators have answered to their names; not a quorum.

Mr. HEYBURN. I move that the Senate do now adjourn.

The PRESIDENT pro tempore. The Senator from Idaho moves that the Senate adjourn. [Putting the question.] The noes appear to have it.

Mr. HEYBURN. I ask for a division.

There were, on a division—ayes 12, noes 16.

Mr. HEYBURN. I ask for the yeas and nays.

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

Mr. SMITH of Georgia (when his name was called). I am paired with the senior Senator from Nebraska [Mr. BROWN]. I do not know that the pair ought to control my vote in a matter of this sort, but, in order to be sure, I will observe the pair. If I were at liberty to vote, I would vote "nay."

Mr. SWANSON (when his name was called). Has the junior Senator from Nevada [Mr. NIXON] voted?

The PRESIDENT pro tempore. He has not voted.

Mr. SWANSON. I have a general pair with that Senator, and therefore withhold my vote. If he were present, I should vote "nay." If permissible under the rules, I should like to be recorded as present.

The roll call was concluded.

Mr. CULLOM (after having voted in the negative). I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. I had forgotten about it when I voted. I withdraw my vote, as this seems to be a party question.

Mr. CULBERSON (after having voted in the negative). I will ask if the Senator from Delaware [Mr. DU PONT] has voted.

The PRESIDENT pro tempore. He has not voted, the Chair is informed.

Mr. CULBERSON. In view of my general pair with that Senator, I withdraw my vote.

Mr. MARTINE of New Jersey. I desire to announce the pair of the junior Senator from West Virginia [Mr. WATSON] and the senior Senator from New Jersey [Mr. BRIGGS].

Mr. RAYNER (after having voted in the negative). I am paired with the Senator from Utah [Mr. SUTHERLAND], and I withdraw my vote.

Mr. OLIVER. Has the junior Senator from Oregon [Mr. CHAMBERLAIN] voted?

The PRESIDENT pro tempore. The Chair is informed that the junior Senator from Oregon has not voted.

Mr. OLIVER. I have a general pair with the junior Senator from Oregon and therefore withhold my vote. The junior Senator from Oregon requested me to announce that he was compelled to leave the Chamber on important business.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Nebraska [Mr. BROWN] to the junior Senator from Indiana [Mr. KERN] and vote "nay."

Mr. JOHNSON of Maine. I desire to announce that my colleague [Mr. GARDNER] is necessarily absent from the Senate. He is paired with the junior Senator from Massachusetts [Mr. CRANE.]

Mr. HEYBURN (after having voted in the affirmative). Mr. President, I voted. I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. Seeing him in the room I took it for granted that I was at liberty to vote. I would ask if he did vote.

The PRESIDENT pro tempore. He has voted.

Mr. HEYBURN. Then my vote will stand.

Mr. OLIVER. I transfer my pair with the Senator from Oregon [Mr. CHAMBERLAIN] to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. OVERMAN (after having voted in the negative). May I inquire if the senior Senator from California [Mr. PERKINS] has voted?

The PRESIDENT pro tempore. The Chair is informed that the senior Senator from California has not voted.

Mr. OVERMAN. I have a general pair with the senior Senator from California, and therefore withdraw my vote.

Mr. SIMMONS (after having voted in the negative). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP], but he has released me from that pair on all these votes.

The roll call resulted—yeas 18, nays 25, as follows:

YEAS—18.

Bourne	Curtis	Lodge	Smoot
Bradley	Dillingham	McCumber	Stephenson
Bristow	Fall	Nelson	Wetmore
Catron	Gronna	Oliver	
Cummins	Heyburn	Sanders	

NAYS—25.

Ashurst	Gallinger	O'Gorman	Smith, Ariz.
Bacon	Gore	Page	Smith, Ga.
Bankhead	Hitchcock	Paynter	Tillman
Bryan	Johnson, Me.	Pomerene	Williams
Clark, Wyo.	Johnston, Ala.	Reed	
Clarke, Ark.	Martine, N. J.	Shively	
Fletcher	Myers	Simmons	

NOT VOTING—52.

Bailey	Cullom	Lippitt	Richardson
Borah	Davis	Lorimer	Root
Brandegee	Dixon	McLean	Smith, Md.
Briggs	du Pont	Martin, Va.	Smith, Mich.
Brown	Foster	Newlands	Smith, S. C.
Burnham	Gamble	Nixon	Stone
Burton	Gardner	Overman	Sutherland
Chamberlain	Guggenheim	Owen	Swanson
Chilton	Jones	Penrose	Thornton
Clapp	Kenyon	Percy	Townsend
Crane	Kern	Perkins	Warren
Crawford	La Follette	Poindexter	Watson
Culberson	Lea	Rayner	Works

The PRESIDENT pro tempore. On the motion of the Senator from Idaho the yeas are 18 and the nays 25. The Senate refuses to adjourn. No quorum of the Senate is present.

Mr. SMOOT. Mr. President——

Mr. CULBERSON. The Chair having suggested the absence of a quorum, there is no alternative but to call the roll.

Mr. SMOOT. I was going to suggest that the names of the absentees be called.

Mr. CULBERSON. It will be necessary to call the roll first, I think.

The PRESIDENT pro tempore. On the call of the Senate no quorum was disclosed. Then a motion was made to adjourn. That motion has been lost; but under the call of the Senate there is not a quorum present, and it is proposed to take proceedings under that call.

Mr. CULBERSON. I think not. There was no question raised. The Chair suggested the absence of a quorum.

The PRESIDENT pro tempore. That was apparent on the vote.

Mr. CULBERSON. No Senator suggested the absence of a quorum. The Chair having suggested the absence of a quorum, I suggest now that the rule requires the roll to be called.

The PRESIDENT pro tempore. The Chair did not suggest the absence of a quorum. It was disclosed by the call of the roll for a quorum.

Mr. CULBERSON. On the initiative of the Chair, the Chair declared that it appeared there was no quorum present.

The PRESIDENT pro tempore. It appeared on the face of the call.

Mr. CULBERSON. It is not the usual custom for the Chair to suggest the absence of a quorum.

The PRESIDENT pro tempore. The Chair was obliged to declare it.

Mr. CULBERSON. I think not. I respectfully submit that there is nothing in the rule which requires the Chair to suggest the absence of a quorum.

The PRESIDENT pro tempore. The Chair held that the proceeding is under the previous call. Nothing is in order now but to call the roll.

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Mr. CULBERSON. On the call of the roll it was disclosed that there was no quorum present, upon which a motion was made to adjourn. On declaring the result upon the motion to adjourn, the Chair suggested—or, to use the language of the Chair, it was disclosed in the statement of the Chair—that on the roll call upon the motion to adjourn there was no quorum present.

The PRESIDENT pro tempore. It was not disclosed on that vote. It was disclosed on the previous call.

Mr. GALLINGER. I ask that the roll be called.

Mr. CULBERSON. I submit to the Chair that, it having been suggested by the Chair that there is no quorum present, the rule requires a call of the roll upon the question as to whether there is a quorum present.

The PRESIDENT pro tempore. There was a call of the Senate, which disclosed the presence of only 43 Senators. There was only one motion in order, unless the Senate decided to proceed to compel the attendance of a quorum. That motion is a motion to adjourn. The failure of the motion to adjourn does not alter the fact disclosed by the roll call. The Senate is still proceeding under the roll call.

Mr. CULBERSON. I move, then——

The PRESIDENT pro tempore. The Chair did not state it on the face of the vote upon the motion, but the Chair stated it under the original call of the Senate.

Mr. CULBERSON. Let it be at that, then. I move that the Sergeant at Arms be directed to request the attendance of the absentees.

Mr. OVERMAN. It seems to me that there ought to be a roll call, because there are a good many of us here who announced pairs.

The PRESIDENT pro tempore. That is undoubtedly in order, if it is demanded.

Mr. OVERMAN. I demand a call of the roll.

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. CULBERSON. I submit that I myself suggested a roll call, and the Chair, as I understood it—I may have misunderstood the Chair—ruled that that could not be done.

The PRESIDENT pro tempore. The Chair did not mean to hold that it could not be done. What the Chair indicated was that it was not necessary, as the Senate was proceeding under the previous call. If Senators desire to make the point of no quorum and have a second roll call, there is nothing to prevent it.

Mr. GALLINGER. I ask for the regular order, which is the call of the roll.

The PRESIDENT pro tempore. The roll will be called.

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

Ashurst	Cummins	Lodge	Sanders
Bacon	Curtis	Martine, N. J.	Shively
Borah	Dillingham	Myers	Simmons
Bourne	Fall	Nelson	Smith, Ariz.
Bradley	Fletcher	O'Gorman	Smith, Ga.
Bristow	Gallinger	Oliver	Smoot
Bryan	Gore	Overman	Stephenson
Catron	Gronna	Page	Swanson
Clark, Wyo.	Heyburn	Paynter	Wetmore
Clarke, Ark.	Hitchcock	Pomerene	Williams.
Culberson	Johnson, Me.	Rayner	
Cullom	Johnston, Ala.	Reed	

The PRESIDENT pro tempore. Forty-six Senators have answered to their names, not a quorum.

Mr. CULBERSON. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. SUTHERLAND entered the Chamber, and answered to his name.

Mr. GALLINGER. Mr. President, I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the Senate adjourn. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. CULBERSON and Mr. SIMMONS called for a division.

The question being put, there were on a division—ayes 22, noes 18.

The PRESIDENT pro tempore. The motion prevails.

Mr. CULBERSON. I call for the yeas and nays.

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

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence, I withhold my vote.

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. I transfer that pair to the Senator from Louisiana [Mr. THORNTON] and vote. I vote "nay."

Mr. CULLOM (when his name was called). I am paired with the Senator from West Virginia [Mr. CHILTON].

Mr. O'GORMAN (when his name was called). I do not see the senior Senator from Connecticut [Mr. BRANDEGEE], with whom I have a general pair, in the Chamber. In his absence, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN]. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. If he were present, I should vote "nay."

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. As he is not present, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Nebraska [Mr. BROWN]. Were he present I should vote "nay."

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Nevada [Mr. NIXON]. If he were present I should vote "nay."

In this connection I desire also to state that my colleague [Mr. MARTIN of Virginia] is paired with the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER]. I do not see him in the Chamber, and therefore withhold my vote.

The roll call was concluded.

Mr. CULLOM. I transfer my pair with the Senator from West Virginia [Mr. CHILTON] to the Senator from Washington [Mr. JONES] and vote. I vote "yea."

Mr. BURNHAM. I have a general pair, as I have stated; but I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and vote. I vote "yea."

Mr. SMITH of Georgia. I inquire whether the senior Senator from Indiana [Mr. SHIVELY] has voted?

The PRESIDENT pro tempore. The Chair is informed that the senior Senator from Indiana has not voted.

Mr. SMITH of Georgia. I transfer my pair with the Senator from Nebraska [Mr. BROWN] to the Senator from Indiana [Mr. SHIVELY] and vote. I vote "nay."

Mr. WARREN. As already announced, I am paired with the senior Senator from Louisiana [Mr. FOSTER]. I transfer that pair to the Senator from Iowa [Mr. KENYON] and vote. I vote "yea."

The result was announced—yeas 23, nays 23, as follows:

YEAS—23.

Bourne	Cummins	Heyburn	Sanders
Bradley	Curtis	Lodge	Smoot
Bristow	Dillingham	McCumber	Sutherland
Burnham	Fall	Nelson	Warren
Catron	Gallinger	Oliver	Wetmore
Cullom	Gronna	Page	

NAYS—23.

Ashurst	Culberson	Kern	Simmons
Bacon	Fletcher	Martine, N. J.	Smith, Ariz.
Bankhead	Gore	Myers	Smith, Ga.
Borah	Hitchcock	Pomerene	Tillman
Bryan	Johnson, Me.	Rayner	Williams
Clarke, Ark.	Johnston, Ala.	Reed	

NOT VOTING—49.

Bailey	du Pont	Newlands	Smith, Md.
Brandegee	Foster	Nixon	Smith, Mich.
Briggs	Gamble	O'Gorman	Smith, S. C.
Brown	Gardner	Overman	Stephenson
Burton	Guggenheim	Owen	Stone
Chamberlain	Jones	Paynter	Swanson
Chilton	Kenyon	Penrose	Thornton
Clapp	La Follette	Percy	Townsend
Clark, Wyo.	Lea	Perkins	Watson
Crane	Lippitt	Poindexter	Works
Crawford	Lorimer	Richardson	
Davis	McLean	Root	
Dixon	Martin, Va.	Shively	

So the Senate refused to adjourn.

Mr. GALLINGER. Mr. President, I presume the motion of the Senator from Texas [Mr. CULBERSON], which was interrupted by the motion to adjourn, is now in order?

Mr. CULBERSON. My motion was for the Sergeant at Arms to request the presence of absentees.

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The PRESIDENT pro tempore. The Chair's remembrance is that that motion was put and agreed to.

Mr. CULBERSON. Yes; but it was interrupted by the motion to adjourn.

The PRESIDENT pro tempore. But the motion of the Senator from Texas was agreed to and is in force.

Mr. CUMMINS. Did not the last vote disclose the presence of a quorum?

The PRESIDENT pro tempore. It did not.

Mr. CUMMINS. Is it not true that enough Senators have announced pairs, coupled with those who voted, to make a majority of all the Senators?

The PRESIDENT pro tempore. It has not been the practice of the Senate to count as present, in order to make a quorum, those Senators who announce pairs and refrain from voting.

Mr. CUMMINS. It seems to me—I do not know much about the rule—that one who is present for the purpose of announcing a pair must necessarily be present for the purpose of making a quorum. However, I yield to the better judgment of older Senators.

Mr. CULBERSON. Regular order, Mr. President.

The PRESIDENT pro tempore. The regular order is the execution of the order of the Senate.

Mr. WILLIAMS. Mr. President, if it be in order, I will move that the roll be called, as the call of the roll would disclose the presence of a quorum. Senators present who refrained from voting, but announced pairs, will make up a quorum of the Senate.

Mr. CLARKE of Arkansas. I think at least there might be called the list of absentees, as disclosed by the roll call when we were seeking to ascertain the presence of a quorum.

Mr. SMOOT. Nothing is in order——

The PRESIDENT pro tempore. The Senator from Arkansas asks that the roll of absentees be called.

Mr. SMOOT. Is there anything in order other than the motion to adjourn until the order of the Senate has been executed?

The PRESIDENT pro tempore. Not until a quorum is developed——

Mr. SMOOT. Until a quorum is developed.

The PRESIDENT pro tempore. And there are only two ways of developing a quorum that the Chair knows of, and they are to call the roll or to call the roll of absentees.

Mr. OVERMAN. I think a call of the roll of absentees will show that a quorum is present.

Mr. CULBERSON. I suggested awhile ago a call of the absentees, but the Chair overruled the suggestion, if I mistake not. I made the motion——

The PRESIDENT pro tempore. The Chair is not aware that the Senator suggested a call of the absentees at all.

Mr. CULBERSON. I made the point of order that, instead of calling the absentees, the Sergeant at Arms be instructed to request the presence of the absentees.

The PRESIDENT pro tempore. That order was entered.

Mr. CULBERSON. I ask for the regular order, then, to execute the order of the Senate.

The PRESIDENT pro tempore. That is the regular order, and that order is supposed to be in execution; but the Chair takes it that it is within the power of the Senate at any time to call the roll of absentees if it so desires.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. If a Senator in the room, who did not answer to his name at the roll call which disclosed the want of a quorum, were to rise in his place and have his name called it would be just as effective as though the Sergeant at Arms brought him into the Chamber, would it not?

The PRESIDENT pro tempore. As the Chair understands, that is the purpose of calling the roll of absentees.

Mr. GALLINGER. Let the roll be called.

Mr. OVERMAN. I demand a call of the absentees.

The PRESIDENT pro tempore. That has been asked for and ordered. The Secretary will call the roll of absentees.

The Secretary proceeded to call the names of the absentees, and Mr. BANKHEAD, Mr. KERN, and Mr. MCCUMBER answered to their names.

Mr. OVERMAN. I think the Secretary is calling the wrong roll, because I know I announced a pair. I am here present, and I know of several others who announced pairs who are not recorded on the last roll call.

The PRESIDENT pro tempore. The Secretary informs the Chair that he did not call the name of the Senator from North Carolina. He called the name of the Senator from Oklahoma [Mr. OWEN].

Mr. OVERMAN. But he ought to have called my name. The calling of the names of those who were here and announced pairs would develop a quorum, I think.

The PRESIDENT pro tempore. The Senator is recorded on the call for a quorum. The absentees being called are not those on the yea-and-nay list on the motion to adjourn, but those who failed to respond to the call for a quorum.

Mr. GALLINGER. Let the call proceed.

The Secretary continued and concluded the calling of the list of absentees.

Mr. GALLINGER. Mr. President, a parliamentary inquiry. I notice that the Secretary called the name of my colleague [Mr. BURNHAM] as an absentee. My colleague voted in the affirmative on the motion to adjourn, and if he is not recorded in that way he ought to be so recorded, and that would have carried the motion to adjourn.

The PRESIDENT pro tempore. If the Senator will allow the Chair a moment, the absentees are those who appeared as absent on the call for a quorum, and not those who failed to respond to their names on the yea-and-nay vote on the motion to adjourn, because the vote on the motion to adjourn does not require a quorum.

Mr. GALLINGER. I understand that; but, if the Chair will pardon me, it seems to me that the other procedure ought to be a proper one—to call the absentees who did not vote on the motion to adjourn. Some of them would appear and vote, and that would settle the matter of adjournment.

Mr. OVERMAN. Of course, Mr. President, that is right. On the yea-and-nay vote the result was announced 23 to 23, but it developed on that vote that there were four or five who were here and who are here now who announced pairs. The Sergeant at Arms can not bring them in, and it seems to me the absentees on that yea-and-nay vote ought to be called. That vote developed that there was no quorum voting, but if the absentees on that vote are called that would show that there is a quorum. How can we get along unless we do that? The Sergeant at Arms can not go and bring me in. I am here and have been here all the time, but I did not vote because I was paired with the Senator from California [Mr. PERKINS.].

The PRESIDENT pro tempore. The Senator is recorded as present on the roll call.

Mr. OVERMAN. No; I was paired.

The PRESIDENT pro tempore. The Senator is recorded on the call for a quorum.

Mr. OVERMAN. I announced a pair, and therefore when the Chair stated the result as 23 to 23 I was not included in that vote, because I was paired, and so were several other Senators.

The PRESIDENT pro tempore. On the roll call which disclosed the absence of a quorum the Senator is recorded as being present. The Senator has never been absent according to the roll call.

Mr. OVERMAN. Mr. President, that is so. I was here then and responded to my name, but when the Chair announced the vote on the motion to adjourn as 23 to 23 I am not recorded as voting. That is also true of several other Senators who responded to their names on the first roll call. Now, if the Sergeant at Arms is executing the order of the Senate he can not do so as to me, and he can not execute it as to half a dozen others who are here. We know that a quorum is present.

The PRESIDENT pro tempore. The Chair will suggest that the call of the absentees has developed a quorum.

Mr. GALLINGER. Mr. President, business having intervened, I move that the Senate adjourn.

The PRESIDENT pro tempore. The Chair thinks he is bound to state first that a quorum has been developed by the call of the absentees. Forty-nine Senators are present. If there be no objection, the order directing the Sergeant at Arms to request the attendance of absent Senators will be rescinded. The question is on the motion of the Senator from New Hampshire that the Senate adjourn. [Putting the question.] By the sound the ayes appear to have it.

Mr. CULBERSON, Mr. SMITH of Georgia, and others called for a division.

Mr. GALLINGER. Let us have the yeas and nays.

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

Mr. BAILEY (when his name was called). I have a pair with the senior Senator from Montana [Mr. DIXON]. I therefore withhold my vote.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the Senator from Missouri [Mr. STONE].

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I transfer that pair to the Senator from Connecticut [Mr. McLEAN] and vote. I vote "yea."

Mr. CULBERSON (when his name was called). Because of my general pair with the senior Senator from Delaware [Mr. DU PONT] I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer the pair to the Senator from Washington [Mr. JONES] and will vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). In the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I withhold my vote.

Mr. O'GORMAN (when his name was called). I am paired with the Senator from Connecticut [Mr. BRANDEGEE], and will withhold my vote.

Mr. OLIVER (when his name was called). I transfer my pair with the junior Senator from Oregon [Mr. CHAMBERLAIN] to the junior Senator from Illinois [Mr. LORIMER] and will vote. I vote "yea."

Mr. OVERMAN (when his name was called). I am paired with the senior Senator from California [Mr. PERKINS] and therefore withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is not present. Therefore I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Nebraska [Mr. BROWN]. I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. STEPHENSON (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. MARTIN], and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I desire to inquire whether the senior Senator from Maryland [Mr. RAYNER] has voted?

The PRESIDENT pro tempore. He has not voted.

Mr. SUTHERLAND. I have a pair with that Senator, and therefore withhold my vote.

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Nevada [Mr. NIXON]. If he were present, I should vote "nay."

Mr. WARREN (when his name was called). With the transfer of pairs by which the Senator from Louisiana [Mr. FOSTER] stands paired with the Senator from Iowa [Mr. KENYON] I will vote. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from New York [Mr. ROOT] and will vote. I vote "yea."

Mr. CULBERSON. I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Louisiana [Mr. THORNTON] and will vote. I vote "nay."

Mr. BURNHAM. I have a pair, as I have stated. I transfer it to the junior Senator from Washington [Mr. POINDEXTER] and will vote. I vote "yea."

Mr. SUTHERLAND. I transfer my pair with the senior Senator from Maryland [Mr. RAYNER] to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "yea."

Mr. FOSTER entered the Chamber and voted.

Mr. WARREN. Noting that the Senator from Louisiana [Mr. FOSTER], with whom I stand paired, is present, I withdraw the announcement I made pairing the Senator from Louisiana with the Senator from Iowa, and as the Senator from Louisiana has voted, I shall allow my vote to stand.

The result was announced—yeas 24, nays 22, as follows:

YEAS—24.

Bourne	Cullom	Gronna	Page
Bradley	Cummins	Heyburn	Sanders
Bristow	Curtis	Lodge	Smoot
Burnham	Dillingham	McCumber	Sutherland
Catron	Fall	Nelson	Warren
Clark, Wyo.	Gallinger	Oliver	Wetmore

NAYS—22.

Ashurst	Culberson	Johnston, Ala.	Shively
Bacon	Fletcher	Kern	Simmons
Bankhead	Foster	Martine, N. J.	Smith, Ariz.
Borah	Gore	Myers	Williams
Bryan	Hitchcock	Pomerene	
Clarke, Ark.	Johnson, Me.	Reed	

NOT VOTING—49.

Bailey	Chamberlain	Davis	Guggenheim
Brandegee	Chilton	Dixon	Jones
Briggs	Clapp	du Pont	Kenyon
Brown	Crane	Gamble	La Follette
Burton	Crawford	Gardner	Lea
Lippitt	Owen	Root	Thornton
Lorimer	Paynter	Smith, Ga.	Tillman
McLean	Penrose	Smith, Md.	Townsend
Martin, Va.	Percy	Smith, Mich.	Watson
Newlands	Perkins	Smith, S. C.	Works
Nixon	Poindexter	Stephenson	
O'Gorman	Rayner	Stone	
Overman	Richardson	Swanson	

So the motion was agreed to; and (at 4 o'clock and 37 minutes p. m.) the Senate adjourned until Monday, May 27, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May 25, 1912.*

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

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

Almighty God, in whom all our longings, hopes, and aspirations are centered, we approach Thee in the spirit of Him who taught us to pray—

Our Father who art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done in earth, as it is in heaven. Give us this day our daily bread; and forgive us our debts, as we forgive our debtors, and lead us not into temptation but deliver us from evil. For Thine is the kingdom and the power and the glory forever. Amen.

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

SPEAKER PRO TEMPORE AT SUNDAY SESSION.

The SPEAKER. The Chair assigns the gentleman from Nebraska, Mr. LOBECK, to preside to-morrow at the memorial exercises for the late Judge LATTA.

LESLIE J. LYONS.

Mr. BORLAND. Mr. Speaker, I call up a privileged resolution (H. Res. 488).

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Attorney General of the United States be, and he is hereby, directed, if not incompatible with public interest, to transmit forthwith to the House of Representatives a copy of the charges filed against Leslie J. Lyons, United States district attorney for the western district of Missouri, together with the report of Arthur T. Bagley, special agent detailed by the Department of Justice to investigate said charges, and a statement of the action of the Department of Justice, if any, upon said charges and report.

Mr. BORLAND. Mr. Speaker, this is a resolution of inquiry directed to the Attorney General, and it is in the same form as House resolution 439, which was passed by the House on March 12, 1912. It may appear——

Mr. CANNON. Is the resolution privileged?

Mr. BORLAND. The resolution is privileged.

Mr. PAYNE. Has it been reported by the committee?

Mr. BORLAND. It has been reported by the committee. I want to explain that this resolution is in the same form as the resolution of March 12, 1912. It calls for a report of the special examiner of the Department of Justice on the official conduct of the United States district attorney, Mr. Lyons, for the western district of Missouri.

Some time in December, 1911, some charges were filed against Mr. Lyons which, among other things, were that he was attorney for companies that were supposed to be violating the Federal law in reference to the fraudulent use of the mails. An investigation was made by the department under the charge of a man by the name of Bagley. That investigation was completed some time in February. At the time it was filed it was not made public, and has not been made public since. At that time there was pending against Mr. Lyons disbarment proceedings in the State courts of Missouri. On March 12 the House adopted the resolution 439, requesting the Department of Justice to transmit all papers relating to the charges against Lyons, and especially the Bagley report. March 13 the Attorney General replied, declining to submit them, on the ground that it was incompatible with the public interest so to do. He said that there were disbarment proceedings pending in the State courts of Missouri, and he did not think it advisable to transmit the papers. On April 5, the disbarment proceedings having terminated by a failure and dismissal of the case, the Attorney General sent to the Judiciary Committee the opinion of the State court of Missouri, with this statement:

This decision deals with substantially all the charges filed against Mr. Lyons with this department, and acquits him of any improper conduct in connection with any of them.

Thereafter I immediately filed the same resolution, in the same terms, on the ground that the proceedings in the State court of Missouri did not cover the charges filed with the

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estimating that this work would cost $285,943.34, of which the State of Pennsylvania has agreed to contribute one-half. If I had time I could explain the matter in detail; but I think there is a general disposition to assist the veterans of the Civil War on both sides in celebrating this epochal battle, and I trust that no objection will be made.

Mr. SHIVELY. What is the exact amount carried by this bill?

Mr. OLIVER. Not to exceed $150,000. I will state that the State of Pennsylvania has appointed a commission and has pledged itself to contribute a sum not to exceed $250,000. Out of that sum the commission having charge of the affair has agreed to contribute sufficient to pay half the expense of establishing this camp, all to be done under the supervision of the War Department; so that the limit to which this measure goes will be $150,000.

Mr. SHIVELY. Let me understand the Senator. Does the Senator say that in no event will this cost the Federal Government a sum to exceed $150,000?

Mr. OLIVER. I state that most emphatically.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATISTICS OF CORPORATIONS.

Mr. HITCHCOCK. Mr. President, I ask unanimous consent for the present consideration of Senate resolution 321, requesting the President to send to the Senate a compilation of the returns of corporations for internal-revenue purposes for the year 1911.

Mr. SIMMONS. I object.

The VICE PRESIDENT. Objection is made.

Mr. CULLOM. Regular order!

The VICE PRESIDENT. The calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 24565. An act making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

THE METAL SCHEDULE.

Mr. SIMMONS. Mr. President, is the morning business over?

The VICE PRESIDENT. Morning business is closed.

Mr. SIMMONS. Then I ask unanimous consent that the Senate proceed to the consideration of the metal-schedule bill.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent that the Senate proceed to the consideration of the unfinished business. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The VICE PRESIDENT. The pending amendment is that offered by the Senator from Georgia [Mr. SMITH], which the Secretary will state.

The SECRETARY. It is proposed to amend by changing the number of paragraph 73 to 74, by changing the number of paragraph 72 to 73, by changing the number of paragraph 71 to 72, and by increasing the free list by inserting the following as paragraph 71:

Trace chains, plows, axes, spades, shovels, hoes, cane knives, briar hooks, rakes, scythes, sickles, pruning knives, tooth and disk harrows, headers, harvesters, reapers, agricultural drills, and planters, mowers, horserakes, cultivators, thrashing machines and cotton gins, farm wagons and farm carts, whether in whole or in parts, including repair parts.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound, the noes appear to have it.

Mr. SIMMONS. I ask for a division.

The VICE PRESIDENT. A division is requested.

Mr. SMITH of Georgia. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMOOT. I should like to have the amendment again stated.

The VICE PRESIDENT. The amendment has just been stated; but, without objection, the Secretary will again state it.

The Secretary again stated the amendment.

The VICE PRESIDENT. The Secretary will call the roll.

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], and therefore withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON], and therefore withhold my vote.

Mr. O'GORMAN (when his name was called). I am paired with the senior Senator from Connecticut [Mr. BRANDEGEE]. I do not see him present. I therefore withhold my vote.

Mr. PERCY (when his name was called). I am paired with the senior Senator from North Dakota [Mr. MCCUMBER], and therefore withhold my vote.

Mr. WATSON (when his name was called). I transfer my general pair to the Senator from Missouri [Mr. REED] and will vote. I vote "yea."

Mr. HEYBURN (after having voted in the negative). I should like to inquire if the senior Senator from Alabama [Mr. BANKHEAD] has voted.

The VICE PRESIDENT. He has not.

Mr. HEYBURN. I saw him present. I am paired with him. I transfer my pair to the junior Senator from Illinois [Mr. LORIMER] and will let my vote stand.

The roll call was concluded.

Mr. GARDNER. I have a general pair with the Senator from Massachusetts [Mr. CRANE]. For that reason I withhold my vote.

Mr. BRANDEGEE (after having voted in the negative). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], and I should like to ask if he has voted.

The VICE PRESIDENT. The Senator from New York withheld his vote because of his pair with the Senator from Connecticut.

Mr. BRANDEGEE. I was not on the floor when that happened. Therefore I withdraw my vote.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is detained from the Senate Chamber on important public business.

Mr. JONES. My colleague [Mr. POINDEXTER] is detained from the Senate necessarily. I do not know how he would vote on this question.

Mr. DU PONT (after having voted in the negative). I have a general pair with the senior Senator from Texas [Mr. CULBERSON], and as he is not in the Chamber I withdraw my vote. If he were present and I were free to vote, I would vote "nay."

Mr. SMITH of Georgia (after having voted in the affirmative). I withdraw my vote, being paired with the Senator from Nebraska [Mr. BROWN].

The result was announced—yeas 33, nays 35, as follows:

YEAS—33.

Ashurst	Gronna	Newlands	Smith, S. C.
Bacon	Hitchcock	Overman	Swanson
Bryan	Johnson, Me.	Paynter	Thornton
Chamberlain	Johnston, Ala.	Pomerene	Tillman
Chilton	Kern	Rayner	Watson
Clarke, Ark.	Lea	Shively	Williams
Fletcher	Martin, Va.	Simmons	
Foster	Martine, N. J.	Smith, Ariz.	
Gore	Myers	Smith, Md.	

NAYS—35.

Borah	Curtis	Nelson	Smoot
Bourne	Dillingham	Nixon	Stephenson
Bradley	Fall	Oliver	Sutherland
Bristow	Gallinger	Page	Townsend
Burnham	Guggenheim	Penrose	Warren
Burton	Jones	Perkins	Wetmore
Catron	Lippitt	Richardson	Works
Cullom	Lodge	Root	
Cummins	McLean	Sanders	

NOT VOTING—27.

Bailey	Crane	Gardner	Percy
Bankhead	Crawford	Kenyon	Poindexter
Brandegee	Culberson	La Follette	Reed
Briggs	Davis	Lorimer	Smith, Ga.
Brown	Dixon	McCumber	Smith, Mich.
Clapp	du Pont	O'Gorman	Stone
Clark, Wyo.	Gamble	Owen	

So the amendment of Mr. SMITH of Georgia was rejected.

Mr. POMERENE. I offered an amendment yesterday, which I ask may be considered.

The VICE PRESIDENT. The Senator from Ohio offers an amendment, which will be stated.

The SECRETARY. On page 20, line 21, after the word "development," insert "machine tools, 20 per cent ad valorem," and on page 22, line 9, strike out the words "machine tools."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio.

Mr. POMERENE. Mr. President, the rate fixed in the Dingley law on machine tools was 45 per cent ad valorem. In the

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hearing on the Payne-Aldrich bill the manufacturers asked to have this duty reduced to 30 per cent ad valorem. Under the bill as it comes from the House machine tools, with sewing machines, cash registers, and similar manufactures, were placed on the free list.

It seems to me, in view of the character of the manufacture of machine tools, they ought not to be placed on the free list, particularly at this time. The duty on the raw material, particularly steel, which enters into their manufacture, is levied at 15 per cent ad valorem, and the effect of the proposed amendment is to take machine tools out of the free list and transfer them to the dutiable list under a duty of 20 per cent ad valorem. In other words, a reduction of 33⅓ per cent from the present duty; and I call the attention of the Senator from North Carolina to this amendment.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. POMERENE. Certainly.

Mr. SIMMONS. We will accept the amendment.

Mr. SMOOT. Mr. President, I can not altogether understand the present situation. This item of machine tools was discussed in the committee. Every member of the minority of that committee voted against any change in the House bill. We had testimony, pages and pages of it, and now a Democratic Senator offers an amendment placing machine tools on the dutiable list, and the minority members of the committee accept the amendment.

Of course, I understand why this is done. That is, I think I do. A delegation from Ohio came to Washington—and, by the way, most of the machine-tool manufacturers are in Ohio—and we find the Democratic Senator from Ohio offering an amendment to place machine tools upon the dutiable list and to take them from the free list as provided for in the Democratic House bill. The Democratic members of the Finance Committee had ample opportunity to make that change before the bill was reported to the Senate, and did not. Are we to understand that this amendment, offered as it is at this time, is the sentiment of the Democrats of the Senate?

I merely wanted to call attention to the fact that it looks to me like trying to play politics with this item, and I hardly think it is the proper thing to do.

Mr. WILLIAMS. Mr. President, I do not know of anybody who could with worse grace make an objection to playing politics on a tariff schedule than the Senator from Utah. But we are not playing politics at all. The minority representatives on the Finance Committee were not convinced by the hearings that were had that these articles ought to be placed upon the dutiable list, and did, as the Senator says, make a report in favor of the bill with them upon the free list. Very largely the failure to convince the minority members was because of the character of the testimony, so called. Speaking for myself I attached very little importance to it. I generally attach very little importance to the utterances of interested witnesses who are volunteer witnesses. But since that time we have come to the conclusion that that was too drastic a cut upon that particular article in the schedule.

Mr. SMOOT. Has there been any additional testimony?

The PRESIDING OFFICER. Senators should get permission of the Chair before interrupting each other.

Mr. SMOOT. Has there been any additional testimony received by the Democratic members of the committee?

Mr. WILLIAMS. So far as I am concerned, upon reading and an examination of the testimony—not additional testimony in the sense of additional witnesses, or so-called witnesses—I have come to that conclusion just as I have come to a conclusion on the duties on several other articles.

Mr. RAYNER. May I ask the Senator a question? As I understand the two bills, it is on the free list in the House bill, and the Senate Finance Committee has put it on the dutiable list?

Mr. WILLIAMS. The Senate Finance Committee bill will put them on the dutiable list.

Mr. RAYNER. If this amendment is adopted?

Mr. WILLIAMS. Yes; if it is amended. The present duty is 30 or 35 per cent.

Mr. SMOOT. Thirty per cent.

Mr. WILLIAMS. This amendment will make it 30 per cent, which is a reduction of 33⅓ per cent on machine tools.

There was before the committee some testimony that put us, I may say, upon a line of inquiry with regard to another matter right in connection with this schedule. That was with regard to what might possibly be the construction and meaning of the words "machine tools." It seemed evident that the Ways and Means Committee of the House had one idea in their minds, and various people connected with the trade either had or pretended to have a different idea of what the phrase "machine tools" meant. If the phrase "machine tools" was extended to mean all the things that these people in the trade say that the trade means by the phrase, then I do not think it was the intent of the author of the bill as it came from the House to put all these things upon the free list at one fell swoop.

Mr. SMOOT. I want to say that this same program proposed will be carried out still further as we progress in the consideration of the Democratic bills. I think it will be found that as soon as we reach the chemical bill we will have indigo, that the House bill provided a duty on, carried over to the free list. Of course I know why it is done, Mr. President, and so I suppose every other Member knows. It is only the carrying out of the policy that I desire to call attention to later.

Mr. WILLIAMS. Mr. President, the Senator from Utah has shown no great degree of detective ability in his ascertainment of the fact that certain things that were put upon the dutiable list in the chemical schedule by the House will be placed in the bill which will be offered here by the minority members of the Finance Committee upon the free list, among other things, indigo, Chinese nut oil, and some things that go into the making of varnish. We thought we had good reasons for doing that, and it was announced to the entire Finance Committee, as the Chair will remember [Mr. GALLINGER in the chair] that we would do it.

So the bill which we will introduce upon the chemical schedule already contains those amendments to which the Senator refers, the bill as amended being offered as a substitute for the House bill. We did that for the same reason we did this, because after full reflection and thought, as far as we were capable of it, we thought it was the right course to take for men viewing the question from our standpoint.

Mr. SMOOT. Of course I know that the Senators on the other side found a good excuse for putting indigo on the free list. It was because it is used for the dyeing of cotton goods that are made in the South. I know the protest which came from the manufacturers of the South has been heeded, and I will guarantee that that will be the action taken by the Democratic Members when we reach the chemical bill.

Mr. WILLIAMS. Mr. President, one word more. It is astonishing, it is more than astonishing, it is astounding that any Senator of the United States should have the audacity to suggest that tariff legislation of this country either was or could be sectional in the interests of the South. If there is any objection to the whole tariff system at all it is that it has been uniformly the history of sectionalism against the South, and the Senator from Utah knows it as well as I do.

Now, then, we are going to vote to keep indigo upon the free list. It is true that indigo enters as a coloring matter into the production of cheap cotton goods, and it is true that a good number of cheap cotton goods are made in the South, but it is not true that the South alone makes that grade of goods—overalls and things of that sort—dyed with indigo.

Mr. SMOOT. I did not say that.

Mr. WILLIAMS. Ah, but the Senator threw out the statement that it was done because it would help the South. Your side has not been tender toward this, and God knows none of you have been tender toward us. From the beginning of the history of tariff legislation down to now you have robbed the agricultural masses of the South in order to enrich the manufacturing capital of the Northeast.

Mr. POMERENE. Mr. President, I offered this amendment in good faith. The Senator from Utah has seen fit to charge me with playing politics, and perhaps, if he is judging of me by his own conduct, he is justified in forming that judgment of me in this matter.

It is true that quite a number of these machine-tool people came to me and placed their case before me. I suggested their appearing before the Finance Committee, and they did so appear.

As a matter of fact, the duty under the Dingley law was 45 per cent ad valorem. The machine-tool people appeared before the Finance Committee, as I have been advised, at the time of the consideration of the Payne-Aldrich bill and voluntarily asked for a reduction of the duty from 45 per cent ad valorem to 30 per cent ad valorem, and some of the so-called stand-pat element in that committee, as I am told, criticized them severly because they presumed to come before that committee and ask for a reduction of the duty on that or any other article. They were regarded as curiosities, and I think to some extent they are curiosities when they appear before a committee and ask for a reduction of duties. As a rule the committee has been accustomed to have men come and ask for an increase of duties.

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SENATE.

WEDNESDAY, *May 29, 1912.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SPECIAL AGENTS AND SECRET SERVICE (S. DOC. NO. 728).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 29th ultimo, certain information relative to the money for special agents and secret-service men, the number of agents employed, and methods of investigation pursued by them with reference to homestead entries. The communication, with the accompanying papers, will be referred to the Committee on Public Lands and printed.

Mr. HEYBURN. I suggest that it lie on the table. I think my colleague [Mr. BORAH] introduced the resolution and wishes to discuss the subject.

The VICE PRESIDENT. Without objection, the communication and accompanying papers will be ordered printed and lie on the table, subject to future disposal.

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 of law filed by the court in the follow causes:

Spencer Gordon, administrator cum testamento annexo of the estate of Charles Harris Lester, deceased, *v.* United States (S. Doc: No. 729); and

Ida C. Hughes and Ellen C. McNally, daughters and sole heirs at law of Christopher H. McNally, deceased, *v.* United States (S. Doc. No. 727).

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 A. C. Johnson, its assistant enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 16661. An act to relinquish, release, remise, and quit-claim all right, title, and interest of the United States of America in and to all the lands held under claim or color of title by individuals or private ownership or municipal ownership, situated in the State of Alabama, which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians, under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians on March 24, 1832, and under or by virtue of the treaty between the United States of America and the Creek Tribe or Nation of Indians of 9th day of August, 1814;

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North; and

H. J. Res. 319. Joint resolution making appropriations to supply deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives for the fiscal year 1912, and for other purposes.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of the congregations of the Presbyterian Church of Roseland, Chicago; the Bethany Reformed Church of Roseland, Chicago; and of the Bethesda Evangelical Free Church, of Chicago, all in the State of Illinois, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. SMITH of South Carolina presented petitions of sundry citizens of Greelyville, Rock Hill, and Chester, all in the State of South Carolina, praying for the establishment of a department of public health, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of Rumford Grange, No. 109, Patrons of Husbandry, of East Concord, N. H., and the petition of Sam B. Tarrante, of Manchester, N. H., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Petworth Citizens' Association, of the District of Columbia, and of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the General Federation of Women's Clubs, remonstrating against the enactment of legislation to limit the term of office of civil-service employees to five years, which was ordered to lie on the table.

Mr. WORKS presented a memorial of sundry citizens of Pasadena, Cal., remonstrating against the enactment of legislation to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the country, which was referred to the Committee on Military Affairs.

Mr. SMITH of Maryland presented a memorial of members of the Stationers' Association of Baltimore, Md., remonstrating against the enactment of legislation to prevent manufacturers of patented articles from fixing the retail selling price, which was referred to the Committee on Manufactures.

He also presented memorials of sundry citizens of Salisbury, Gapland, Brownsville, Hagerstown, and Rohrersville, all in the State of Maryland, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. PENROSE presented a petition of sundry citizens of Johnstown, Pa., praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. WARREN presented sundry papers to accompany the bill (S. 6961) granting a pension to Annie Walker Burch, which were referred to the Committee on Pensions.

Mr. WETMORE presented a petition of 39 citizens of Pawtucket, R. I., praying for the enactment of legislation to provide medical and sanitary relief to the natives of Alaska, which was referred to the Committee on Territories.

Mr. ROOT presented petitions of the congregations of the Baptist and Methodist Churches of Waverly, N. Y., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. POMERENE. I present telegrams from a number of commercial organizations throughout the country relative to the bill (S. 6810) relating to bills of lading. I do not ask that the telegrams be read, but that they lie on the table and be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

CINCINNATI, OHIO, *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

This association strongly indorses and urges passage of Pomerene substitute Senate bill 6810 relating to bills of lading.

G. M. FREER,
Commissioner the Receivers' and Shippers' Association.

—

COLUMBUS, OHIO, *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

This association earnestly desires that Pomerene substitute bill 6810, containing amendments agreed to by bankers and shippers May 22, be enacted. We believe its provisions just and equitable to all concerned. We hope you can give it your active support.

OHIO GRAIN DEALERS' ASSOCIATION,
J. W. MCCORD, *Secretary.*

—

COLUMBUS OHIO, *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

This association earnestly desires that Pomerene substitute bill 6810, containing amendments agreed to by bankers and shippers May 22, be enacted. We believe its provisions just and equitable to all concerned. We hope you can give your active support.

OHIO SHIPPERS' ASSOCIATION.
J. W. MCCORD, *Secretary.*

—

BALTIMORE, MD., *May 28, 1912.*

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

On behalf of the Council of Grain Exchanges of North America, I strongly urge passage of Pomerene substitute bill 6810 regarding bills of lading. This measure meets some of the reasonable demands of the business interests and does not impose conditions that should not apply to common carriers.

CHARLES ENGLAND.

—

BALTIMORE, MD., *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

The Baltimore Chamber of Commerce indorses Pomerene substitute Senate bill 6810, believing the better safeguarding of bills of lading to be an imperative necessity which should be recognized by the railroads.

F. A. MEYER, *President.*

—

PHILADELPHIA, PA., *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

Philadelphia Chamber of Commerce strongly indorses Senate bill 6810, relating to bills of lading, and urges upon Congress its early adoption.

N. B. KELLY,
Secretary Philadelphia Chamber of Commerce.

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KANSAS CITY, MO., *May 29, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

The transportation bureau of the Commercial Club of Kansas City indorses Senate bill 6810 and strongly urges its enactment into law.

G. H. WILSON.

—

CHICAGO, ILL., *May 29, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

I strongly indorse Pomerene substitute Senate 6810 and hope it will be enacted into law at an early date.

W. F. PRIEBE,
Chairman Transportation Committee,
National Poultry, Butter, and Egg Association.

—

BOSTON, MASS., *May 28, 1912.*

Hon. ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

Favorable action on bill 6810 very desirable, as it will give all concerned much needed protection and guidance on this matter, the present status of which is very unsatisfactory.

D. O. IVES,
Manager Transportation Department
Boston Chamber of Commerce.

—

EVANSVILLE, IND., *May 28, 1912.*

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.:

The Evansville Manufacturers' Association heartily indorses Pomerene substitute Senate bill 6810, relating to bills of lading, fully realizing that its terms are fair and satisfactory to shippers and receivers of freight, and is also impartial.

J. C. KELLER,
Manager Traffic Department.

—

KANSAS CITY, MO., *May 28, 1912.*

Hon. ATLEE POMERENE,
United States Senator, Senate Building, Washington, D. C.:

Realizing the importance of proper legislation covering bills of lading, we hereby heartily indorse Pomerene substitute Senate bill 6810, and we hope to see its speedy passage by both Houses of Congress.

GEO. H. DAVIS,
President Kansas City Board of Trade.

—

SIOUX CITY, IOWA, *May 28, 1912.*

Hon. ATLEE POMERENE,
Washington, D. C.:

The commercial, jobbing, and manufacturing interests of Sioux City heartily indorse your bill regarding bills of lading, known as Pomerene substitute Senate bill 6810. This legislation is badly needed, and the terms of your substitute bill will go a long way toward preventing confusion and litigation and will make for uniformity of laws on this subject.

SIOUX CITY COMMERCIAL CLUB.
W. E. HOLMES, *Secretary.*

REPORTS OF COMMITTEES.

Mr. POMERENE, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 23557. 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 (Rept. No. 816); and

H. R. 23063. 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 (Rept. No. 817).

Mr. CLAPP. I am directed by the Committee on Indian Affairs, to which was referred the bill (H. R. 20728) 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, 1913, to report it with amendments, and I submit a report (No. 818) thereon.

Mr. CURTIS. Mr. President, I hope the acting chairman of the committee will give notice when he expects to call up the bill he has just reported. I desire to say to Senators that it increases appropriations over and above estimates to the extent of some $3,000,000; that it increases appropriations over those contained in the bill as it passed the House by some $4,000,000, and that it carries general legislation, private claims, and other kinds of legislation. I desire the opportunity to be here when this bill is taken up and to make points of order against those items.

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

CLINTON & OKLAHOMA WESTERN RAILWAY.

Mr. SMOOT. From the Committee on Public Lands I report back favorably the bill (H. R. 23837) to authorize the Clinton & Oklahoma Western Railway Co. to construct and operate a railway through certain public lands, and for other purposes, and I submit a report (No. 815) thereon. The Senator from Oklahoma [Mr. GORE] informs me that it is very necessary that the bill shall become a law, and if there is no objection to it, I should like to ask for its immediate consideration.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

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. FALL:

A bill (S. 6980) to amend section 11 of an act entitled "An act to enable the people of New Mexico to form a constitution and State government," approved June 20, 1910, which was read twice by its title.

The VICE PRESIDENT. The bill will be referred to the Committee on Territories.

Mr. FALL. Section 11 of the act refers to the selection and location of public lands, and therefore the bill should go to that committee.

The VICE PRESIDENT. The reference will be to the Committee on Public Lands.

By Mr. FALL:

A bill (S. 6981) referring to the Court of Claims the claim of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased; and

A bill (S. 6982) for the relief of E. H. Biernbaum; to the Committee on Claims.

By Mr. KERN:

A bill (S. 6983) to establish a subport of entry and delivery at Indiana Harbor, in the State of Indiana; to the Committee on Commerce.

A bill (S. 6984) granting an increase of pension to Noah W. Carr (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 6985) granting an increase of pension to Jerome S. Pinney; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 6986) for the relief of the estate of Henry Ware, deceased; to the Committee on Claims.

A bill (S. 6987) granting an increase of pension to James Garnett (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 6988) for the relief of persons suffering damages by the construction of the canal diverting the waters of the Mormon Slough into the Calaveras River (with accompanying papers); to the Committee on Claims.

By Mr. STEPHENSON:

A bill (S. 6989) granting a pension to James, alias John H., Fithian (with accompanying papers); and

A bill (S. 6990) granting an increase of pension to George W. Graves (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 6991) to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land in the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of Abraham Lincoln and the log cabin in which he was born, together with the memorial hall inclosing the same; and, further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto; to the Committee on the Library.

By Mr. SHIVELY:

A bill (S. 6992) granting a pension to Naomi Fiedler (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 6993) granting an increase of pension to Annie Mellinger (with accompanying papers); to the Committee on Pensions.

A bill (S. 6994) to grant an honorable discharge to George Webb; to the Committee on Naval Affairs.

By Mr. CRANE:

A bill (S. 6995) for the relief of Sardine G. Williams and others (with accompanying papers); to the Committee on Claims.

Mr. GORE. At the request of my colleague [Mr. OWEN], I introduce a bill and ask that it be referred to the Committee on Military Affairs.

The bill (S. 6996) to correct the military record of Joseph Hawkins was read twice by its title, and (with accompanying paper) referred to the Committee on Military Affairs.

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By Mr. OLIVER:

A bill (S. 6997) to incorporate the Giesboro Railroad Co. (with accompanying paper); to the Committee on the District of Columbia.

Mr. GORE. At the request of my colleague [Mr. OWEN], I introduce a joint resolution and ask that it be referred to the Committee on Post Offices and Post Roads.

The joint resolution (S. J. Res. 113) calling upon the Postmaster General for report upon the practicability and cost of establishing a telegraph and telephone system as part of the postal service, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARREN submitted an amendment proposing to appropriate $10,000 to enable the Secretary of War to prepare an estimate of the cost per mile and the aggregate cost of widening and surfacing the main traveled roads and bridges of the Yellowstone National Park, 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. PENROSE submitted an amendment proposing to increase the number of nautical experts in the Hydographic Office, at $1,800 per annum, from one to two, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 24023), which was referred to the Committee on Appropriations and ordered to be printed.

HUDSON RIVER IMPROVEMENTS.

Mr. BURTON submitted the following resolution (S. Res. 323), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be requested to transmit to the Senate all correspondence and documents, or copies of documents on file in his office or in his possession, relating to the attitude and action of the State of New York regarding the conditions imposed upon the appropriation of $1,300,000 for the improvement of the Hudson River, made by the act of June 25, 1910, together with any other information that it may be appropriate to transmit therewith.

MISSOURI RIVER BRIDGE NEAR COUNCIL BLUFFS, IOWA.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the bill (H. R. 21290) to amend an act to authorize a bridge at or near Council Bluffs, Iowa, approved February 1, 1908, as amended. I only do so because it is of very great importance that the bill be passed.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the act to authorize the Central Railroad & Bridge Co. to construct a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908, and amended February 27, 1909, and June 25, 1910, so as to give to the Central Bridge Co., of Council Bluffs, Iowa, all the authority and rights granted under the act, if the actual construction of the bridge authorized by the act is commenced within one year and completed within three years from the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GENERAL ARBITRATION TREATIES.

Mr. OVERMAN. I send the following letter to the desk and ask that it be read by the Secretary.

The VICE PRESIDENT. Without objection, the Secretary will read the communication presented by the Senator from North Carolina.

The communication was read and referred to the Committee on Foreign Relations, as follows:

371 CENTRAL PARK WEST,
New York City, May 13, 1912.

Hon. LEE S. OVERMAN,
United States Senate.

MY DEAR SENATOR OVERMAN: I noted in March the press reports of the terms upon which the Senate consented to the ratification of the proposed arbitration treaties between the United States, France, and Great Britain. I have secured a certified copy of these documents, and find that the Senate's resolution of approval expressly declares, among other things, that these treaties do not authorize the arbitration of any question "concerning the alleged indebtedness or money obligation of any State of the United States." As the Senate thought it worth while to include these words in its resolution of approval, and as you represent the State of North Carolina in the Senate, I deem it my duty to inform you that in 1906 a committee of eminent citizens of this country tendered to the Government of Colombia a large donation of repudiated North Carolina bonds, together with an expression of the committee's regret at the course pursued toward Colombia by the United States as regards Panama. At that time I was acting as counsel to the Colombian Legation at Washington, and was consulted by the Colombian minister in regard to this proposal. I advised against acceptance of this offer, and in due course the committee of American citizens was informed that the Government of Colombia was unwilling to receive the bonds.

The circumstances under which this proposal was made to and rejected by Colombia are worthy of comment. Before I became counsel to the Colombian Legation a proposal to arbitrate the Panama matter was made by Colombia and refused by the United States. The proposal charged violation of the law of nations by collusion between high officials of the United States and citizens of Colombia, prior to the declaration of Panama's independence, and violation of the treaty of 1846 by acts of the United States after the declaration of Panama's independence.

The refusal to arbitrate was based principally on two grounds: First, that the proposal involved the honor of the United States; and, second, that Colombia sought thereby to subject the policy of the United States to foreign dictation. When I was consulted by the Colombian minister, soon after receipt of this unfavorable note from our State Department, I advised him that, in my opinion, Colombia had a complete case against the United States, taking into account only admitted acts of this Government after the declaration of Panama's independence, and that the objection to arbitration made in the note under consideration could be obviated by proposing to arbitrate the alleged violation of international law and of the treaty of 1846 by admitted acts of the United States, leaving out entirely all reference to the alleged secret and unlawful intercourse between high officials of the United States and citizens of Colombia prior to Panama's declaration of independence. I pointed out that this would reduce to a minimum the difficulties of securing an arbitration during that administration, whose high officials committed, or were believed to have committed, the acts complained of, and that in case the administration then in control of the United States should decline this offer a subsequent administration could be expected to arbitrate the entire question at an opportune time.

The Colombian minister accepted this advice and filed such a proposal with the State Department, disclaiming any desire to interfere with the governmental policy of the United States further than to secure an impartial judgment as to whether the United States had violated principles of international law to which it had assented, or the terms of a treaty which it had solemnly concluded with Colombia.

In this proposal the loss of Panama was accepted as irreparable and the question resolved itself into one of financial recompense to Colombia in case a violation of legal duties on the part of the United States was found by the arbitrators. Perhaps I should add that an arbitral court of The Hague Tribunal was proposed, or a court constituted in some other way as the United States might prefer.

The Colombian minister was waiting in vain for a reply to this proposal when the tender of repudiated North Carolina bonds was made to and rejected by Colombia. Shortly after that the minister, who had consulted me, resigned his post, and I thereupon ceased to have any professional relation with Colombia or to its legation at Washington. But, as an American citizen and an advocate of justice, I have continued to follow with interest all the published incidents in the progress of this case, and have never for one moment lost faith in the ultimate consent of this country to let justice be done to Colombia as regards Panama.

Recent events convince me that the time for this is near at hand, and I take this opportunity to refer to some of these; for example, the recent action of President Taft in proposing, and of the Senate in agreeing to, the arbitration of all justiciable questions that may hereafter arise between the United States and Great Britain or France. I observed with great satisfaction the almost unanimous acceptance of that proposal by the Senate, also the declaration in the majority report of the Senate Committee on Foreign Affairs that a similar treaty would be in order with all friendly nations. As I see it, the point of difference between the Senate and the President in regard to one paragraph of these treaties was of small importance, though the public discussion of the treaties made the difference appear large, and resulted in the misrepresentation of the Senate's position. The fact that the Senate wished to mark out by its own deliberate decision, as particular cases arise, the rather indefinite boundary line of the arbitration area, as determined by these treaties, was taken as a sufficient reason for calling the Senators obstructionists. The wisdom and integrity of the Senate, as proven by its actions during more than a century, were apparently lost sight of for the time being.

Having solemnly agreed to arbitrate questions capable of solution by the application of principles of international law, the Senate can be implicitly relied upon, in my humble judgment, to keep that promise as certainly as it can to uphold the Constitution and the laws of the United States duly enacted. To distrust the Senate in this respect is to distrust the operation of the principle of democratic government, for the Senators are those citizens of the various States who are placed by the operation of this principle in a position of joint responsibility with the President in the conduct of the foreign affairs of our country.

The framers of our Constitution placed so much reliance upon the Senate that one-third plus one was given the power to prevent an action in our foreign affairs proposed by the President and approved by the other two-thirds of the Senators less one. The vitalest rights of Americans are dependent upon the wisdom and the integrity of the Senate in upholding the Constitution and the enacted laws of the United States. Why can not the Senate be equally trusted to fulfill a bounden duty as respects international arbitration, self-imposed by its own deliberate act, and becoming by such act a part of the law of our land?

As the Senate passes over to courts of arbitration under the terms of the Taft treaties the various justiciable questions that are outstanding or that may hereafter arise, this action will gradually define the arbitration boundary line as described in these treaties, so that questions of various kinds will thereafter go to the court of arbitration almost as a matter of course. Until that line is clearly defined it would be difficult to find safer men for its demarcation than the President and the constitutional two-thirds of the Senators present at any session duly called.

The Panama case is justiciable, because it can be fully settled by the application of well-recognized principles of international law to which the United States has assented (for violation of which it has held Great Britain accountable) and by the judicial construction of a treaty solemnly concluded by the United States and Colombia, by the terms of which the United States assumed certain obligations for a calculable consideration, paid by Colombia and received by the United States and now being enjoyed by it and by its citizens.

The Panama Canal will soon be completed. The charge that the United States violated the law of nations and the treaty of 1846 in its acquisition of the right to construct the canal ought to be settled before the canal is finished. The charge that there was collusion between disloyal citizens of Colombia and high officials of the United States Government resulting in the declaration of Panama's independence and in Colombia's loss of a member of her body constitutes a stain upon the honor of the United States so long as the United States refuses to permit a judicial investigation of that charge. For the protection of our own honor, therefore, as well as for the proper administration of justice, the completion of the canal should be accompanied by the judi-

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cial determination of all questions growing out of the manner of our acquisition of the right to build it. Even if the United States has done no wrong in the Panama matter, a judicial decision of the claim to the contrary is essential in order to uphold the reputation of our country for justice and equity.

In addition to the foregoing considerations there are several others which call for the judicial settlement of this case at an early date. I will mention briefly only three more.

The third Hague conference is expected to assemble during 1915. The United States should enter that conference with the prestige of having secured a judicial determination of all the outstanding controversies to which it is a party and which are justiciable, as that word is defined in the Taft treaties. Decisions can not be expected prior to the assembling of the Hague conference, unless the preliminary steps for the arbitration of the cases are taken at an early date.

The Panama case is between one of the heaviest-armed nations of the world and one of the lightly armed republics of South America, a republic which was supposed to have not only a general guaranty for its protection through the maintenance of the Monroe doctrine by the United States, but a specific guaranty of continued sovereignty over Panama through faithful observance by this country of the promise contained in the treaty of 1846. Claiming that this treaty warranted the use of our armed forces to prevent Colombia from maintaining her own sovereignty over the Isthmus, when one of the express objects of the treaty was to perpetuate Colombia's possession of Panama by the armed power of the United States, and then refusing to let the question thus raised be judicially determined, does not satisfy the demands of justice or comport with the former high character and present reputation of the United States. As I see it, the claim that this country is entitled to leadership in the movement for peace and justice is to be determined by the willingness of this country to submit its conduct to arbitration not merely in cases that may hereafter arise, but in cases that have already arisen, when these cases can be settled by the application of principles of international law or the terms of treaties to which this country is a party.

The newly appointed Colombian minister will come to Washington as the result of a highly honorable act on the part of Colombia toward the United States. I refer to the proffered welcome of Secretary Knox on Colombian soil, notwithstanding continued refusal of this country to arbitrate the Panama case during the past nine years, necessitating, as it did, the recall of a valued Colombian official who had "done the State some service."

Knowing your devotion to justice and right, I feel that you will take any steps that may be proper to secure the earliest possible settlement of this and all other justiciable questions in exact accordance with the law of nations and with the treaties to which our country is a party.

Thanking you for your courtesies to me, I remain,

Very sincerely, yours,

HAYNE DAVIS.

REFUND OF PENALTIES ON ALCOHOL.

Mr. RAYNER. I ask unanimous consent for the present consideration of the bill (H. R. 16690) for the relief of scientific institutions or colleges of learning having violated section 3297 and 3297a of the Revised Statutes and the regulations thereunder.

The VICE PRESIDENT. The Senator from Maryland asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. RAYNER. I want to say a word about the bill. It was unanimously reported by the Committee on Ways and Means of the House; it unanimously passed the House; it was reported favorably unanimously by the Committee on Finance of the Senate; and has been approved by different departments of the Government. It is to refund certain penalties that have accrued against the hospitals of the country for not properly denaturing alcohol. The alcohol was never used as a beverage, and the bill is an eminently just measure. I do not think there is any objection to it at all.

The VICE PRESIDENT. The bill will be read by the Secretary for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, on appeal to him made to abate, remit, and refund all taxes or assessments for taxes the liability for which is asserted against any scientific institution or college of learning on account of any alcohol withdrawn from bond free of tax in accordance with the provisions of sections 3297 and 3297a, Revised Statutes, and not used as authorized by the above-mentioned law and regulations thereunder; but no assessment made of tax imposed shall be abated or refunded as to any alcohol so withdrawn and used for beverage purposes; and all applications for relief under this act shall be filed in the office of the Commissioner of Internal Revenue within one year from the date of the approval of this act, and no liability incurred on or after March 1, 1912, shall be relieved against hereunder.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE NEAR ST. LOUIS, MO.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 6925) to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL AMPHITHEATER AT ARLINGTON CEMETERY.

Mr. SUTHERLAND. I ask unanimous consent for the present consideration of a bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery. I call the attention of the Senator from Nebraska [Mr. HITCHCOCK] to the request, because I think he has heretofore objected.

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

Mr. SIMMONS. I object.

The VICE PRESIDENT. Objection is made.

BATTLE OF GETTYSBURG.

Mr. OLIVER. Mr. President, having given notice to the Senate yesterday that I would do so, I now ask unanimous consent for the present consideration of Senate bill 6964.

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

The SECRETARY. A bill (S. 6964) authorizing and directing the Secretary of War to make certain provisions for the care of the participants in the celebration of the fiftieth anniversary of the Battle of Gettysburg, at Gettysburg, Pa., on the 1st, 2d, 3d, and 4th days of July, 1913, and making appropriation of a sum sufficient to carry out the provisions of this bill.

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

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed: First. To make all necessary and proper detail of officers of the United States Army to make such surveys, measurements, and estimates as may be necessary in providing a sufficient supply of good water for public use upon the 1st, 2d, 3d, and 4th days of July, 1913, upon the battle field of Gettysburg, in the Commonwealth of Pennsylvania, upon the commemoration of the fiftieth anniversary of the Battle of Gettysburg, and to make all necessary provisions and perform all necessary acts in connection with bringing upon said battle field upon said occasion such sufficient supply of good water fit for drinking and other purposes connected with and incidental to such occasion.

Second. To provide for all necessary sewerage, sanitation, and hospital service necessary for the health and accommodation of persons attending upon such occasion.

Third. To provide and furnish all necessary camp and garrison equipment for visiting veterans of the Civil War, together with all necessary rations and supplies for such veterans during said celebration.

SEC. 2. That the steps hereinbefore authorized to be taken by the War Department shall be fully completed before the 1st day of July, 1913, and that all camp equipment, supplies, and rations shall be fully ready for occupancy and use.

SEC. 3. That the Fiftieth Anniversary of the Battle of Gettysburg Commission of the Commonwealth of Pennsylvania shall have charge of the order of exercises during the celebration; that the physical control of the camp and grounds and the movements of troops and marching bodies therein shall be in the hands of the Secretary of War, under such officers as he may detail for that purpose.

SEC. 4. That there is hereby appropriated from the Treasury of the United States, out of any funds not otherwise appropriated, one-half of such sum as may be necessary to carry out the foregoing provisions of this act, not to exceed the sum of $150,000: *Provided*, That out of the sum of $250,000 heretofore pledged by the Commonwealth of Pennsylvania by act of the general assembly of that Commonwealth, adopted on the 14th day of June, 1911, the commission appointed by the governor of Pennsylvania, in accordance with said act and having charge of such celebration, shall set aside and appropriate a sum equal to the amount above appropriated, to wit, the sum of $150,000; so much of which as may be necessary shall be expended for the purposes provided in this act, under the sole direction of the Secretary of War: *And provided further*, That until the said commission shall adopt a resolution agreeing that the Commonwealth of Pennsylvania shall bear one-half of the expenses incurred in carrying out the provisions of this act, and shall furnish to the Secretary of War a certified copy of such resolution, no part of the sum hereinbefore appropriated shall be expended.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania?

Mr. SIMMONS. Mr. President, I dislike to object to the consideration of this bill, and I will not do so if it will not provoke any debate. If it does——

Mr. OLIVER. I hope the Senator will not object. I do not think there will be any extended debate upon the bill.

Mr. SIMMONS. If there is any extended debate, I hope that the bill will be laid aside.

Mr. OLIVER. I will say that if there is a disposition shown to extend the debate, I will not insist upon the consideration of the bill to-day; but there is very great necessity for action upon this subject at this session of Congress, if it is to be acted upon at all, and I trust that Senators will allow the bill to pass.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SHIVELY. Mr. President, is the bill accompanied by a written report?

Mr. OLIVER. The bill is accompanied by a very extensive report, I will say to the Senator. The matter was referred to the War Department, which presented a very elaborate report,

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single Senator and saying that that Senator, for some reason or other, represented the principles of the Democratic Party. Why does not the Senator pick out a majority of the Democratic Senators on this side? There is not a Senator on this side who ever voted against a revenue duty and for a duty for protection. I challenge contradiction.

Mr. LODGE. Mr. President——

Mr. RAYNER. I yield.

Mr. LODGE. I thought I had the floor; but I yield.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. RAYNER. I thought the Senator had finished.

Mr. LODGE. I had not.

Mr. RAYNER. I yield.

Mr. LODGE. I do not want the Senator to yield. I will take the floor in my own right.

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor. Does the Senator from Massachusetts yield to the Senator from Maryland?

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

Mr. RAYNER. I shall be done in a moment. I do not speak continuously for three or four days. I generally finish in about three or four minutes. I have very little to say here, except this: I do not like the idea of being singled out; I do not like the idea of being made an exception to the Democratic side.

The Senator talks about free sugar. I recollect the day when the whole Democratic side of the House of Representatives stood up, man after man, unanimously voting in favor of free sugar. We are not responsible for things that took place in the Senate afterwards. It is not fair to select a single Senator upon this side any more than it would be fair to select some single Senator on the other side as representing the principles of the party. The overwhelming majority of the Senators on this side have always voted for a tariff for revenue as against a tariff for protection. There may be isolated instances to the contrary; and I think in the case of lumber good reasons were given. The tariff on lumber was a revenue tariff. So far as the tariff on tea was concerned, the Senator from South Carolina [Mr. TILLMAN] had no idea that his amendment would succeed.

Now, let us get to the point and stop talking about the Payne-Aldrich bill and matters that have no reference to this subject. Let us talk about the amendment before the Senate. I certainly do not desire to comment upon the Senator from Ohio; that is the last thing in the world that I would do; but the Senator from Ohio comes here—let us be perfectly frank about it—and asks for protection upon an Ohio industry, and he asks the Democratic side to aid him in protecting an Ohio industry. I am opposed to that.

Mr. LODGE. Mr. President, the Senator from Maryland accused me of picking him out alone as unassailable, whereas I said everybody was. He asked me to name others besides the Senator from Ohio on the Democratic side who in the past had manifested an interest in the industries of their own States. I named 8 or 10, and I can name a good many more. The Senator says they were individual Senators. Of course they were; that is why I named so many articles, because each article meant one or two more Senators. I wanted to cover as many as I could. I have found no fault with them for doing so, and I do not see why they should not have done so.

The Senator says there were good reasons for the revenue duty on lumber. There are always good reasons for a protective duty for the locality that needs it. There is nothing so flexible as a revenue duty. You can fix the rate at a protective point or you can fix it lower, just as you please; there is nothing stable about the revenue point. I do not blame Senators for doing it, and I am criticizing nobody for doing it; but, on the contrary, I simply was pointing out that it had been done many times and it will be done a great many more times before we get through talking about the tariff.

Mr. RAYNER. Mr. President, I certainly do not object to the Senator's stand. I admire the stand the Republican Party has taken for protection, and I have nothing to say about that. Any man who is for protection as a principle certainly deserves the respect of the other side, to say the least.

So far as lumber is concerned, of course I voted for free lumber, but there were other Senators who voted differently. What I contend for is this: I contend for the proposition that we have not any right to protect the industries of our own States. I am for a tariff for revenue; I am for putting everything on the free list that can be put upon the free list consistent with the raising of revenue. If a tariff for revenue gives incidental protection I can not help it, but I am for a tariff for revenue. I am not for a tariff for protection with incidental revenue, and I believe that the vast majority of Senators on this side agree with me in the views I have expressed.

Mr. BACON obtained the floor.

Mr. RAYNER. I want to say this before the Senator from Georgia commences. The Senator from Georgia, after an exhaustive examination, compiled a table of yea-and-nay votes taken during the tariff session of 1909. It was one of the most instructive tables used during the last campaign, showing exactly how each Senator voted on all amendments proposed to the tariff bill. I think that table absolutely sustains the views I am expressing, that nearly every Senator on this side all the time, through all the schedules, in all the votes, voted for a tariff for revenue and not for a tariff for protection.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. The Senator from Georgia was recognized. Does he yield to the Senator from Ohio?

Mr. BACON. In a moment. What the Senator from Maryland has said about the votes cast by the Democrats during the consideration of the Payne-Aldrich bill is true, as shown by the RECORD; but that is not what I rose to say. I rose to say simply this: That I was trying to get the Senator from Utah and others who think with him to state plainly whether they favor the present metal schedule as found in the law. I have not been able to get them to say whether they do or not.

Mr. LODGE. Mr. President, if the Senator will permit me——

Mr. BACON. I beg the Senator's pardon. I will yield to the Senator in a moment; I want to finish my statement. This is as far as the Senator from Massachusetts would go, that he preferred the metal schedule of the Payne-Aldrich law to anything else that was offered. That is what the Senator said. That is also true, I presume, of the woolen bill—that he prefers the woolen schedule as it is now found in the law rather than anything which has been offered. But the point that I was trying to get the Senator's attention to was that, while in the case of the woolen schedule they do recognize that there should be a reduction by giving notice that they themselves intend to offer a bill which will reduce the duties to a certain extent, they have failed to make any such offer in the case of the metal schedule, from which I drew the conclusion that they favor the metal schedule as it stands. That is all I want them to say. They shelter themselves behind the excuse that, in the first place, it is better than anything which has been offered, which is not an answer, because the same thing is true, in their opinion, as to the woolen bill; and, second, that they have not had information from a Tariff Board, when Congress has been legislating for over a hundred years on the tariff without the assistance of a Tariff Board, and when the Congress, then strongly Republican in both branches, three years ago did not express any hesitation as to whether or not their conclusions were then correct as to what should be the real duties in the metal schedule; but all at once there has developed a great amount of uncertainty, to put it as mildly as possible. They do not know now what it ought to be, forsooth; they must wait until they can have the report of a Tariff Board before they can express an opinion whether the present law is as it should be or is not as it should be.

I want to say another word, Mr. President, and that is this: This is the first Congress for a long time in which the Democrats have had responsibility, in part, as to the framing of a tariff law. The Democratic House has sent us a bill and, whatever may be said about the past, Senators on the other side of the Chamber will have the opportunity, if they wish to do so, to vote for a revenue tariff bill, and they will find that Senators on this side of the Chamber will sustain the Democratic House in an effort to reduce the tariff; and they will not be distinguished by any such want of fidelity to principle as the Senator from Massachusetts and the Senator from Utah would suggest.

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

The PRESIDING OFFICER. The Senator from Maryland raises the point of no quorum. The Secretary will call the roll.

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

Ashurst	Dillingham	McLean	Shively
Bacon	du Pont	Martin, Va.	Simmons
Bankhead	Fall	Martine, N. J	Smith, Ariz.
Borah	Fletcher	Myers	Smith, Ga.
Bourne	Foster	Newlands	Smith, S. C.
Bradley	Gallinger	Nixon	Smoot
Bryan	Gardner	Oliver	Stephenson
Burton	Gronna	Overman	Sutherland
Catron	Heyburn	Page	Swanson
Chamberlain	Hitchcock	Paynter	Townsend
Chilton	Johnson, Me.	Penrose	Watson
Clapp	Johnston, Ala.	Perkins	Williams
Clarke, Ark.	Jones	Pomerene	Works
Cullom	Kern	Rayner	
Cummins	Lodge	Richardson	
Curtis	McCumber	Sanders	

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

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The question is upon the amendment of the Senator from Massachusetts to the amendment offered by the Senator from Ohio.

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

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. The Senator from Maryland demands the yeas and nays. Is there a second?

The yeas and nays were ordered.

Mr. BACON. I raise the point of order that when a Senator addresses the Chair, even if the yeas and nays have been demanded, the question ought not to be put as to the yeas and nays until after the Senator has finished. How does anyone know whether or not it will be two hours before the yeas and nays are called, and the contemplation of the law is that the yeas and nays will be called for by those who are present at the time and who are going to participate?

The PRESIDING OFFICER. The present occupant of the chair does not agree with the Senator from Georgia. The Senator from Ohio is recognized.

Mr. POMERENE. Mr. President, I do not intend by the amendment which I have offered or by the remarks which have been made by several Senators to be placed in a false attitude. I did not offer this amendment as a protectionist. I do not offer it as a protection duty. I am not asking for protection for any single industry in Ohio. I am asking simply that justice be done under all the circumstances of the case.

Neither the Senator from Massachusetts [Mr. LODGE] nor the Senator from Utah [Mr. SMOOT], nor anyone else, I think, who has studied this question, will say that a duty of 20 per cent would be a protective duty. It is a revenue duty, and nothing more and nothing less than that. In fact, some of the testimony before the committee shows that in order to make it a protective duty they desire an increase to 45 per cent, and I have letters to that effect from some of the men interested in that business.

Under the Dingley bill it was on a protective basis of 45 per cent. Under the Payne-Aldrich bill it was reduced to 30 per cent. Under the Underwood bill it is proposed to put it upon the free list. I think by reducing it from 30 per cent, as it now is, to a duty of 20 per cent ad valorem, we will leave it on a revenue basis. It certainly is not on a revenue basis when it is placed on the free list.

Am I extreme in this? Is my position wrong or different from that of my party? Let us see what the platform says on the subject:

> We favor immediate revision of the tariff by the reduction of import duties.

This is a reduction of 33⅓ per cent.

> Articles entering into competition with trust-controlled products should be placed upon the free list.

It is not contended here that the machine tools are trust made, by any means.

> Material reductions should be made in the tariff upon the necessaries of life, especially upon articles competing with such American manufactures as are sold abroad more cheaply than at home.

And that is true with regard to most of the articles placed on the free list, or the greater proportion of them, under the amendment proposed by the Senator from Georgia. I do not have the memorandum at hand now. They have been sold at times, at least, at a lower price abroad than at home.

Then the Democratic platform further reads:

> And gradual reductions should be made in such other schedules as may be necessary to restore the tariff to a revenue basis.

That is what I propose in this amendment. Here are these articles, which are manufactured not by the trust, but by people of modest means. We are reducing their tariff, and I hope to have it, as it will be some day, on a free-trade basis; but under our platform and in harmony with my views on this subject I do not think it is proper that these articles should be taken entirely from a protection basis and placed on a free-trade basis at once, but let us do so gradually, and it is to that end that I offer the amendment.

The PRESIDING OFFICER. The Secretary will call the roll on the question of agreeing to the amendment to the amendment.

Mr. BACON. I rise to a parliamentary inquiry. As I understand it, the vote is now on the amendment offered by the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator is correct.

Mr. BACON. I did not know that all Senators knew that fact.

Mr. LODGE. To make it 30 per cent instead of 20 per cent.

The PRESIDING OFFICER. That is the fact.

The Secretary proceeded to call the roll.

Mr. GARDNER (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. CRANE]. If I were at liberty to vote upon this proposition, I should vote "nay."

Mr. JOHNSON of Maine (when his name was called). I have a pair with the senior Senator from New York [Mr. ROOT], and therefore withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. In his absence I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I am paired with the senior Senator from Nebraska [Mr. BROWN]. I transfer the pair to the junior Senator from Oklahoma [Mr. GORE], who is now absent and will be for some time. I will continue the transfer during his absence. I shall vote during the day without any further explanation. I vote "nay."

The roll call was concluded.

Mr. SIMMONS. I desire to announce that the senior Senator from Louisiana [Mr. FOSTER] is paired with the Senator from Wyoming [Mr. WARREN].

Mr. WATSON. I announce the transfer of my general pair to the Senator from Missouri [Mr. REED].

The roll call was concluded.

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not present in the Chamber, I transfer my pair to the junior Senator from Illinois [Mr. LORIMER] and will vote. I vote "yea."

Mr. BRISTOW. I desire to state that the junior Senator from South Dakota [Mr. CRAWFORD] is necessarily absent from the Chamber. If he were here, he would vote "nay."

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. I transfer it to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "yea."

Mr. JONES. My colleague [Mr. POINDEXTER] is necessarily detained from the Chamber. I think if he were present he would vote "nay."

The result was announced—yeas 27, nays 37, as follows:

YEAS—27.

Bradley	Dillingham	McLean	Smith, Mich.
Brandegee	du Pont	Nixon	Smoot
Burnham	Fall	Oliver	Stephenson
Burton	Gallinger	Page	Sutherland
Catron	Heyburn	Perkins	Wetmore
Cullom	Lippitt	Richardson	Works
Curtis	Lodge	Sanders	

NAYS—37.

Ashurst	Cummins	Myers	Smith, Ga.
Bacon	Fletcher	Nelson	Smith, S. C.
Bankhead	Gronna	Newlands	Swanson
Borah	Hitchcock	O'Gorman	Tillman
Bourne	Johnston, Ala.	Overman	Townsend
Bristow	Jones	Pomerene	Watson
Bryan	Kern	Rayner	Williams
Chamberlain	Lea	Shively	
Chilton	Martin, Va.	Simmons	
Clarke, Ark.	Martine, N. J.	Smith, Ariz.	

NOT VOTING—31

Bailey	Davis	Kenyon	Poindexter
Briggs	Dixon	La Follette	Reed
Brown	Foster	Lorimer	Root
Clapp	Gamble	McCumber	Smith, Md.
Clark, Wyo.	Gardner	Owen	Stone
Crane	Gore	Paynter	Thornton
Crawford	Guggenheim	Penrose	Warren
Culberson	Johnson, Me.	Percy	

So Mr. LODGE's amendment to Mr. POMERENE's amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. POMERENE].

Mr. BURTON. I suggest an amendment to the amendment of my colleague, to strike out the word "twenty" and insert the word "twenty-five."

The VICE PRESIDENT. The Senator from Ohio offers an amendment to the amendment, which will be stated.

The SECRETARY. Before the words "per cent," strike out "twenty" and insert "twenty-five."

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. BURTON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH of South Carolina. Mr. President, I rise to ask a question for information. I should like to ask some Senator on the other side, as well as on this, as to the line of demarcation between a protective duty and a revenue duty. If I understood the Senator from Ohio correctly, he said that under the Dingley bill this identical article bore a 45 per cent duty. It was then reduced in the Payne-Aldrich law to a 30 per cent duty. The Senator from Ohio proposes to reduce it to a 20 per cent duty, and the gentlemen on the other side have taken occasion to criticize the Senator from Ohio with the statement that 20 per cent would be still protective. Now, by a logical deduction, if 45 per cent was protective and 30 per cent was protective and 20 per cent is protective, then a duty of 25 per cent must of necessity be protective. I do not see exactly

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wherein lies the argument in twitting the Senator from Ohio with a protective duty, when he proposes to reduce it to 20 per cent and it is still protective, and when the claim has been made by Members on the other side that they simply want a rate of duty that will measure the difference between the cost of production at home and abroad, with a reasonable profit to the manufacturer.

I am not standing here to say that I am advocating the amendment offered by the Senator from Ohio. I am going to vote for that article to go on the free list for the reason that, as a Democrat, believing in protection for revenue, I believe that the principle of a protective duty being necessary for the support of the Government has been so abused by the other side that we can not even vote for a revenue duty without being twitted with having a special interest in view.

As one of the Senators from South Carolina, I want to say that I have been consistent wherever it was possible for me to be so, and that I have voted, as near as possible, for all articles to go on the free list, not because it was strictly in accord with the doctrines of my party, but because the mere fact of a revenue duty had been so abused by protectionists that I could not vote even for this revenue duty without laying myself open to the charge that I was attempting to hide behind a revenue duty rather than to come out in the open and say that I wanted protection. It is better for the people of this country to suffer for the lack of sufficient revenue than to be put in the attitude of being open to a charge that a Senator is using a subterfuge to hide behind a special interest in his own part of the country.

Mr. HITCHCOCK. Mr. President, it seems to me that the amendment offered by the Senator from Ohio [Mr. POMERENE] can be defended on purely Democratic doctrine and as being in line with the bill itself. The average tariff on the metal schedule as existing at present is 35 per cent. The bill sent to us by the House of Representatives represents an average of 22 per cent. The Senator from Ohio proposes a duty of 20 per cent on an article that is rather highly finished. It seems to me that for that reason his amendment can be defended as Democratic and as being in harmony with the other provisions of the bill.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Ohio [Mr. BURTON] to the amendment of the Senator from Ohio [Mr. POMERENE].

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I again announce my pair with the senior Senator from Missouri [Mr. STONE], and withhold my vote. As I understand that Senator from Missouri is absent for the day I desire this statement to stand for the day.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the junior Senator from Illinois [Mr. LORIMER], and vote. I vote "yea."

Mr. GARDNER (when his name was called). I again announce my pair with the junior Senator from Massachusetts [Mr. CRANE], and withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. McCUMBER (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. PERCY]. I do not observe that he is in the Chamber, and so I withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is absent from the Chamber, and I therefore withhold my vote.

Mr. WATSON (when his name was called). I again transfer my general pair with the Senator from New Jersey [Mr. BRIGGS] to the Senator from Missouri [Mr. REED], and vote. I vote "nay."

The roll call was concluded.

Mr. BRISTOW. I desire to state that the junior Senator from South Dakota [Mr. CRAWFORD] is necessarily absent. He is paired with the Senator from Arkansas [Mr. DAVIS]. If the junior Senator from South Dakota were here he would vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I inquire if the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. Then I, having a pair with that Senator, withdraw my vote.

Mr. CURTIS. I wish to announce that the Senator from South Dakota [Mr. GAMBLE] is paired with the senior Senator from Oklahoma [Mr. OWEN].

Mr. McCUMBER. I understand that the Senator from Mississippi [Mr. PERCY], with whom I am paired, would probably vote the same way that I would vote on this question. So I withdraw the announcement of the pair, and vote "nay."

Mr. FOSTER. In the absence of my pair, I withhold my vote.

Mr. SMITH of South Carolina (after having voted in the negative). I ask if the junior Senator from Delaware [Mr. RICHARDSON] has voted? He intimated to me that he might be absent.

The VICE PRESIDENT. The junior Senator from Delaware has not voted.

Mr. SMITH of South Carolina. Then I transfer my pair with that Senator to the Senator from Mississippi [Mr. PERCY], and will let my vote stand.

The result was announced—yeas 27, nays 33, as follows:

YEAS—27.

Borah	Catron	Lippitt	Poindexter
Bourne	Cullom	McLean	Root
Bradley	Cummins	Nelson	Sanders
Brandegee	Curtis	Nixon	Sutherland
Bristow	du Pont	Oliver	Wetmore
Burnham	Fall	Page	Works
Burton	Gronna	Perkins	

NAYS—33.

Ashurst	Hitchcock	Myers	Smith, S. C.
Bacon	Johnson, Me.	Overman	Smoot
Bryan	Johnston, Ala.	Pomerene	Swanson
Chamberlain	Jones	Rayner	Townsend
Chilton	Kern	Shively	Watson
Clarke, Ark.	Lea	Simmons	Williams
Fletcher	McCumber	Smith, Ariz.	
Gallinger	Martin, Va.	Smith, Ga.	
Heyburn	Martine, N. J.	Smith, Md.	

NOT VOTING—35.

Bailey	Davis	La Follette	Reed
Bankhead	Dillingham	Lodge	Richardson
Briggs	Dixon	Lorimer	Smith, Mich.
Brown	Foster	Newlands	Stephenson
Clapp	Gamble	O'Gorman	Stone
Clark, Wyo.	Gardner	Owen	Thornton
Crane	Gore	Paynter	Tillman
Crawford	Guggenheim	Penrose	Warren
Culberson	Kenyon	Percy	

So Mr. BURTON's amendment to Mr. POMERENE's amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Ohio [Mr. POMERENE].

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

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

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not see him present and I will therefore withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is not present, and therefore I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I again transfer my pair to the senior Senator from Mississippi [Mr. PERCY] and vote. I vote "nay."

Mr. WATSON (when his name was called). I make the same announcement as to the transfer of my pair as on the previous vote. I desire this announcement to stand for the day. I vote "nay."

The roll call was concluded.

Mr. HEYBURN. I transfer my pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. DILLINGHAM. Because of the absence from the Chamber of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I withhold my vote.

Mr. JOHNSON of Maine. I wish to announce the pair of my colleague [Mr. GARDNER] with the junior Senator from Massachusetts [Mr. CRANE].

The result was announced—yeas 17, nays 43, as follows:

YEAS—17.

Borah	Cummins	Newlands	Williams
Brandegee	Gronna	Oliver	Works
Bristow	Hitchcock	Perkins	
Catron	Johnston, Ala.	Poindexter	
Chamberlain	Kern	Pomerene	

NAYS—43.

Ashurst	Fall	Martin, Va.	Smith, Ariz.
Bacon	Fletcher	Martine, N. J.	Smith, Ga.
Bourne	Gallinger	Myers	Smith, S. C.
Bradley	Heyburn	Nelson	Smoot
Bryan	Johnson, Me.	Nixon	Stephenson
Burton	Jones	O'Gorman	Sutherland
Chilton	Lea	Overman	Swanson
Culberson	Lippitt	Page	Thornton
Cullom	Lodge	Rayner	Townsend
Curtis	McCumber	Sanders	Watson
du Pont	McLean	Shively	

NOT VOTING—35.

Bailey	Brown	Clark, Wyo.	Crawford
Bankhead	Burnham	Clarke, Ark.	Davis
Briggs	Clapp	Crane	Dillingham

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Dixon	Kenyon	Percy	Smith, Mich.
Foster	La Follette	Reed	Stone
Gamble	Lorimer	Richardson	Tillman
Gardner	Owen	Root	Warren
Gore	Paynter	Simmons	Wetmore
Guggenheim	Penrose	Smith, Md.	

So Mr. POMERENE's amendment was rejected.

Mr. NEWLANDS. I ask the Secretary to read the amendment I offer.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. Insert the following as a new section at the end of the bill:

That on the 1st day of January, 1913, a reduction of 10 per cent shall be made in the duties now imposed by law on articles imported into the United States from foreign countries, and that on the 1st day of January of each year thereafter for the period of four years a further reduction of 5 per cent shall be made on such duties until a total reduction of 30 per cent in such duties shall be made: *Provided, however,* That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law: *And provided further,* That such reduction shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the production of similar articles in the United States.

That the ascertainment of the facts upon which the foregoing provisions shall take effect shall be made by a tariff commission consisting of five members, to be appointed by the President, by and with the advice and consent of the Senate, of whom no more than three shall belong to the same party; that the terms of the commissioners shall be one, two, three, four, and five years, respectively; and that the President in appointing such commissioners shall designate the terms of each; that at the expiration of such terms the term of each successor shall be for the period of five years.

Mr. NEWLANDS. Mr. President, the purpose of this amendment is to bring the two great parties of the country in harmony in accomplishing a needed reduction in the tariff, such reduction to be accomplished in a manner consistent with the principals of both parties.

For many years a reduction in the tariff has been urged. The Democratic Party has been urging it ever since the Civil War, and, with the exception of a few years, when it secured a temporary reduction of the tariff, its efforts have been without result. The Republican Party has recently declared for a revision and reduction of the tariff. The Republican Party proposes to establish that reduction by ascertaining the difference in the cost of production at home and abroad. The Democratic Party in its platform has pledged itself to a gradual reduction of duties toward a revenue basis.

This amendment accomplishes a reduction without violating the principles of either party. It provides for an immediate reduction of 10 per cent upon all existing duties and a reduction at the rate of 5 per cent per annum for four years thereafter, making a total reduction of 30 per cent. But the amendment contains a proviso that this reduction shall not apply to any duty fixed at this session of Congress or to any duty the importations under which to-day equal one-tenth of the domestic production, and therefore the reduction does not apply to any duty in the existing tariff which can be fairly termed a revenue duty.

The proviso also declares that the annual reduction shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the total domestic production of such article, thus accomplishing a termination of the reduction whenever we reach the importing level and when increased importations may seriously disturb American labor or American industries.

It may be said that this involves an indorsement of the Republican principle of protection. I deny that. It does not affirm or approve in any way the Republican principle of protection. It simply recognizes the fact of protection, and that under a protective system industries have been so stimulated that if a radical change is made serious readjustments may follow.

The Democratic Party recognizes the fact of protection in its platform, for it provides for a gradual reduction of duties. Every Democratic platform has declared its intention not to affect American wages or to seriously impair American industries. The Democratic Party has wisely recognized the fact of protection and is determined to legislate so gradually and so progressively as not to injure the American workingmen or American industries. It has recognized the fact that a sliding reduction is essential in order to reach safely the goal of a revenue basis which it has in view.

Mr. President, the debate which has just ensued——

Mr. SIMMONS. Mr. President——

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

Mr. NEWLANDS. Certainly.

Mr. SIMMONS. Mr. President, I should like to suggest to the Senator from Nevada that the amendment which he has introduced is a very important amendment, but it has not been referred to the Committee on Finance, and they have had no opportunity to give it consideration. The amendment can be offered to some other of these bills which will be brought before the Senate, and I suggest to the Senator that, instead of pressing it as an amendment to this bill, he withdraw it, and let it be referred to the Finance Committee for consideration, and then to offer it later on to some other of the tariff bills.

Mr. NEWLANDS. Mr. President, I ask the Senator from North Carolina how many other revenue bills are there to which this amendment could be offered?

Mr. SIMMONS. There are four others.

Mr. NEWLANDS. What are they?

Mr. SIMMONS. One is the sugar schedule, another is the excise bill, another is the chemical bill, and the other is the woolen bill. I think probably the Senator's amendment would come better in connection with the excise bill than with any other, but that would be a matter for the determination of the Senator from Nevada.

Mr. NEWLANDS. Well, Mr. President, I will accept the suggestion of the Senator from North Carolina and will frame the amendment so that it may be applicable to any of the pending revenue bills. I recognize the force of what he says. I regard this as a very important amendment. I hope that it will receive the careful consideration, the nonpartisan consideration, of the Committee on Finance, for I regard it as a rational solution, which will bring about gradually and progressively a reduction in the tariff, which all desire, without in any way prejudicing American interests.

I will add—and I shall be brief upon the subject—that the discussion which has recently taken place upon the amendment offered by the Senator from Ohio [Mr. POMERENE] in regard to the duty on machine tools demonstrates the necessity of some such action as I suggest. The bill came from the House of Representatives to this body and was reported by the minority of the Finance Committee. It contained a free list including machine tools. Machine tools are suddenly transferred from a dutiable list involving a tax of 30 per cent, I believe, to the free list.

Workingmen employed in this industry in the State of Ohio complain that the reduction is too radical, and the Senator from Ohio, a Democrat, recognizing that fact and justifying himself by a Democratic platform which he has quoted, offers a duty of 20 per cent upon machine tools, a reduction of 33⅓ per cent upon the existing duty, and that amendment is accepted by the minority members of the Finance Committee, but rejected by the Senate, and rejected by a divided vote among the Democrats themselves, the Senator from Maryland [Mr. RAYNER] declaring that he was going to stand by the free list. Why? Did he assert that he had any knowledge upon the subject? No. He simply declared that the other House had put these articles upon the free list, and that he proposed to stand by the House. I assume that each member of the Democratic Party in the House took the same position when it came from the Ways and Means Committee. We should probably find, if we made inquiry of the Ways and Means Committee, that the placing of these machine tools upon the free list was the act of one member, who had made the investigation. Thus we find the action of an entire body relegated finally to the judgment and the decision of an individual member of the Ways and Means Committee in the other House. I do not say it is so, but it is quite possible that it is so.

With these differences of views amongst Democrats themselves, how are we to arrive at any harmony of action? Is it not a great deal better to feel our way down toward a revenue tariff than to jump down from a high protective tariff to a revenue tariff, to jump down from high protective duties to a free list? If we gradually reduce these duties, what possible harm can be accomplished? I do not propose to reduce by this amendment a single revenue duty. The reduction does not apply to any duty the importations under which equal one-tenth of the total domestic production of any article. Is there any Democrat who will insist upon it that importations shall exceed one-tenth of the total of domestic production? If so, let him name his limit. Surely the importation of one-tenth of the articles produced in our domestic manufactures will give a revenue; and the effect of my amendment will be to absolutely destroy every prohibitory duty. That is an object which the Democrats wish to accomplish, and which every reasonable Republican ought to wish to accomplish. The Republicans should not be in favor of prohibitory duties; they wish duties that will enable American producers to command the American market, according to the statement of the leaders of that party—both stand pat and insurgent—the other day. By that I assume they do not mean the command of the American market to the absolute exclusion of all foreign goods, but they must be desirous that some portion of foreign manufactures in each grade of industry shall slip over the tariff wall as a regulator against extortion and exaction.

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Mr. LODGE. No. If the Senator will excuse me, that point was made in regard to the favored-nation clause, and all the favored nations having with us a treaty and that made paper out of wood pulp are now asking the free entry of the paper which was protected at the time of the passage of the reciprocity act.

Mr. LIPPITT. What is the situation in regard to granting that request? It has not been granted as yet?

Mr. LODGE. It has not been granted.

Mr. LIPPITT. The duty of $3.75, I understand, applies everywhere except as to Canada?

Mr. LODGE. Except as to Canada, the principal source of wood-pulp paper.

Mr. LIPPITT. The effect of the amendment proposed by the Senator from Iowa would be to make the duty $2 per ton on paper from Canada, and would it remain $3.75 on paper from all other countries?

Mr. CUMMINS. It would not. If this amendment is adopted and the law of which it is sought to be made a part finally passes, the duty on paper of all the world would be $2 per ton.

Mr. LIPPITT. The effect of it would be that instead of free entry from Canada there would be a duty of $2 a ton and a reduction of the duty of $3.75 from all other sources to $2?

Mr. CUMMINS. Precisely. I think no one will question that the report of the Tariff Board fails to sustain a duty of $3.75 per ton from any quarter of the earth.

Mr. LIPPITT. I was simply asking so that I might have it clearly in my mind.

Mr. GALLINGER. The phraseology of the Senator's amendment ought to be changed. Where it says "in said section 2" it should read "in section 2 of said act."

Mr. CUMMINS. I think so. I wrote it very hastily.

The PRESIDING OFFICER. The Senator modifies his amendment.

Mr. CUMMINS. I think it ought to be rewritten, but I found it necessary to produce it quickly.

Mr. HITCHCOCK. I should like to ask the Senator from Iowa a question. Should his amendment pass, would the duty on Canadian paper be $2 a ton while the duty on paper from other countries would remain at $3.75 a ton?

Mr. CUMMINS. No; if the amendment I have proposed should finally become a law, there would be a duty on print paper of $2 a ton, no matter from whence it might enter our ports.

Mr. HITCHCOCK. I did not hear the Senator.

Mr. CUMMINS. The duty of $2 a ton would apply to the whole world under the amendment that I have proposed.

Mr. CULBERSON. It would repeal the free-of-duty proposition from Canada?

Mr. CUMMINS. Yes. We have now a certain law with regard to the duty on print paper. The law was, prior to the reciprocity act, $3.75 per ton. The reciprocity act allowed certain papers manufactured or originating in Canada to come in free. It is now sought by the substitute of the Senator from New Hampshire to repeal that act, and I have added to that as an amendment that after the act is repealed all paper described there shall enter our ports at $2 per ton.

Mr. HITCHCOCK. One other question. I should like to ask whether the Senator from Iowa or the Senator from New Hampshire has any evidence that section 2 of the Canadian reciprocity bill has resulted in any disastrous consequences, as were predicted at the time it was passed, by reason of admitting Canadian paper free of duty?

Mr. CUMMINS. I do not know; but I had an opinion with regard to the duty on paper in 1908, and again in 1910, when we investigated the subject. I reached the conclusion that the duty ought to be $2 per ton.

Mr. HITCHCOCK. On what theory?

Mr. CUMMINS. On the theory that it costs that much more to make it in this country than to make it abroad.

Mr. HITCHCOCK. Then, as we have had free paper for a year, I ask the Senator if he can point to any disastrous consequences to American industries as the result of having paper on the free list?

Mr. CUMMINS. In the first place, we have not had free paper. The Canadian arrangement, I take it, has not possibly fulfilled all the hopes of those who originated it. But that does not alter the opinion I then formed, and that I still hold, that there ought to be a duty of about $2 a ton upon print paper.

Mr. GALLINGER. If the Senator will permit me, the question of revenue is of some consequence.

Mr. CUMMINS. Precisely.

Mr. HEYBURN. Mr. President, I would inquire of the Senator from Iowa whether the proposition to impose a duty of $2 or any other amount is not a revenue where there is now no duty, and whether it would be a violation of the constitutional provision?

Mr. CUMMINS. I do not think, Mr. President, that it would be a violation of the Constitution. It has been held that if the House passes a bill which changes the duty on a single article, around that bill there can be gathered a full and complete revision of the tariff.

Mr. HEYBURN. I recognize that.

Mr. CUMMINS. I hesitated to offer the amendment because, generally speaking, I thought we ought to confine ourselves to the schedule under consideration. But inasmuch as the amendment of the Senator from New Hampshire was offered, I could not see it pass without expressing my view.

Mr. GALLINGER. The Senator from Iowa does not question our right to transfer an article from the free list to the dutiable list in the House bill?

Mr. CUMMINS. I do not.

Mr. GALLINGER. Certainly not.

Mr. HEYBURN. No; and I am not going to press the suggestion further than that it may not appear hereafter that we overlooked it, so that in interpreting it no one may be in a position to say that we overlooked it. Upon this article there is now no duty, and we are going to impose one of $2 by a piece of original legislation. I merely made the suggestion for the reason that I have stated.

Mr. CUMMINS. I have no doubt about our power constitutionally to do what has been proposed. Of course, that power ought to be exercised with wisdom and properly when necessary.

Mr. GRONNA. Mr. President, I merely want to say a word in regard to the inquiry made by the Senator from Nebraska with regard to print paper. The Senator from Nebraska knows as well as I do that a commission was appointed to investigate this question. There were Republicans and Democrats upon that commission, and they brought in a report that there should be a duty of $2 instead of $6, which was the law at that time. No attention was paid to it, or at least the report of that commission was ignored. Instead of lowering it to $2 it was reduced to $3.75.

The PRESIDING OFFICER. The yeas and nays have been asked for. Is there a second?

Mr. CULBERSON. Now, let us have the amendment as amended read so that we can understand the question.

The PRESIDING OFFICER. The Secretary will read the amendment as perfected, for the information of the Senate.

The Secretary read as follows:

That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and the same is hereby, repealed: *Provided*, That from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in section 2 of said act.

The PRESIDING OFFICER. The yeas and nays have been asked for. Is there a second?

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]. I will transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], who is absent. If he were present, I should vote "yea."

Mr. MARTINE of New Jersey (when the name of Mr. SMITH of South Carolina was called). I was requested to state that the Senator from South Carolina [Mr. SMITH] is paired with the Senator from Delaware [Mr. RICHARDSON].

Mr. BACON. I wish to add to what the Senator from New Jersey has stated, that the Senator from South Carolina has been called away by illness in his family.

The roll call was concluded.

Mr. SHIVELY (after having voted in the negative). I am paired on this vote with the senior Senator from Rhode Island [Mr. WETMORE]. I voted inadvertently, and I desire to withdraw my vote.

Mr. MARTIN of Virginia. I desire to announce that my colleague [Mr. SWANSON] has been called from the city. He is paired with the Senator from Nevada [Mr. NIXON]. I also announce that the Senator from Tennessee [Mr. LEA] is unavoidably absent.

Mr. FOSTER. On account of the absence of my pair, the junior Senator from Wyoming [Mr. WARREN], I withhold my vote.

Mr. SMITH of Georgia (after having voted in the negative). I inadvertently voted. I transferred my pair to the Senator from Oklahoma [Mr. GORE], but the Senator from Oklahoma is now in the Senate. I withdraw my vote.

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Mr. HEYBURN (after having voted in the affirmative). Because of the absence of my pair from the Chamber I will withdraw my vote.

Mr. GORE. My colleague [Mr. OWEN] is necessarily absent from the Senate. He is paired with the Senator from South Dakota [Mr. GAMBLE]. I will let this statement stand for the day.

Mr. BURNHAM. I inquire if the junior Senator from Maryland [Mr. SMITH] has voted.

The PRESIDING OFFICER (Mr. CURTIS in the chair). He has not voted.

Mr. BURNHAM. In his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. GALLINGER. I was requested to announce that the Senator from Kentucky [Mr. BRADLEY] is paired with the Senator from Arkansas [Mr. CLARKE].

The result was announced—yeas 37, nays 27, as follows:

YEAS—37.

Borah	Curtis	McCumber	Smith, Mich.
Bourne	Dillingham	McLean	Smoot
Brandegee	du Pont	Nelson	Stephenson
Burton	Gallinger	Oliver	Sutherland
Catron	Gardner	Page	Thornton
Clapp	Gronna	Penrose	Townsend
Clark, Wyo.	Guggenheim	Perkins	Works
Crane	Johnson, Me.	Root	
Cullom	Jones	Sanders	
Cummins	Lodge	Simmons	

NAYS—27.

Ashurst	Fall	Martine, N. J.	Pomerene
Bacon	Fletcher	Myers	Rayner
Bristow	Gore	O'Gorman	Smith, Ariz.
Bryan	Hitchcock	Overman	Tillman
Chamberlain	Johnston, Ala.	Paynter	Watson
Chilton	Kern	Percy	Williams
Culberson	Martin, Va.	Poindexter	

NOT VOTING—31.

Bailey	Davis	Lippitt	Smith, Ga.
Bankhead	Dixon	Lorimer	Smith, Md.
Bradley	Foster	Newlands	Smith, S. C.
Briggs	Gamble	Nixon	Stone
Brown	Heyburn	Owen	Swanson
Burnham	Kenyon	Reed	Warren
Clarke, Ark.	La Follette	Richardson	Wetmore
Crawford	Lea	Shively	

So Mr. GALLINGER's amendment was agreed to.

DESIGNATION OF PRESIDENT PRO TEMPORE.

Mr. GALLINGER. Mr. President, I am informed that the Vice President will be necessarily absent from the city on Thursday, Friday, and Saturday of this week and Monday of next week. I rise to ask unanimous consent that the Senator from Georgia [Mr. BACON] be designated to act as President pro tempore of the Senate on those days.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GALLINGER submitted the following resolution (S. Res. 324), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Thursday, Friday, Saturday, and Monday next, May 30, 31, June 1 and 3, 1912.

Mr. GALLINGER submitted the following resolution (S. Res. 325), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Thursday, Friday, Saturday, and Monday next, May 30 and 31, June 1 and 3, 1912.

THE METAL SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. WATSON. I offer the following amendment. I hope the Senator in charge of the bill will accept it.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add a new section to the bill to read as follows:

SEC. 3. That the President is hereby authorized, in any case of emergency, to suspend the collection of customs duties on any article included for taxation in the tariff law in effect on the day the President issues his proclamation suspending the collection of duty on any article, so that such article may be imported free of duty for not exceeding the period of six months. When the President decides to suspend the collection of duties on any article, he shall issue his proclamation to that effect. Such suspension of the collection of customs duties for the period named by the President in his proclamation shall take effect on the day following the issuing of said proclamation, and shall continue for the period named.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from West Virginia.

Mr. SIMMONS. Mr. President, that is a very important amendment, dealing not only with this schedule but with all tariff schedules. It has not been referred to the Committee on Finance; there has been no opportunity to give it consideration; and I hope the Senator from West Virginia will withdraw the amendment and let it be referred to the committee. He can offer it to some other of the tariff-schedule bills hereafter.

Mr. WATSON. Mr. President, I withdraw the amendment, and ask that it be referred to the Finance Committee.

The PRESIDING OFFICER. Without objection, the amendment will be printed and referred to the Committee on Finance.

Mr. HITCHCOCK. Mr. President, I move to amend the bill by inserting, on page 2, line 6, after the word "steel," the word "six" in place of "eight," so that the provision will be for a duty of 6 per cent on pig iron instead of 8 per cent.

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

The SECRETARY. In section 1, on page 2, line 6, before the words "per cent," it is proposed to strike out "eight" and to insert "six," so as to read:

1. Iron in pigs, iron kentledge, spiegeleisen, wrought and cast scrap iron and scrap steel, 6 per cent ad valorem.

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

Mr. HITCHCOCK. Mr. President, I wish to say a word in reference to the amendment. The present law provides for a duty of something less than 15 per cent on these articles. The House bill provides a duty of 8 per cent. The substitute offered by the Senator from Iowa [Mr. CUMMINS] provided a duty of slightly less than 6 per cent, and I think it is fair to say that the Senator from Iowa demonstrated in the address which he delivered that there is no need for any duty larger than the one which he proposed.

The product of pig iron in this country amounts to almost $400,000,000 worth annually, and we practically export as much pig iron as we import. I believe that the duty of 6 per cent is applicable for revenue purposes and in harmony with the rest of the bill. I should like to have the Senator in charge of the bill accept the amendment, if possible.

Mr. SIMMONS. Mr. President, I am not in a position to accept the amendment.

Mr. HITCHCOCK. Then I ask a yea-and-nay vote on the amendment.

Mr. SIMMONS. In making that statement I did not intend to express any personal opinion about it; but I am not authorized, as in other instances where I have accepted amendments by the minority members of the committee, to do so in this case.

The PRESIDING OFFICER. The Senator from Nebraska asks for the yeas and nays. Is there a second? Not a sufficient number, in the opinion of the Chair, have risen to second the demand. The question is on the amendment. In the opinion of the Chair, the ayes have it.

Mr. MYERS. I call for a division on the demand for the yeas and nays.

Mr. HEYBURN. Mr. President, I did not distinctly hear just what became of the amendment proposed by the Senator from West Virginia [Mr. WATSON]. Was it withdrawn?

The PRESIDING OFFICER. It has been referred to the Committee on Finance.

Mr. HEYBURN. So that the only amendment now pending is the one offered by the Senator from Nebraska [Mr. HITCHCOCK]?

The PRESIDING OFFICER. That is carried, unless, in the opinion of the Chair——

Mr. GALLINGER. Mr. President, I thought the Chair declared that the negative vote had prevailed. However that may be, I will first ask that the amendment shall be again stated.

The PRESIDING OFFICER. Without objection, the Secretary will restate the amendment.

The SECRETARY. On page 2, line 6, before the words "per centum," it is proposed to strike out "eight" and insert "six," so as to read:

1. Iron in pigs, iron kentledge, spiegeleisen, wrought and cast scrap iron and scrap steel, 6 per cent ad valorem.

Mr. GALLINGER. I ask for the yeas and nays on that amendment.

Mr. HITCHCOCK. I understood that the yeas and nays were refused.

The PRESIDING OFFICER. There has been a division called for.

Mr. HITCHCOCK. And that the Chair had so decided.

The PRESIDING OFFICER. That was on the request of the Senator from Nebraska, since which time there has been a vote,

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and now the yeas and nays are demanded. The Chair thinks the question should be put.

Mr. HITCHCOCK. I understood that the Chair had announced the result of the vote.

The PRESIDING OFFICER. In the opinion of the Chair the "ayes" had it, but that vote was challenged by the Senator from New Hampshire [Mr. GALLINGER].

Mr. HITCHCOCK. And there was no call for the yeas and nays until subsequent business had intervened.

The PRESIDING OFFICER. The Chair will hold that it is not too late to demand the yeas and nays.

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

Mr. DILLINGHAM (when his name was called). In the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I am paired, I withhold my vote.

Mr. FOSTER (when his name was called). In the absence of my pair, the Senator from Wyoming [Mr. WARREN], I withhold my vote.

Mr. GALLINGER (when his name was called). I am paired for the day with the senior Senator from Virginia [Mr. MARTIN].

I am also requested to announce that the Senator from Ohio [Mr. BURTON] is paired with the Senator from Nevada [Mr. NEWLANDS].

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], so that I shall not vote. I make that announcement for the day.

Mr. SMITH of Georgia (when his name was called). I am paired with the senior Senator from Nebraska [Mr. BROWN]. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. HEYBURN (after having voted in the negative). I would ask if the senior Senator from Alabama [Mr. BANKHEAD], with whom I am paired, has voted?

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). The senior Senator from Alabama has not voted.

Mr. HEYBURN. Then I withdraw my vote.

Mr. JOHNSTON of Alabama. I desire to announce for the day that the Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON].

Mr. SHIVELY (after having voted in the affirmative). I desire to inquire whether the Senator from Rhode Island [Mr. WETMORE], with whom I am paired, has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. SHIVELY. Then I withdraw my vote.

The result was announced—yeas 36, nays 20, as follows:

YEAS—36.

Ashurst	Cullom	Jones	Rayner
Bacon	Cummins	Kern	Simmons
Borah	Fletcher	Martine, N. J.	Smith, Ariz.
Bristow	Gardner	Myers	Smith, Md.
Bryan	Gore	O'Gorman	Thornton
Chamberlain	Gronna	Overman	Tillman
Chilton	Hitchcock	Percy	Watson
Clapp	Johnson, Me.	Poindexter	Williams
Culberson	Johnston, Ala.	Pomerene	Works

NAYS—20.

Burnham	Fall	Page	Sanders
Catron	Lodge	Paynter	Smith, Mich.
Crane	McLean	Penrose	Stephenson
Curtis	Nelson	Perkins	Sutherland
du Pont	Oliver	Root	Townsend

NOT VOTING—39.

Bailey	Crawford	La Follette	Richardson
Bankhead	Davis	Lea	Shively
Bourne	Dillingham	Lippitt	Smith, Ga.
Bradley	Dixon	Lorimer	Smith, S. C.
Brandegee	Foster	McCumber	Smoot
Briggs	Gallinger	Martin, Va.	Stone
Brown	Gamble	Newlands	Swanson
Burton	Guggenheim	Nixon	Warren
Clark, Wyo.	Heyburn	Owen	Wetmore
Clarke, Ark.	Kenyon	Reed	

So Mr. HITCHCOCK's amendment was agreed to.

Mr. WATSON. On page 2, line 13, I move to strike out the word "fifteen" and insert the word "ten."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from West Virginia.

Mr. SHIVELY. Let the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, line 13, before the words "per centum," it is proposed to strike out "fifteen" and to insert "ten," so as to read.

Ferromanganese, chrome or chromium metal, ferrochrome or ferrochromium, ferromolybdenum, ferrophosphorus, ferrotitanium, ferrotungsten, ferrovanadium, molybdenum, titanium, tantalum, tungsten or wolfram metal, and ferrosilicon, 10 per cent ad valorem.

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

The amendment was agreed to.

The PRESIDING OFFICER. The bill is in the Senate as in Committee of the Whole and open to amendment. If there be no further amendments to be offered, the bill will be reported to the Senate.

Mr. HEYBURN. Mr. President, for some reasons I regret that the bill is not yet ready to be reported to the Senate. I was calling attention yesterday when the Senate closed its session to the position in which the Republican Party stands in regard to this question. It ought to interest them, and it would interest them if they were as zealous as the Democrats. I have been somewhat interested during the discussion of this question to observe that, while the Democrats have raised the cry—and I am afraid have impressed some Republicans with the seriousness of that cry—that there is a great demand for this legislation; that the interests of the people individually and collectively are at stake—I have been interested to see the measure of zeal shown by the attendance of Members upon the other side and their participation in this debate.

If I thought this measure, this Democratic destruction of prosperity, was so vital as they seem to think it is, I would stay in my seat, if I sat on the other side, as long as my physical condition would permit, and I would speak on behalf of my belief as long as my voice could be heard. They have been content in the arrogance of power—and I do not use that word in an invidious sense—and in the possible expectation of an alliance with some Members of the Senate on this side to allow it to go without a word of recommendation or defense. I am rather astonished. Are you so sure that you are going to get the assistance on this side that you anticipate? Senators on the other side must be well aware of the fact that without it they can not pass the bill, and yet they are going along gloriously, assuming that they will pass this bill. I say—and I base my statement upon my faith in Republicans—that they will not pass it. If I lose in that proposition, it will be because I have made a miscount of the Republicans. I used to know how to count them.

Mr. BACON. Will the Senator from Idaho permit me?

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

Mr. HEYBURN. Yes.

Mr. BACON. I want to say that whatever confidence we have had in regard to that matter has been due to the assurances we have had from the other side of the Chamber. The Senator from Pennsylvania [Mr. OLIVER] on yesterday or the day before boldly announced that it was the purpose of the majority to absent enough of their Members to permit this side to carry the vote, and he defended his course in that regard.

Mr. OLIVER. Mr. President——

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

Mr. HEYBURN. Yes.

Mr. OLIVER. Mr. President, I certainly made no such statement. I think the Senator from Georgia undoubtedly misunderstood what I said. I said that I was opposed to this bill and that I was opposed to the substitute offered by the Senator from Iowa [Mr. CUMMINS], and, speaking for myself, and for myself alone, I held myself at liberty to defeat both measures, either by voting against them or by abstaining from voting, and I proposed to use my own judgment as to which course I would pursue; but I did not declare to the Senate my intention of doing anything in the premises.

Mr. BACON. Mr. President, with the permission of the Senator from Idaho, I will recall to the recollection of the Senate that the Senator from Iowa [Mr. CUMMINS] had asserted in no ambiguous terms, but, on the contrary, in the most emphatic terms and with iteration and reiteration, that that was the purpose of Senators belonging to the majority; and the Senator from Pennsylvania made the utterance of which he now speaks in response and in reply to the charge which had been made by the Senator from Iowa. If he did not mean to be taking the position that he was justified in doing exactly what the Senator from Iowa charged was intended to be done, then I do not understand the use of the English language. I simply repeat that whatever confidence we have in the matter is not because of any majority of votes on this side, but because of that announced intention on the part of the Republicans. Of course, we are ready to pass our bill, expect to do so, and will endeavor to do so.

Mr. HEYBURN. By what kind of votes does the Senator expect to pass the bill?

Mr. BACON. By Democratic votes exclusively.

Mr. HEYBURN. Entirely?

Mr. BACON. Yes, sir.

Mr. HEYBURN. Then the Senator counts every man a Democrat who votes for that bill?

Mr. BACON. Well, I have no right to speak about others.

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Mr. HEYBURN. I merely want to get a line on the thing.

Mr. BACON. I did not say that every man who votes for the bill is a Democrat, because I think that properly a good many Republicans could vote for it and should do so. What I did say was that the Democrats would vote for it; I did not say that all who voted for it would be Democrats.

Mr. HEYBURN. The Senator used the word "exclusively."

Mr. BACON. I meant that, according to the announced program as stated by the Senator from Iowa, who seemed to be sure of his ground, and which was not denied by any Senator, but which, on the contrary, was defended on the other side, I supposed they were not going to vote for this bill——

Mr. BRISTOW. Mr. President——

Mr. BACON. But that they had the information that enough Senators who occupy the same relation to the bill which the Senator from Idaho occupies would abstain from voting, and that that would leave a majority for the Democrats, the Senator at the time saying that the Senator from Idaho would not be one of them.

Mr. BRISTOW. Mr. President——

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

Mr. HEYBURN. Yes.

Mr. BRISTOW. I should like to inquire of the Senator from Idaho what he would call the Senator on this side of the Chamber who absents himself from the Chamber so as not to vote and thereby permits the Democratic bill to pass?

Mr. HEYBURN. I never call names.

Mr. President, it is obvious that the other side rely upon gaining some votes upon this side; but we have made some history to-day. We had a vote here a few moments ago in which there seemed to be a degree of harmony most gratifying and which has not always existed. I will pin my faith in men on very small things sometimes, and I believe that men who go wrong on their judgment may always be brought back to a proper conception of the right. I have faith, a vast amount of it, and I am not going to yield it up until I see somebody who comes here wearing a Republican badge voting with the Democrats. So I am in rather a happy and contented frame of mind on that subject.

Do you suppose, Mr. President, that a Senator representing the great industry of lead mining could be counted upon by the other side to vote for a reduction of the duty upon lead? Yesterday the Senator from Iowa introduced an amendment that proposed a reduction of $5 a ton upon lead bullion. He provided for a duty upon lead ore and proposed a reduction of $5 a ton upon lead bullion. I have been in the lead country a long time, and supervised a good many settlements for ore. The settlement for lead ore is based upon the bullion value and contents, so that the proposition really struck at the whole lead industry. The reduction suggested by the Senator would merely be a temptation to those who deal in Mexican mines and Mexican ores to build their smelters on that side of the line, reduce their ores into bullion, and send it over to compete in our field of production with our bullion——

Mr. CUMMINS. Mr. President——

Mr. HEYBURN. Just a moment, until I finish the thought—and inasmuch as the product of lead and the use of it in our country are about the same, that is a very material proposition.

Mr. CUMMINS. Mr. President——

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

Mr. HEYBURN. Yes; I yield.

Mr. CUMMINS. The Senator has stated the case accurately, but possibly all Senators did not follow the lead schedule with sufficient care to know just what the statement of the Senator from Idaho means. At the present time the duty on lead in ore is $30 per ton, and the duty on lead in bullion is $42.50 per ton. My amendment did not reduce the duty on lead in ore, but it reduced the duty on lead in bullion from $42.50 per ton to $37.50 per ton; and if the Senator from Idaho can convince the Senate that in this country it costs to reduce lead ore to lead bullion in excess of $7.50 a ton over the cost in other countries he will have convinced me of error. I simply wanted the Senate to know what the total duty was on lead bullion and lead ore.

Mr. HEYBURN. Mr. President, the difficulty with the Senator from Iowa is that he starts to reason from a false premise. In the first place, it is the bullion that regulates the price of the ore, and the displacement of our product in bullion by Mexican bullion would diminish our market for the bullion that we produce. Nobody uses ore; it has to be reduced to bullion before it is ready for use.

Mr. President, this is not only a large item, but, inasmuch as we produce the lead that we use in this country in equivalent quantities, it is more important than the ordinary schedules, and there is a wide margin between the production and the use.

Mr. President, I merely started out with that as an example of the discrepancy between the contention of the Senator from Iowa and the facts in this case. I know that in some commodities the line of reasoning adopted by the Senator from Iowa would be a true line of reasoning, but it does not apply to this commodity.

Let us see something about it. In the first place, to produce a ton of ore you mine 6 tons; I will say 5 tons to be conservative. You mine 5 tons of raw material out of the ground. You break it down, and hoist it to the surface, and you carry it to the mill in order to get 1 ton of lead ore. That ton of lead ore, when you have reduced it by concentration or other processes, will contain about 60 to 62 per cent lead, and the balance is waste, and when you send that to the smelter you pay the wages incident to the transportation and you pay the freight on the waste, and when you get to the smelter you pay the smelting charges on the waste. So you have been mining and shipping and smelting waste all along the line in order to get a ton of ore, and when you have that ton of ore, it represents the wages and the expense incident to the mining of 5 tons of rock.

It costs just as much to mine barren rock as it does rich ore. It costs just as much to send it over the railroad or the transportation line. It costs just as much to put it through the smelter. In fact, it costs more, because you have to introduce into the charge certain other metals or minerals in order to fuse the lead ore.

So I have been somewhat impatient with the discussion of the question of the duty on lead based upon the assumption that you mine lead. We do not mine lead. We mine vast quantities of rock in which there is lead. If you sell the ore without treating it, you get the bullion value. If you treat it, you reduce it to bullion.

There is the difficulty with the proposition of the Senator from Iowa. You pay exactly the same wages to the man who breaks the barren rock that stays in the mine or goes over the dump. You not only spend your money for the 5 tons that goes to the concentrator, but you spend in addition to that your money for rock that never goes anywhere, but stays on the dump of the mine.

No one has taken that into consideration at all. It was assumed, I say, that you mine lead. Nobody mines lead. The reason the industry is of such supreme importance is because it has been the foundation of States. There are great States in the Union to-day which would not have existed except for the mines. The pioneer goes there, not because of the climate or the scenery or the soil, but because of the existence or supposed existence of these ores, and being there he first directs his attention to the thing he went for, and not being fortunate in securing a foothold in mining and being in the country looking around for other possibilities, staying there for other purposes, he, with the other men coming in, have developed the foundation upon which the State rests.

The State of Colorado was a mere prospecting ground. It was not known for anything within its boundaries except the metals and ores. The same is true of the States of New Mexico and of Arizona.

The same is true of the States of Montana and Idaho and California. Nobody ever went to those States originally with any idea of doing anything except to mine. Idaho had passed through its gold-mining experience for years and had produced more real wealth than any State east of the Mississippi River, and there was an interval during which time men were estimating the possibilities and reaching out for new discoveries. It resulted in developing agriculture and horticulture and industries of all kinds that were a safe foundation for a State.

That is something in the making of a State. The miner either realizes his desire in mining or goes down into the valleys or into the fertile portions of the State and stays permanently. He never would have gone there to settle except that he went there to mine. The people who engage in mining in all its branches, seeing around them possibilities for home building, engage in it. So there is a whole lot more involved in this question than the mere matter of how many dollars were taken out of the ground. There are the growth and the increase of the resources of the State in timber, in agriculture, in horticulture, and grazing that stand very high in the estimate of the wealth of this country.

We are not to be overlooked by the trader, by the money changer, by the huckster, and the broker. They can not stand and point the finger of superiority at us. We furnish them with the material with which they do business. A city is merely a place of exchange. It produces nothing except the energy and the disposition of the men to engage in gainful enterprise. That is all a city does.

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Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Virginia [Mr. MARTIN], and I will withhold my vote. If privileged to vote, I would vote "nay."

Mr. O'GORMAN (when his name was called). In the absence of the senior Senator from Connecticut [Mr. BRANDEGEE], with whom I am paired, I withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the junior Senator from Connecticut [Mr. BRANDEGEE], and therefore I withhold my vote.

The PRESIDING OFFICER. The question is on the adoption of the motion of the Senator from Kansas that when the Senate adjourns to-day it adjourn to meet on Friday at 11 o'clock.

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.

The roll call was concluded.

Mr. GALLINGER. I have announced my pair with the senior Senator from Virginia [Mr. MARTIN]. I am sure that that Senator would vote "nay" if present, and therefore I will vote. I vote "nay."

Mr. SMITH of Georgia (after having voted in the negative). I announced the transfer of my pair to the Senator from Oklahoma [Mr. GORE]. As that Senator is now present, I transfer my pair to the senior Senator from Mississippi [Mr. PERCY], and I will let my vote remain.

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. He is not here, and I desire to withdraw my vote.

The result was announced—yeas 22, nays 30, as follows:

YEAS—22.

Bourne	Gronna	Nelson	Smith, Mich.
Burton	Heyburn	Page	Thornton
Clapp	Jones	Perkins	Townsend
Curtis	Kern	Poindexter	Works
Dillingham	McCumber	Root	
Foster	Martine, N. J.	Sanders	

NAYS—30.

Ashurst	Culberson	Hitchcock	Pomerene
Bankhead	Cullom	Johnson, Me.	Simmons
Borah	Cummins	Johnston, Ala.	Smith, Ariz.
Bristow	du Pont	Lodge	Smith, Ga.
Bryan	Fletcher	Myers	Tillman
Catron	Gallinger	Newlands	Watson
Chilton	Gardner	Overman	
Clark, Wyo.	Gore	Penrose	

NOT VOTING—43.

Bacon	Davis	Martin, Va.	Smith, Md.
Bailey	Dixon	Nixon	Smith, S. C.
Bradley	Fall	O'Gorman	Smoot
Brandegee	Gamble	Oliver	Stephenson
Briggs	Guggenheim	Owen	Stone
Brown	Kenyon	Paynter	Sutherland
Burnham	La Follette	Percy	Swanson
Chamberlain	Lea	Rayner	Warren
Clarke, Ark.	Lippitt	Reed	Wetmore
Crane	Lorimer	Richardson	Williams
Crawford	McLean	Shively	

So Mr. CURTIS's motion was rejected.

Mr. CULBERSON. Mr. President, it is a small matter, but a moment ago I made the point of order that the motion that the Senate adjourn, or that when it adjourn it adjourn to a day certain was not debatable. The Senator from Massachusetts [Mr. LODGE] took issue, and said that it was debatable. I ask the Secretary to read Rule XXII for the benefit of the Senate, so as to show that no motion relating to adjournment is debatable.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

RULE XXII.

PRECEDENCE OF MOTIONS.

When a question is pending, no motion shall be received but—
To adjourn.
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
To take a recess.
To proceed to the consideration of executive business.
To lay on the table.
To postpone indefinitely.
To postpone to a day certain.
To commit
To amend.

Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

Mr. LODGE. Mr. President, I think the Senator from Texas is right. I think the rule covers a motion to adjourn to a day certain.

Mr. GALLINGER. Undoubtedly.

Mr. McCUMBER. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow (Thursday, May 30, 1912) at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 29, 1912.*

The House met at 12 o'clock noon.

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

Our Father in heaven, we thank Thee for the great men who in thought and deed have contributed to the dignity of life. We do not build monuments to the evildoer; his acts we would forget. We build monuments to the men who think great thoughts and do noble deeds that we may perpetuate their memory and emulate their virtues. To wait on destiny is futile, since destiny waits on us. Do the opportunity of to-day and we are prepared for the opportunity on the morrow. Live well to-day and we shall be prepared to live better to-morrow. Every good thought, every noble deed, weaves itself into our being and is its own reward. "For he that hath, to him shall more be given; and he that hath not, from him shall be taken even that which he hath."

Help us, we beseech Thee, to build monuments for ourselves which shall survive the wrecks of time, that we may glorify ourselves by glorifying humanity and our Maker. In Jesus Christ our Lord. Amen.

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

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following telegram, which the Clerk will read.

The Clerk read as follows:

JAMAICA PLAINS, MASS., *May 27, 1912.*

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.:

I request leave of absence for one week, on account of illness of my father, who is in a very critical condition.

GEORGE EDMUND FOSS.

The SPEAKER. Without objection, the leave will be granted; and the Chair ought to state, in justice to Mr. Foss, that this telegram came to him yesterday morning, but was misplaced in some way, and the Chair had forgotten who it was who asked leave, and the Chair has no doubt that yesterday was the particular day the gentleman wanted to have the leave granted.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 14083. An act to create a new division of the southern judicial district of Texas, and to provide for terms of court at Corpus Christi, Tex., and for a clerk for said court, and for other purposes;

H. J. Res. 142. Joint resolution to authorize and direct the Great Northern Railway Co. and the Spokane & British Columbia Railroad Co. in the matter of their conflicting claims or rights of way across the Colville Indian Reservation, in the State of Washington, in the San Poil River Valley, to adjust their respective locations of rights of way at points of conflict in such manner as to allow each company an equal right of way through said valley; and in case of their failure so to do, to authorize and direct the Secretary of the Interior to readjust said rights of way;

H. R. 20586. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 17029. An act authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post;

H. R. 23634. An act to authorize the village of Oslo, in the county of Marshall, in the State of Minnesota, to construct a bridge across the Red River of the North;

H. R. 16661. An act to relinquish, release, remise, quitclaim all right, title, and interest of the United States of America in and to all of the lands held under claim or color of title, by individuals or private ownership or municipal ownership, situated in the State of Alabama, which were reserved, retained, or set apart to or for the Creek Tribe or Nation of Indians, under or by virtue of the treaty entered into between the United States of America and the Creek Tribe or Nation of Indians

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on March 24, 1832, and under or by virtue of the treaty between the United States of America and the Creek Tribe or Nation of Indians of the 9th day of August, 1814; and

H. J. Res. 319. A joint resolution making appropriations to supply deficiencies in the appropriations for contingent expenses of the Senate and House of Representatives for the fiscal year 1912, and for other purposes.

EXTENSION OF REMARKS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the Schuylkill River.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print some remarks in the RECORD on the Schuylkill River. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MCMORRAN was granted leave of absence, for two weeks, on account of illness in family.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill H. R. 17260.

BUREAU OF MINES AND MINING.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that we may close debate on the bill H. R. 17260 after 1 hour and 30 minutes time.

The SPEAKER. Who is to control the time?

Mr. FOSTER. I would ask that I be permitted to control one half and any gentleman who may be opposed to the bill control the other half.

The SPEAKER. Who is the chief opponent of this bill? The gentleman from Illinois asks unanimous consent that general debate on this bill be confined to 1 hour and 30 minutes. Is there objection?

Mr. SISSON. Mr. Speaker, I object.

Mr. MARTIN of Colorado. I was going to reserve the right to object.

Mr. FOSTER. Then, Mr. Speaker, I move that general debate close in two hours.

SEVERAL MEMBERS. Make it an hour and a half.

Mr. FOSTER. I ask to modify that by making it 1 hour and 30 minutes.

The SPEAKER. The gentleman from Illinois moves that all general debate on this bill close in 1 hour and 30 minutes.

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

On a division (demanded by Mr. MARTIN of Colorado) there were—ayes 58, noes 6.

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

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 234, nays 6, answered "present" 10, not voting 142, as follows:

YEAS—234.

Adair	Conry	Godwin, N. C.	Kinkaid, Nebr.
Ainey	Crumpacker	Goldfogle	Kitchin
Akin, N. Y.	Cullop	Good	Knowland
Alexander	Dalzell	Goodwin, Ark.	Konop
Ames	Danforth	Graham	Kopp
Anderson, Minn.	Davis, Minn.	Green, Iowa	Korbly
Ansberry	Davis, W. Va.	Greene, Mass.	Lafean
Anthony	Dent	Gregg, Tex.	Lafferty
Austin	Dickinson	Griest	La Follette
Ayres	Dies	Gudger	Lamb
Barnhart	Difenderfer	Hamilton, Mich.	Langham
Bartlett	Dixon, Ind.	Hamlin	Lawrence
Beall, Tex.	Donohoe	Hammond	Lee, Ga.
Bell, Ga.	Doremus	Hardwick	Lee, Pa.
Blackmon	Doughton	Hardy	Lenroot
Booher	Draper	Harris	Lever
Bowman	Driscoll, D. A.	Harrison, Miss.	Lewis
Brantley	Dupré	Hawley	Lindbergh
Broussard	Edwards	Hay	Linthicum
Brown	Ellerbe	Hayden	Littlepage
Buchanan	Esch	Hayes	Lobeck
Bulkley	Estopinal	Heflin	Longworth
Burgess	Evans	Helgesen	McCall
Burke, Pa.	Faison	Henry, Conn.	McCreary
Burke, Wis.	Fergusson	Henry, Tex.	McDermott
Burnett	Ferris	Hensley	McGillicuddy
Butler	Finley	Holland	McGuire, Okla.
Byrnes, S. C.	Fordney	Howard	McKellar
Byrns, Tenn.	Fornes	Howell	McKenzie
Callaway	Foster	Howland	McKinley
Campbell	Fowler	Hughes, Ga.	McKinney
Candler	Francis	Hull	McLaughlin
Carlin	French	Humphrey, Wash.	Macon
Carter	Gallagher	Humphreys, Miss.	Maguire, Nebr.
Cary	Gardner, Mass.	Jacoway	Maher
Claypool	Garrett	Jones	Martin, S. Dak.
Cline	George	Kahn	Miller
Collier	Glass	Kennedy	Moon, Tenn.
Moore, Pa.	Prouty	Slayden	Tribble
Morgan	Pujo	Sloan	Turnbull
Morse, Wis.	Rainey	Smith, Tex.	Underhill
Moss, Ind.	Raker	Speer	Utter
Murdock	Rauch	Steenerson	Volstead
Murray	Rees	Stephens, Cal.	Warburton
Needham	Reilly	Stephens, Miss.	Watkins
Neeley	Richardson	Stephens, Nebr.	Wedemeyer
Nye	Robinson	Stephens, Tex.	Weeks
Oldfield	Roddenbery	Sterling	Whitacre
Palmer	Rodenberg	Stone	White
Parran	Rothermel	Sulloway	Wickliffe
Patten, N. Y.	Rubey	Sweet	Wilder
Patton, Pa.	Rucker, Colo.	Taggart	Willis
Payne	Sabath	Talbott, Md.	Wilson, N. Y.
Peters	Sells	Talcott, N. Y.	Wilson, Pa.
Post	Shackleford	Taylor, Ala.	Witherspoon
Pou	Sharp	Taylor, Colo.	Young, Kans.
Powers	Sherwood	Thistlewood	Young, Tex.
Pray	Simmons	Tilson	
Prince	Sims	Towner	

NAYS—6.

Farr	Martin, Colo.	Page	Sisson
Fitzgerald	Mondell		

ANSWERED "PRESENT"—10.

Adamson	Davenport	Dyer	Underwood
Browning	Davidson	Garner	
Cannon	Driscoll, M. E.	Riordan	

NOT VOTING—142.

Aiken, S. C.	Dwight	Kent	Roberts, Mass.
Allen	Fairchild	Kindred	Roberts, Nev.
Anderson, Ohio	Fields	Kinkead, N. J.	Rouse
Andrus	Flood, Va.	Konig	Rucker, Mo.
Ashbrook	Floyd, Ark.	Langley	Russell
Barchfeld	Focht	Legare	Saunders
Bartholdt	Foss	Levy	Scully
Bates	Fuller	Lindsay	Sheppard
Bathrick	Gardner, N. J.	Littleton	Sherley
Berger	Gillett	Lloyd	Slemp
Boehne	Goeke	Loud	Small
Borland	Gould	McCoy	Smith, J. M. C.
Bradley	Gray	McHenry	Smith, Saml. W.
Burke, S. Dak.	Gregg, Pa.	McMorran	Smith, Cal.
Burleson	Guernsey	Madden	Smith, N. Y.
Calder	Hamill	Malby	Sparkman
Cantrill	Hamilton, W. Va.	Mann	Stack
Catlin	Hanna	Matthews	Stanley
Clark, Fla.	Harrison, N. Y.	Mays	Stedman
Clayton	Hartman	Moon, Pa.	Stevens, Minn.
Connell	Haugen	Moore, Tex.	Sulzer
Cooper	Heald	Morrison	Switzer
Copley	Helm	Mott	Taylor, Ohio
Covington	Higgins	Nelson	Thayer
Cox, Ind.	Hill	Norris	Thomas
Cox, Ohio	Hinds	Olmsted	Townsend
Crago	Hobson	O'Shaunessy	Tuttle
Cravens	Houston	Padgett	Vare
Curley	Hubbard	Pepper	Vreeland
Currier	Hughes, N. J.	Pickett	Webb
Curry	Hughes, W. Va.	Plumley	Wilson, Ill.
Daugherty	Jackson	Porter	Wood, N. J.
De Forest	James	Randell, Tex.	Woods, Iowa
Denver	Johnson, Ky.	Ransdell, La.	Young, Mich.
Dickson, Miss.	Johnson, S. C.	Redfield	
Dodds	Kendall	Reyburn	

So the motion to close debate was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. UNDERWOOD with Mr. MANN.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. SMALL with Mr. WILSON of Illinois.

Mr. SULZER with Mr. WOOD of New Jersey.

Mr. TOWNSEND with Mr. YOUNG of Michigan.

Mr. WEBB with Mr. MCMORRAN.

Mr. SMITH of New York with Mr. KENDALL.

Mr. JOHNSON of Kentucky with Mr. MOTT.

Mr. KINDRED with Mr. NELSON.

Mr. KINKEAD of New Jersey with Mr. PICKETT.

Mr. KONIG with Mr. PLUMLEY.

Mr. LEGARE with Mr. PORTER.

Mr. LEVY with Mr. REYBURN.

Mr. LLOYD with Mr. ROBERTS of Massachusetts.

Mr. MCCOY with Mr. ROBERTS of Nevada.

Mr. O'SHAUNESSY with Mr. SAMUEL W. SMITH.

Mr. PADGETT with Mr. SWITZER.

Mr. PEPPER with Mr. VREELAND.

Mr. REDFIELD with Mr. VARE.

Mr. RUSSELL with Mr. GUERNSEY.

Mr. HUGHES of New Jersey with Mr. MATTHEWS.

Mr. HELM with Mr. KENT.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. GREGG of Pennsylvania with Mr. HILL.

Mr. HAMILTON of West Virginia with Mr. HUGHES of West Virginia.

Mr. HARRISON of New York with Mr. JACKSON.

Mr. GOULD with Mr. HINDS.

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litical organization than the connivance and council of a few. Men conceive that they are leaders, and they will select two or three men or Senators and get them off in a coterie and agree upon something without knowing whether or not other Senators agree with them. They can not make it work. There will always be found in the party men who can be Republicans without the support or without the consent of any other man, who do not need the approbation of any men or any man or any coterie of men to be loyal and true Republicans.

I have seen it in other days in this body when just a few who had made the mistake of thinking that they were—what was it they used to call themselves; they had a name, topnotchers, I guess—conceived the idea that they were running the Government. I have seen them go down to defeat many and many a time because of it. I want to know something of the idea of every man with whom I am to act in cooperation in politics. I do not allow any man to go off by himself and formulate the destiny of any measure and carry it out. I may agree with him, and if I do I will not vote against my judgment because he has offended, but I will be on the alert.

Mr. President, those remarks are addressed to those who are responsible for the prophesied defeat of the Republican Party in the vote that will come to-day. It is said that they will vote against the Democratic bill and then the Democrats will condemn their bill openly and candidly and come back and take the bill that they voted against only yesterday and enact it as a Democratic measure—condemn it to-day and approve it to-morrow. For what? How? Is power to be desired above principle? Consider that. There was a scene enacted here not long ago similar to the one I have described. Do you suppose that the country—the thinking, intelligent people of this country—approve of that? That is jockeying, political jockeying, and it is just as reputable here as it is on the race course, and no more so. It is high time we understood it.

In the best days of this Government, in the most responsible days of this Government, it would not have been tolerated for a moment. The opinion of the Senate would have condemned it as the opinion of the country would have condemned it. I am now talking to all the Republicans and all the Democrats. I am not talking against time. I propose that whatever may happen in the vicissitudes of life to leave permanently here a condemnation of that kind of legislation. I intend to leave of record here my appeal—and it comes from my heart and my judgment—to those who are stepping out of the Republican organization, to do what? To lay the foundation of a new party? Great heavens, they certainly have not so wild a dream as that! A new party made of what? Made up of Republicans? Such a thing is absolutely impossible.

There is no possible destiny for that movement but oblivion. There is the possibility remaining to those who have engaged in it of regaining and holding and attaining in the Republican Party the place and power and eminence for which their natural qualifications fit them well. The party in its time has overlooked the political lapse or transgression of many a man. We have had great leaders who in hours of unwisdom came pretty near making mistakes, but I will tell you that an honest confession of error is one of the best recommendations to a man in public life.

I may not be able to have any influence on this vote; I do not know; but I will not believe it until the vote is cast; I am not going to lose my faith in principle arrayed against whatever else you may call it until the evidence is made of eternal record and the final judgment is entered. There are men engaged in this defection for whom I had estimated leadership and high honors; they are not men whom I condemn personally or individually; I could name many of them, and they have the capacity for great positions. The question is, Are they going to throw it away?

The position to-day is like that of 1872. There is no monument in this country to the achievements or memory of Mr. Forney, who owned, edited, and conducted the Philadelphia Press during the war, that brought such distinguished honor to him, and who aspired to be a Senator of the United States, and who, because of his discontent, followed off in the Greeley movement. There is no monument to Gov. Curtin, of Pennsylvania, who had won a high place in the estimation of the American people by his splendid administration of the affairs of the State during the great crisis, and yet he started out to sea in his little boat. He was going to draw the continent after him. He was going to compel the approval of men. He went down into oblivion.

Mr. President, I wish there were weeks instead of hours to elapse between this time and the vote upon the pending bill. I wish that men might go into council with themselves and thrash it out, as we all must do at intervals in our life great questions that affect our destiny. But unfortunately this is the hour of passion. It is not the hour of judgment. Many a man, if he could have thinking time, would save himself and his position and his party against error.

Mr. President, I heard the testimony of these representatives of industry before the Committee on Finance of this body, and it was nearly all directed to the large producer. I was impressed with the mistake at that time, as I have always been impressed with it. I have in my library all the hearings and proceedings in connection with the great McKinley bill, and with the Dingley bill, and I read them from end to end—every one of them. I first commenced my studies of this question of political policy under the tutorship of Henry C. Carey, than whom no greater disciple of Republicanism ever lived.

When I was a boy I read his book until I wore it out, and I have followed all that has followed on that subject—the proceedings in Congress and out of it—and I know that when we abandon that principle even a little we are giving away just that much of the rights of the American people.

It is with a feeling of dread that I see this measure come to a vote—not this first vote; this first vote will be harmless, but it is with a feeling of dread that I see the Republican Party fluke in the hour of responsibility and put itself in the position of explanation when it ought to be the master and recognized as such. That is true not only with this schedule, but those that will come teeming up like horrors to confront us throughout this session. It gives me a feeling of dread to know that there is a policy here as to which the Republican Party is going to take to the woods. It is going to get behind trees so that it shall not be seen when the hour of responsibility comes. My dread is not for the future so much as the present conditions by which we must be confronted within a few brief months, because I know that there are Republicans in the United States intelligent enough and brave enough to fight for the principles of their party as they did in 1896, when the leaders who sent the party down under the waves of defeat in 1892 were drowned in the sea of political—pretty near, cowardice, under the threat of the Democracy; and I know that when the old ship comes up again there will be new commanders on her deck, new men at her wheel and at her guns, and that the chart and the compass will be in the hands of men who know how to point the Ship of State to the destiny of success.

But between now and then what confronts us? A condition of legislation that is not only a menace to-day, but will be a realization when the Democratic Party shall have compared American citizenship and American industry with those of other lands and rendered their judgment in favor of those of other lands, and when there will be an interrogation point before every proposition of industrial enterprise. I can see that confronting us, with all the consequences that will follow the four years. At my time of life I look upon it as a desperate situation—and that it should be brought about in the face of a Republican majority by a defection of men who have no substitute to offer, only just that the tantalizing wedge may slip on either bevel to one party or the other, voting with the Democrats to-day and against them to-morrow and with them another day and so on—when there is no necessity for such a desperate condition to arise, to see it pressing on us, as the hands of the clock move, we have only the satisfaction—aye, we have no satisfaction, except in the knowledge that at the end of the administration that is to follow there will come the redemption of the people.

Mr. MARTIN of Virginia. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	Cummins	McCumber	Reed
Bacon	Curtis	McLean	Root
Borah	Fletcher	Martin, Va.	Sanders
Bourne	Foster	Martine, N. J.	Shively
Bradley	Gallinger	Myers	Simmons
Brandegee	Gardner	Nelson	Smith, Ariz.
Bristow	Gronna	O'Gorman	Smith, Ga.
Bryan	Heyburn	Oliver	Smith, Md.
Burnham	Hitchcock	Overman	Smoot
Chamberlain	Johnson, Me.	Page	Thornton
Chilton	Johnston, Ala.	Paynter	Tillman
Clark, Wyo.	Jones	Penrose	Townsend
Clarke, Ark.	Kern	Perkins	Watson
Culberson	Lippitt	Pomerene	Williams
Cullom	Lodge	Rayner	Works

Mr. REED. I wish to announce that my colleague [Mr. STONE] is necessarily absent. He is paired upon the pending bill with the Senator from Wyoming [Mr. CLARK].

The PRESIDENT pro tempore. Sixty Senators have answered to their names. A quorum is present. If there be no

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further amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. SIMMONS. 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]. In the absence of that Senator, I withhold my vote.

The PRESIDENT pro tempore. The Chair so understood it by having the title read. The Chair will formally lay before the Senate the bill.

The SECRETARY. A bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. BRANDEGEE (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not see him in the Chamber. I desire to say that if he were present and I were at liberty to vote, I would vote "nay."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. If he were present and I were at liberty to vote, I would vote "nay."

Mr. JONES (when Mr. POINDEXTER's name was called). My colleague [Mr. POINDEXTER] is necessarily absent. As announced by the senior Senator from Kansas [Mr. CURTIS], my colleague is paired with that Senator. If my colleague were present, he would vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Nebraska [Mr. BROWN]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH] and vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Senate on business of the Senate.

The roll call was concluded.

Mr. GORE. I wish to announce that my colleague [Mr. OWEN] is necessarily detained from the Chamber. If he were present, he would vote "yea." He is paired with the senior Senator from South Dakota [Mr. GAMBLE].

Mr. BRISTOW. I desire to state that the junior Senator from South Dakota [Mr. CRAWFORD] is detained from the Senate. If he were here, he would vote "nay." He is paired with the junior Senator from Arkansas [Mr. DAVIS].

Mr. HEYBURN. I desire to transfer my pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. CUMMINS. My colleague [Mr. KENYON] is necessarily absent. If he were here, he would vote "nay."

Mr. REED. My colleague [Mr. STONE] is necessarily absent. If he were present, he would vote "yea." He is paired, however, during his absence with the senior Senator from Wyoming [Mr. CLARK].

Mr. FOSTER (after having voted in the affirmative). May I inquire if the junior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. FOSTER. I have a general pair with that Senator, and I withdraw my vote.

Mr. CLARK of Wyoming. I desire to state that my colleague [Mr. WARREN] is necessarily absent from the Senate on business of the Senate.

Mr. JOHNSTON of Alabama. I wish to announce that the junior Senator from Texas [Mr. BAILEY] is paired with the senior Senator from Montana [Mr. DIXON].

The result was announced—yeas 35, nays 22, as follows:

YEAS—35.

Ashurst	Gore	Newlands	Simmons
Bacon	Gronna	O'Gorman	Smith, Ariz.
Bryan	Hitchcock	Overman	Smith, Ga.
Chamberlain	Johnson, Me.	Paynter	Smith, Md.
Chilton	Johnston, Ala.	Percy	Thornton
Clarke, Ark.	Kern	Pomerene	Tillman
Culberson	Martin, Va.	Rayner	Watson
Fletcher	Martine, N. J.	Reed	Williams
Gardner	Myers	Shively	

NAYS—22.

Borah	Cullom	McCumber	Sanders
Bourne	Cummins	McLean	Smoot
Bradley	Dillingham	Nelson	Townsend
Bristow	Gallinger	Oliver	Works
Burnham	Heyburn	Page	
Burton	Jones	Perkins	

NOT VOTING—38.

Bailey	Curtis	Lea	Smith, Mich.
Bankhead	Davis	Lippitt	Smith, S. C.
Brandegee	Dixon	Lodge	Stephenson
Briggs	du Pont	Lorimer	Stone
Brown	Fall	Nixon	Sutherland
Catron	Foster	Owen	Swanson
Clapp	Gamble	Penrose	Warren
Clark, Wyo.	Guggenheim	Poindexter	Wetmore
Crane	Kenyon	Richardson	
Crawford	La Follette	Root	

So the bill was passed.

PROPOSED TARIFF LEGISLATION.

Mr. NEWLANDS. Mr. President, during the consideration of the metal schedule I presented an amendment providing for a sliding reduction in all tariff duties at the rate of 10 per cent the first year and 5 per cent per annum for the four years following, making a total reduction of 30 per cent. That amendment was provided with a brake intended to stop the reduction whenever the importations reached a certain percentage.

The Senator from North Carolina [Mr. SIMMONS] requested me to withdraw the amendment and to present it to some other revenue bill, in order that it might be considered by the Finance Committee, and I took action pursuant to his suggestion. I now offer that amendment, which is intended to be proposed to any revenue bill or bill amending the present tariff act, and I will ask that it be printed in the RECORD.

The PRESIDENT pro tempore. The Chair would suggest to the Senator from Nevada that it will be necessary to state some bill to which it is proposed as an amendment. Otherwise the amendment could not have any status.

Mr. NEWLANDS. Well, I will offer it to the excise bill.

There being no objection, the amendment was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations, to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships.

Whereas certain of the duties heretofore levied by law on articles imported from foreign countries into the United States are so high as to encourage and facilitate the imposition of excessive prices for similar articles of domestic production; and

Whereas such excessive duties fail to produce sufficient revenue; and

Whereas both the Republican and Democratic parties have, by declarations in their respective platforms, committed themselves to a revision of tariff duties, the former to a revision based on the ascertainment of the difference in the cost of production at home and abroad with a fair profit to the manufacturer and the latter to a revision and gradual reduction of the tariff to a revenue basis; and

Whereas both parties have declared that such revision should be accomplished with a due regard to the interests of domestic workers and without destructive readjustments of domestic industries; and

Whereas neither of such parties is in complete control of legislation and either party is able to prevent the other from carrying out completely its principles and policies, and compromise is therefore desirable and necessary, in order to prevent a deadlock in legislation prejudicial to the interests of the United States: Now, therefore,

Be it enacted: SECTION 1. That on the 1st day of January, 1913, a reduction of 10 per cent shall be made in the duties now imposed by law on articles imported into the United States from foreign countries, and that on the 1st day of January of each year thereafter for the period of four years a further reduction of 5 per cent shall be made on such duties until a total reduction of 30 per cent in such duties shall be made: *Provided, however,* That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law: *And provided further,* That such reductions shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the production of similar articles in the United States.

SEC. 2. That the ascertainment of the facts upon which the foregoing provisions shall take effect shall be made by a tariff commission consisting of five members, to be appointed by the President, by and with the advice and consent of the Senate, of whom no more than three shall belong to the same party; that the terms of the commissioners shall be one, two, three, four, and five years, respectively; and that the President in appointing such commissioners shall designate the terms of each; that at the expiration of such terms the term of each successor shall be for the period of five years.

Mr. NEWLANDS submitted the following amendment, intended to be proposed by him to House bill 21213, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909. Insert the following:

Whereas certain of the duties heretofore levied by law on articles imported from foreign countries into the United States are so high as to encourage and facilitate the imposition of excessive prices for similar articles of domestic production; and

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it was located in any other State, nor would it make any difference to the Senator. I simply submitted the subject of a game preserve being established in this country at an expense of $50,000 as against a proposition involving this bureau or division in the Agricultural Department which would be of so much value, I take it, to the farmers of the country.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Idaho?

Mr. FLETCHER. I yield.

Mr. BORAH. I wish to ask if the amendment on page 69, covered by amendment 121, did not originate in the House and was not urged in the Senate, from whom did the strength come which enabled it to get there and stay there? It is one of those things which have been put in words by the department to show that the department is running the bill.

Mr. WARREN. What does the Senator allude to?

Mr. BORAH. I allude to the game reserves on page 69.

Mr. FLETCHER. It is a Senate amendment.

Mr. BORAH. The same thing is true with reference to the amendment on page 68.

Mr. FLETCHER. Amendment 117, page 68.

Mr. BORAH. Almost every amendment that had to do with the creation of additional game reserves for bison, elk, and so forth, carrying large appropriations, passed through without any criticism or any objection, and almost every important amendment which had to do with extending additional rights to the agricultural interests has been defeated.

Now, that is the condition in which we are passing this bill through the Senate. We are appropriating here $100,000 for game reserves and cutting out a question of markets, which is of concern to all the agricultural interests of the country. It simply demonstrates what is written upon the face of the bill so radically and conclusively that it can not be controverted—that the department is amending and is passing this measure.

Mr. FLETCHER. I, of course, Mr. President——

Mr. WARREN. Will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Wyoming?

Mr. FLETCHER. Certainly.

Mr. WARREN. The Senator from Idaho knows as well as I do that in every appropriation supply bill it commences with and is founded upon the estimates of the departments. It is the duty of departments to estimate, and it is not only considered a duty but an aid and privilege to Congress that they have those estimates so as to have what the department idea is of what is required.

Mr. BORAH. I concede that proposition, but the manner of making estimates and sending them to Congress for the consideration of its Appropriation Committees is a different proposition from a department putting its ban upon one amendment or its approval upon another.

Mr. FLETCHER. I was going to say, Mr. President, that I have no idea where that amendment originated or where the amendment originated establishing a game preserve at the Wind Cave National Park, in the State of South Dakota. I do not mean to say that I am opposed to either one of them, but, on the contrary, I value the interest taken by the Agricultural Department and the information it furnishes. I do not for one instant mean to intimate that they have suggested anything that was not for the public good and in the public interest. I do not mean to intimate that either of these amendments is not proper. I favor both of them. I am in favor of the game preserve in Wyoming for the elk and the game preserve in South Dakota for the buffalo. I think it well to take care of that condition. I am not criticizing that. I am not criticizing anybody who offered the amendment, but I do submit that whereas the conferees have been able to maintain their position with regard to a great majority of the amendments made by the Senate they have given up a number of them, and that as compared with the amendments for game preserves the amendment on page 76 providing for this division of markets in the Agricultural Department, the latter is of vastly more importance to the whole country in my judgment.

Mr. BURNHAM. Mr. President, I wish to say in regard to the amendment passed here to the appropriation bill that the Senate committee had that same bill before it and reported it favorably, and it is upon the calendar. It was regarded as a matter in which there was so much legislation that it could be better considered by the Senate when the bill on that report should be presented to the Senate. So it was thought best not to place a matter of legislation of this sort into an appropriation bill where there was less opportunity for its discussion, and it was left for the Senate at some future time to consider the whole matter. That is one reason why the amendment was not agreed to. Of course there was other objection made by conferees, but that is one of the considerations that entered into the question.

The PRESIDENT pro tempore. The question is on the motion to agree to the report of the committee of conference. [Putting the question.] The noes appear to have it.

Mr. WARREN. I ask for the yeas and nays.

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

Mr. BAILEY (when his name was called). I have a pair with the Senator from Montana [Mr. DIXON]. In his absence and without his authority I do not feel at liberty to vote.

Mr. LIPPITT (when his name was called). I am paired with the senior Senator from Tennessee [Mr. LEA]. If he were present and I were at liberty to vote, I would vote "yea."

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. I will transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. SMITH of Arizona (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], except as to votes on the tariff measures, on which I am not paired, and reserve the right to vote, and certain executive matters that I will mention in executive session.

Mr. SWANSON (when his name was called). I beg to inquire if the junior Senator from Nevada [Mr. NIXON] has voted?

The PRESIDENT pro tempore. He has not.

Mr. SWANSON. I have a general pair with that Senator, and consequently I withhold my vote. If he were present, I should vote "nay."

Mr. WATSON (when his name was called). On account of my general pair with the senior Senator from New Jersey [Mr. BRIGGS], I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], and therefore withhold my vote.

The roll call was concluded.

Mr. HEYBURN (after having voted in the negative). I inquire whether the senior Senator from Alabama [Mr. BANKHEAD] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. HEYBURN. I am paired with that Senator.

Mr. JOHNSTON of Alabama. I will say to the Senator from Idaho I am satisfied my colleague, the senior Senator from Alabama, would vote as he would vote.

Mr. HEYBURN. Then I am at liberty to vote, and my vote will stand.

Mr. GALLINGER. I was requested to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER].

Mr. BRISTOW. I desire to announce that the junior Senator from South Dakota [Mr. CRAWFORD] is necessarily absent from the Chamber and he is paired with the junior Senator from Arkansas [Mr. DAVIS].

The result was announced—yeas 27, nays 36, as follows:

YEAS—27.

Bourne	Cullom	McLean	Smith, Mich.
Bradley	Curtis	Page	Smoot
Brown	Dillingham	Percy	Stephenson
Burnham	du Pont	Perkins	Townsend
Burton	Gallinger	Richardson	Warren
Chamberlain	Johnson, Me.	Root	Wetmore
Crane	McCumber	Sanders	

NAYS—36.

Ashurst	Culberson	Kern	Rayner
Bacon	Fletcher	Martin, Va.	Reed
Borah	Foster	Martine, N. J.	Shively
Bristow	Gardner	Myers	Simmons
Bryan	Gore	Nelson	Smith, Ga.
Catron	Heyburn	Oliver	Stone
Chilton	Hitchcock	Overman	Sutherland
Clapp	Johnston, Ala.	Poindexter	Tillman
Clark, Wyo.	Jones	Pomerene	Works

NOT VOTING—32.

Bailey	Dixon	Lippitt	Penrose
Bankhead	Fall	Lodge	Smith, Ariz.
Brandegee	Gamble	Lorimer	Smith, Md.
Briggs	Gronna	Newlands	Smith, S. C.
Clarke, Ark.	Guggenheim	Nixon	Swanson
Crawford	Kenyon	O'Gorman	Thornton
Cummins	La Follette	Owen	Watson
Davis	Lea	Paynter	Williams

So the conference report was rejected.

Mr. GALLINGER. Does the conference report automatically go back to the committee, Mr. President?

The PRESIDENT pro tempore. The Chair would say undoubtedly not. It will take some further action on the part of the Senate to accomplish that.

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Mr. GALLINGER. That is what I thought.

Mr. FLETCHER. Mr. President, I move that the Senate further insist upon its amendments to the bill disagreed to by the House of Representatives and ask for a further conference with the House thereon.

Mr. WARREN. Mr. President, I believe it is usual for such a motion to be made by the Senator in charge of the bill. It is the custom for that Senator to make whatever motion may be necessary for disposing of a bill that is in his charge.

Mr. FLETCHER. I, too, supposed that was customary, Mr. President, but nobody seemed to be doing it; and as it seemed to be going by default, I thought I would make the motion.

Mr. BURNHAM. I will make the two motions which, I understand, are usual in such cases. I move that the Senate further insist upon its amendments and that the report be recommitted to the committee of conference.

The PRESIDENT pro tempore. The Senator from New Hampshire moves that the Senate further insist upon its amendments disagreed to by the House of Representatives and ask for a further conference with the House thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. BURNHAM, Mr. WARREN, and Mr. BANKHEAD were appointed.

Mr. WARREN. I desire to say that I am of course subject to the disposition of the Senate and I desire to do its bidding; but at the present time, with the pending appropriation bills and with constant calls upon my time, if I am placed upon the board of managers on this bill in a new conference, I am afraid that I can not give it the immediate attention that perhaps the Senate may require. I am therefore perfectly willing to step aside.

Mr. CHAMBERLAIN. Mr. President, I desire to express the hope that the Senator from Wyoming will not ask to be excused and that he will not be excused from serving on the conference committee.

The PRESIDENT pro tempore. The Senator from Wyoming has not presented any application to that effect.

Mr. WARREN. Mr. President, I only desired to say to my colleagues that, if immediate attention to this matter is required, I can not attend to it without neglecting other important public business. I am willing to do the work. I want simply to give notice to the Senate; and if they wish to put another in my place it will be perfectly satisfactory to me.

Mr. BURNHAM. I should regret it exceedingly if the Senator from Wyoming should withdraw from the conference committee. I sincerely hope that he will continue to remain a member of it.

REPORTS OF COMMITTEES.

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (S. 4958) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes, reported it with amendments and submitted a report (No. 825) thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 6545) to amend section 558 of the Code of Law of the District of Columbia relating to notaries public, reported it without amendment and submitted a report (No. 826) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 6636) to authorize the President of the United States to appoint Robert H. Peck a captain in the Army, reported it without amendment and submitted a report (No. 827) thereon.

Mr. WATSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6341) to provide for the erection of a public building at Weston, W. Va., reported it with an amendment.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (S. 1330) for the relief of Joseph B. Riley, alias Thomas B. Keesy, reported it with an amendment and submitted a report (No. 828) thereon.

Mr. SANDERS. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 1485) for the relief of William Mullally, to submit an adverse report (No. 829) thereon.

Mr. POMERENE. I suggest that the bill go to the calendar.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. SANDERS, from the Committee on Military Affairs, to which was referred the bill (S. 5949) for the relief of James Danielson, submitted an adverse report (No. 830) thereon, which was agreed to, and the bill was postponed indefinitely.

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. CLAPP (by request):

A bill (S. 7017) to supplement an act to protect trade and commerce against unlawful restraint and monopolies as approved July 2, 1890; to the Committee on Interstate Commerce.

By Mr. BRISTOW (by request):

A bill (S. 7018) to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army; to the Committee on Military Affairs.

By Mr. REED:

A bill (S. 7019) removing the charge of desertion from the military record of Nelson Wilkinson and extending to him pensionable rights (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7020) granting an increase of pension to Mary P. Hamersly (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 7021) granting an increase of pension to Cyrenius Mulkey (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 7022) to subject the lands in the former Fort Niobrara Military Reservation in Nebraska to homestead entry (with accompanying paper); to the Committee on Public Lands.

By Mr. TILLMAN:

A bill (S. 7023) granting a pension to Dora D. Walker (with accompanying paper); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 7024) granting an increase of pension to Mary Jones (with accompanying paper); to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 7025) granting an increase of pension to Martha J. Stephenson; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 7026) granting an increase of pension to Mary E. Northend (with accompanying papers); to the Committee on Pensions.

By Mr. HEYBURN:

A joint resolution (S. J. Res. 114) directing the Secretary of the Interior to amend the patent issued to the State of Idaho for lands described herein; to the Committee on Public Lands.

NAVAL STATION, KEY WEST, FLA.

Mr. BRYAN submitted an amendment proposing to appropriate $5,500 for paving and grading on Whitehead, Front, and Green Streets, at the naval station, Key West, Fla., intended to be proposed by him to the naval appropriation bill (H. R. 24565), which was referred to the Committee on Naval Affairs and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. CRANE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and to be printed.

Mr. SMITH of Michigan submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and to be printed.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. Mr. President, I wish to give notice that next Tuesday, at the close of the routine morning business, unless some other appropriation bill is pending, I shall ask the Senate to take up House bill 20728, the Indian appropriation bill.

THE OPIUM EVIL (S. DOC. NO. 733).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication of the Secretary of State covering the report of the American delegation to the International Opium Conference, held at The Hague from December 1, 1911, to January 23, 1912.

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Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], and withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were here, I should vote "yea." I think if he were here, he would vote the same way, but I do not feel at liberty on that opinion to violate the pair.

Mr. OLIVER. I will take the responsibility of saying to the Senator from Mississippi that he need not withhold his vote on account of his pair.

Mr. WILLIAMS. Very well, I vote "yea."

The roll call was concluded.

Mr. CURTIS. I wish to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the senior Senator from Kentucky [Mr. PAYNTER]. This will stand for the day.

Mr. HEYBURN (after having voted in the negative). I voted, not knowing whether or not the Senator from Alabama [Mr. BANKHEAD], with whom I am paired, would be present. He has not voted. I therefore transfer my pair with that Senator to the junior Senator from Illinois [Mr. LORIMER], and will allow my vote to stand.

Mr. BRISTOW. I desire to state that the Senator from South Dakota [Mr. CRAWFORD] is necessarily absent. If he were present, he would vote "yea." He is paired with the Senator from Arkansas [Mr. DAVIS].

Mr. BURNHAM. I have a general pair with the Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. SMITH of Arizona. I announce my pair with the Senator from New Mexico [Mr. FALL]. I do not know how he would vote. If I could vote, I would vote in favor of the measure.

Mr. POMERENE. The Senator from Maine [Mr. GARDNER] is not present, and I have been requested to announce his pair with the Senator from Massachusetts [Mr. CRANE].

The result was announced—yeas 45, nays 11, as follows:

YEAS—45.

Ashurst	Clarke, Ark.	Martin, Va.	Smith, Ga.
Bacon	Culberson	Martine, N. J.	Smith, Mich.
Borah	Cullom	Myers	Smoot
Bourne	Curtis	Newlands	Stone
Bristow	Fletcher	Overman	Sutherland
Brown	Gronna	Perkins	Tillman
Bryan	Hitchcock	Poindexter	Townsend
Catron	Johnson, Me.	Pomerene	Williams
Chamberlain	Jones	Rayner	Works
Chilton	Kern	Reed	
Clapp	Lodge	Shively	
Clark, Wyo.	McLean	Simmons	

NAYS—11.

Bradley	Gallinger	Page	Sanders
Dillingham	Heyburn	Percy	Wetmore
du Pont	Oliver	Root	

NOT VOTING—39.

Bailey	Dixon	Lea	Richardson
Bankhead	Fall	Lippitt	Smith, Ariz.
Brandegee	Foster	Lorimer	Smith, Md.
Briggs	Gamble	McCumber	Smith, S. C.
Burnham	Gardner	Nelson	Stephenson
Burton	Gore	Nixon	Swanson
Crane	Guggenheim	O'Gorman	Thornton
Crawford	Johnston, Ala.	Owen	Warren
Cummins	Kenyon	Paynter	Watson
Davis	La Follette	Penrose	

So the bill was passed.

EXECUTIVE SESSION.

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

The motion was agreed to, and (at 3 o'clock and 30 minutes p. m.) the Senate proceeded to the consideration of executive business. After 2 hours and 20 minutes spent in executive session the doors were reopened.

PUBLIC GROUNDS, RONAN, MONT.

Mr. MYERS. From the Committee on Indian Affairs I report back favorably, with an amendment in the nature of a substitute, the bill (S. 6946) authorizing the sale of certain lands in the Flathead Indian Reservation to the town of Ronan, State of Montana, for the purposes of a public park and public-school site, and I submit a report (No. 831) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

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 Indian Affairs was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey to the town of Ronan, Mont., under such terms, conditions, and regulations as he may prescribe, not to exceed 20 acres of unallotted tribal land within the Flathead Indian Reservation at not less than its appraised price; said lands to be used by the town of Ronan for school, park, or other public purposes: *Provided*, That the net proceeds received from the sale of said lands shall be deposited in the Treasury of the United States to the credit of the Flathead Indians and draw interest at the rate now provided by law, and may thereafter be used for the benefit of said Indians.

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.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 1, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate May 31, 1912.

SECRETARIES OF LEGATIONS.

Alexander R. Magruder, of Maryland, now second secretary of the embassy at Rome, to be secretary of the legation of the United States of America at Lima, Peru, vice Roland B. Harvey, nominated to be secretary of the legation at Santiago.

Roland B. Harvey, of Maryland, now secretary of the legation at Lima, to be secretary of the legation of the United States of America at Santiago, Chile, vice Paxton Hibben.

PROMOTIONS IN THE ARMY.

FIELD ARTILLERY.

Second Lieut. Marshall Magruder, Sixth Field Artillery, to be first lieutenant from May 28, 1912, vice First Lieut. Edwin De L. Smith, Fourth Field Artillery, detached from his proper command.

INFANTRY ARM.

Lieut. Col. John S. Mallory, Infantry, unassigned, to be colonel from May 28, 1912, vice Col. William P. Evans, Infantry, unassigned, retired from active service May 27, 1912.

Maj. Maury Nichols, Third Infantry, to be lieutenant colonel from May 28, 1912, vice Lieut. Col. John S. Mallory, unassigned, promoted.

Capt. Matthias Crowley, Seventeenth Infantry, to be major from May 28, 1912, vice Maj. Maury Nichols, Third Infantry, promoted.

First Lieut. Clifford U. Leonori, Eighteenth Infantry, to be captain from May 28, 1912, vice Capt. Matthias Crowley, Seventeenth Infantry, promoted.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

Harry Albert Musham, of Illinois, to be second lieutenant of Infantry, with rank from April 24, 1912.

MEDICAL RESERVE CORPS.

To be first lieutenants in the Medical Reserve Corps, with rank from May 29, 1912.

John Seymour Cromwell Fielden, jr., of Pennsylvania.
Norman Thomas Kirk, of the District of Columbia.
Fletcher Olin McFarland, of Minnesota.
Samuel King Carson, of Virginia.
Walter Winthrop Ellis, of Delaware.
Joe Wallace Fenn, of Alabama.
George Washington Guthrie, of Pennsylvania.
Howard Hume, of the District of Columbia.
James Everett Kessell, of Iowa.
Harry Toulmin Lay, of Alabama.
John George Leitch, of Pennsylvania.
Bernard Mann, of Pennsylvania.
Jesse Garfield Maxon, of Illinois.
Arthur Monroe Mendenhall, of Rhode Island.
Bert Frank Ober, of Pennsylvania.
Francis Oral Vicars, of Montana.

RECEIVERS OF PUBLIC MONEYS.

Nazari V. Gallegos, of New Mexico, to be receiver of public moneys at Tucumcari, N. Mex. (Reappointment after change from Territory to State.)

Benigno C. Hernandez, of New Mexico, to be receiver of public moneys at Santa Fe, N. Mex., vice Frederick Muller. (New appointment after change from Territory to State.)

Harold Hurd, of New Mexico, to be receiver of public moneys at Roswell, N. Mex. (Reappointment after change from Territory to State.)

Manuel Martinez, of New Mexico, to be receiver of public moneys at Clayton, N. Mex. (Reappointment after change from Territory to State.)

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Enrique H. Salazar, of New Mexico, to be receiver of public moneys at Fort Sumner, N. Mex. (Reappointment after change from Territory to State.)

REGISTERS OF THE LAND OFFICE.

Charles C. Henry, of New Mexico, to be register of the land office at Fort Sumner, N. Mex., vice Arthur E. Curren. (New appointment after change from Territory to State.)

Charles L. Hunt, of New Mexico, to be register of the land office at Clayton, N. Mex., vice Edward W. Fox. (New appointment after change from Territory to State.)

Royal A. Prentice, of New Mexico, to be register of the land office at Tucumcari, N. Mex. (Reappointment after change from Territory to State.)

Manuel R. Otero, of New Mexico, to be register of the land office at Santa Fe, N. Mex. (Reappointment after change from Territory to State.)

Thomas C. Tillotson, of New Mexico, to be register of the land office at Roswell, N. Mex. (Reappointment after change from Territory to State.)

POSTMASTERS.

NEW MEXICO.

Vincent B. May to be postmaster at Las Cruces, N. Mex., in place of Thomas Branigan.

John Pfluger to be postmaster at Santa Fe, N. Mex., in place of Edward C. Burke.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 31, 1912.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet James Marsden Earp, to be third lieutenant.

POSTMASTERS.

GEORGIA.

Harry S. Edwards, Macon.
William T. Rudolph, Thomaston.

LOUISIANA.

E. C. Crawford, Gretna.

NEW YORK.

William D. Smith, Northville.

PENNSYLVANIA.

Jared H. Buckbee, Elkland.
Harry L. Cooper, Edinboro.
Chauncey S. Ickes, Boswell.
Wesley B. McAlpine, South Brownsville.
John B. Moffitt, West Brownsville.

TENNESSEE.

W. A. Hill, McKenzie.
William B. Pickering, Carthage.
William J. Walker, Tiptonville.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 31, 1912.

POSTMASTER.

ARKANSAS.

Mattie C. De Vaughan to be postmaster at Waldo.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 31, 1912.*

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

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

God of the universe, Father of our souls, cleanse our hearts from guile, and make straight our paths, that we may walk worthy of the vocation wherewith we are called and fulfill our destiny, to-day, to-morrow, and always, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Wednesday, May 29, 1912, was read and approved.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER. The gentleman from Virginia [Mr. HAY] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the Military Academy appropriation bill.

Mr. POU rose.

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

Mr. POU. I want to ask the gentleman from Virginia a question.

The SPEAKER. Does the gentleman from Virginia yield?

Mr. HAY. Yes.

Mr. POU. I want to ask the gentleman if he is not willing that the rules be followed and that the claims bills be taken up to-day? I will say in that connection that I have been told twice that an arrangement had been made by which the Committee on Claims will be displaced. I do not know who has the right to make such an arrangement; I certainly was not consulted, but I understand that an arrangement has been perfected whereby the Committee on Claims shall be displaced to-day, and I rise to protest against it.

Mr. HAY. I will say to the gentleman from North Carolina that I do not know of any arrangement by which the Committee on Claims is to be displaced. Certainly I am not a party to any such arrangement. But I am compelled to call up this appropriation bill because the desire of the House is, as I understand it, to adjourn as soon as it possibly can, and it can not adjourn until these appropriation bills have been passed. I will state to the gentleman that this bill is a very short one and will take very little time, and that the gentleman will have the balance of the time.

Mr. POU. Under the rules, the committee of which I am chairman has the entire day, and I confess some surprise that the gentleman could not select some other day on which to make his motion.

Mr. HAY. The gentleman must understand that under the rules my motion is a privileged motion.

Mr. POU. I am perfectly aware of that, and it is simply a question of preference with the gentleman as to whether he will make the motion this morning or not. I am well aware of the fact that if he makes the motion that the House go into Committee of the Whole House on the state of the Union it displaces the Committee on Claims, if the motion prevails. But I want to say to the House now that the House has had a committee very hard at work all of this session, and this is that committee's day. Hereafter, as best I can, I shall oppose every attempt to displace the Claims Committee on the days when its bills, under the rules, ought to have preference.

Mr. HAY. Mr. Speaker, I submit that this is not a debatable question.

The SPEAKER. The Chair will state that this discussion has been proceeding by unanimous consent.

Mr. PRINCE rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. PRINCE. I want to find out whether general debate will be limited in Committee of the Whole.

The SPEAKER. That has not been suggested yet.

Mr. HAY. I ask unanimous consent, Mr. Speaker, that general debate be confined to one hour, one half of the time to be controlled by the gentleman from Illinois [Mr. PRINCE] and one half by myself.

The SPEAKER. Pending the motion to go into Committee of the Whole House on the state of the Union, the gentleman from Virginia [Mr. HAY] asks unanimous consent that general debate be limited to one hour, one half of the time to be controlled by himself and the other half by the gentleman from Illinois [Mr. PRINCE]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on the motion of the gentleman from Virginia that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the Military Academy appropriation bill.

The question was taken on the motion of Mr. HAY; and on a division (demanded by Mr. POU) there were—ayes 25, noes 16.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, with Mr. HENSLEY in the chair.

Mr. HAY. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Virginia [Mr. HAY] asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

Mr. HAY. Mr. Chairman, it is not necessary for me to go into any general discussion of the provisions of this bill. The total estimates submitted by the department for the support of the Military Academy aggregate $1,894,928.63. The amount appropriated for the last fiscal year was $1,163,424.07. The

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The PRESIDENT pro tempore. To whom does the Senator from Minnesota yield.

Mr. NELSON. I yield to the Senator from Indiana.

Mr. SHIVELY. I was going to suggest to the Senator that this would simply be an increase from $12 a month to $50 a month, and it would not make the increase he has suggested.

Mr. McCUMBER. Yes; I said with the $425 the $50 a month which we propose to allow her would be $600, making $1,025.

Mr. RAYNER. The income of $500 from the sale of the book does not amount to anything. That may go in a year or two. With the $12 a month and the $425 it would take three or four years to pay the funeral expenses and erect a proper tombstone.

Mr. NELSON. Mr. President, as an ex-corporal of the Union Army I feel impelled to say a few words in this case.

All nations have their heroes and we all delight to honor them. I feel that it is not fair in a case of the kind of Admiral Schley to put him on a level with the ordinary and common officers of the Navy. He was one of the great heroes of the Spanish-American War, and it is a shame to this great country to leave his widow with only $400 a year to live on after services such as he rendered the country. He was practically in command of our fleet at Santiago. It fought under his direction. If he had been an admiral in the English Navy and rendered such services, he would have been given an estate, he would have been ennobled, and his family would have been pensioned in the most liberal manner.

In this great country of ours, when we have the case of a man of this kind, who rendered such great service, he should not be put on the level of an ordinary routine admiral in the Navy. I think the ordinary soldiers and the ordinary sailors and the ordinary officers of our Army and Navy would all of them be well satisfied to have one of our great naval heroes honored in this way. We gave the widow of Admiral Farragut $2,000 a year, a very small sum, indeed, and while I concede that Admiral Schley's record is not as great as that of Admiral Farragut, it seems to me it would be a shame to leave to the widow of such an officer the paltry pension of $50 a month.

The PRESIDENT pro tempore. The pending question is on agreeing to the amendment proposed by the committee, which is to strike out "$150" and insert "$50." Of course, if the amendment is adopted, the pension originally proposed of $150 is stricken out and $50 is put in the bill, and if the amendment is not adopted the provision of $150 must stand. The question is on agreeing to the amendment of the committee.

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

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

Mr. BAILEY (when his name was called). I am paired with the Senator from Montana [Mr. DIXON], and withhold my vote.

Mr. GALLINGER (when Mr. BURNHAM's name was called). I wish to announce that my colleague [Mr. BURNHAM] is paired with the Senator from Maryland [Mr. SMITH].

Mr. WATSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is necessarily absent from the city. He is paired with the senior Senator from Illinois [Mr. CULLOM].

Mr. GALLINGER (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE], and I therefore withhold my vote.

Mr. GARDNER (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. CRANE]. Upon this proposition I transfer my pair to the Senator from Oklahoma [Mr. GORE] and vote. I vote "nay."

Mr. HEYBURN (when his name was called). I have a general pair with the Senator from Alabama [Mr. BANKHEAD]. I therefore withhold my vote.

Mr. PAYNTER (when his name was called). I would vote "nay" on this proposition except for my general pair with the Senator from Colorado [Mr. GUGGENHEIM].

Mr. SMITH of Arizona (when his name was called). I am paired with the Senator from New Mexico [Mr. FALL]. It is a general pair, and I withhold my vote.

Mr. MARTIN of Virginia (when Mr. SWANSON's name was called). My colleague [Mr. SWANSON] is detained from the Senate in discharge of official business in connection with Senate work. He is paired with the Senator from Nevada [Mr. NIXON].

Mr. WATSON (when his name was called). I transfer my pair with the senior Senator from New Jersey [Mr. BRIGGS] to the junior Senator from Indiana [Mr. KERN] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to my colleague [Mr. PERCY] and vote. I vote "nay."

The roll call was concluded.

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN], but I am informed that if he were here he would vote "nay." Therefore I will vote. I vote "nay."

Mr. GORE. The junior Senator from Maine [Mr. GARDNER] transferred his pair to me, and I will allow the transfer to stand.

Mr. DILLINGHAM. May I inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. DILLINGHAM. I will withhold my vote.

The result was announced—yeas 10, nays 42, as follows:

YEAS—11.

Borah	Jones	Page	Smoot
Bristow	Lodge	Root	Sutherland
Hitchcock	McCumber	Smith, Ga.	

NAYS—41.

Ashurst	Foster	Nelson	Smith, Mich.
Bourne	Gardner	Newlands	Smith, S. C.
Bradley	Gronna	Oliver	Stone
Brandegee	Johnson, Me.	Overman	Thornton
Brown	Johnston, Ala.	Perkins	Townsend
Bryan	Lea	Poindexter	Warren
Catron	Lippitt	Rayner	Watson
Chamberlain	McLean	Reed	Williams
Clapp	Martin, Va.	Richardson	
Clark, Wyo.	Martine, N. J.	Shively	
Fletcher	Myers	Simmons	

NOT VOTING—43.

Bacon	Cullom	Guggenheim	Percy
Bailey	Cummins	Heyburn	Pomerene
Bankhead	Curtis	Kenyon	Sanders
Briggs	Davis	Kern	Smith, Ariz.
Burnham	Dillingham	La Follette	Smith, Md.
Burton	Dixon	Lorimer	Stephenson
Chilton	du Pont	Nixon	Swanson
Clarke, Ark.	Fall	O'Gorman	Tillman
Crane	Gallinger	Owen	Wetmore
Crawford	Gamble	Paynter	Works
Culberson	Gore	Penrose	

So the amendment of the committee was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that it may first be read for amendment, and that the committee amendments be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it will be so ordered.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Legislative," subhead "Senate," on page 1, line 10, to increase the appropriation for compensation of Senators from $690,000 to $720,000.

The amendment was agreed to.

The next amendment was, on page 1, line 11, to increase the appropriation for the mileage of Senators from $47,000 to $51,000.

The amendment was agreed to.

The next amendment was, on page 2, line 14, after the words "journal clerk," to insert "principal clerk, reading clerk"; in line 15, after the word "each," to strike out "principal clerk, reading clerk"; in line 17, after the word "bookkeeper," to insert "one clerk, printing clerk"; in line 18, after the word "revenue," to strike out "and general appropriation"; in line 21, before the word "indexer," to insert "compiler of Navy Yearbook and Senate report on river and harbor bill, Woodbury Pulsifer, $2,220"; in line 22, before the word "assistant," to strike out "printing clerk"; in the same line, before the word "clerks," to strike out "three," and insert "two"; on page 3, line 1, after the word "stationery," to strike out "$1,900," and insert "$2,000"; in line 4, after the word "each," to insert "laborer in stationery room, $720"; and in the same line, after the words "in all," to strike out "$88,960," and insert "$93,060," so as to make the clause read:

Office of Secretary: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of the contingent

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fund of the Senate, $6,500; hire of horse and wagon for the Secretary's office, $420; assistant secretary, Henry M. Rose, $5,000; chief clerk, $3,250; financial clerk, $3,000 and $1,250 additional while the office is held by the present incumbent; minute and journal clerk, principal clerk, reading clerk, and enrolling clerk, at $3,000 each; executive clerk, and assistant financial clerk, at $2,750 each; librarian, file clerk, chief bookkeeper, one clerk, printing clerk, and clerk compiling a history of revenue bills, at $2,500 each; keeper of stationery, $2,400; compiler of Navy Yearbook and Senate report on river and harbor bill, Woodbury Pulsifer, $2,220; indexer for Senate public documents, assistant librarian, and two clerks, at $2,220 each; four clerks, at $2,100 each; assistant librarian, $1,800; assistant librarian, $1,600; skilled laborer, $1,200; clerk, $1,800; clerk, $1,600; assistant keeper of stationery, $2,000; assistant in stationery room, $1,200; messenger, $1,440; assistant messenger, $1,200; three laborers, at $840 each; three laborers, at $720 each; laborer in stationery room, $720; in all, $93,060.

The amendment was agreed to.

The next amendment was, on page 3, line 8, before the word "assistant," to strike out "first assistant, $2,000; assistant, $2,000," and insert "two assistants, at $2,250 each"; and in line 9, after the words "in all," to strike out "$12,520," and insert "$13,020," so as to make the clause read:

Document room: Superintendent, George H. Boyd, $3,000; two assistants, at $2,250 each; assistant, $1,440; two clerks, at $1,440 each; skilled laborer, $1,200; in all, $13,020.

The amendment was agreed to.

Mr. REED. Mr. President, before we proceed any further, I want to ask the Senator in charge of the bill a question for information. I desire to ask him why, in line 10, on the first page, the appropriation for the compensation for Senators is changed from $690,000 to $720,000?

Mr. WARREN. Because there has been an increase of four new Senators since the estimate was made, and the increased amount is simply the difference.

Mr. REED. It just makes that difference?

Mr. WARREN. I think it does; and I think the Senator will so find.

Mr. REED. I have not figured it. I only asked for information.

Mr. WARREN. The same is true as to the proposed appropriation for mileage.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 3, line 14, after the word "clerk," to strike out "$1,440" and insert "$1,800"; in line 16, after the word "each," to strike out "assistant clerk, $1,440," and insert "two assistant clerks at $1,440 each"; in line 17, before the word "clerk," to insert "laborer, $720"; and in line 19, after the words "messenger, $1,440," to insert "messenger, $1,200," so as to read:

Clerks and messengers to committees: Clerk to the Committee on Additional Accommodations for the Library of Congress, $2,220, messenger, $1,440; clerk to the Committee on Agriculture and Forestry, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Appropriations, $4,000, two assistant clerks, at $2,500 each, two assistant clerks, at $1,440 each, messenger, $1,440; laborer, $720; clerk to the Committee to Audit and Control the Contingent Expenses of the Senate, $2,500, messenger, $1,440, messenger, $1,200.

Mr. REED. Mr. President, does that last amendment mean that there is to be another employee at $1,200 a year?

Mr. WARREN. Mr. President, perhaps I ought to say at this point that on the page now being considered there are numerous amendments. In each case they simply provide for putting on the annual roll what the Senate itself had ordered done in providing employees and paying them from the contingent fund of the Senate. As the Senator will remember, there was a very decided reform movement when the present Congress assembled in the way of having every employee noted as to where he was employed, in order to destroy what was termed "the bad practice of details." Before that time certain employees had been detailed to this or that Senator's committee in the line of economy, as it was thought. Some of us who were rather familiar with appropriations were of the opinion that the proposed changes would make no saving, but we had to submit. It is now thought desirable to show exactly where every man is employed, and we have carried out that plan. We took from the roll of employees who had been so detailed thirty-odd men. Meanwhile the Committee on Contingent Expenses from time to time allowed this committee, that committee, and the other committee clerks or messengers to take the place of those formerly detailed. In that way we have added some 8 or 10 more employees than we disposed of previously, and, of course, at an additional cost, perhaps, of from $15,000 to $20,000. The duty of the Committee on Appropriations is to fulfill the law; the Senate has already provided for these employees, and they are now being paid from the contingent fund of the Senate, which is hardly proper; in fact, the law regarding the contingent fund makes it impossible to indefinitely continue that practice without infringing upon the law.

Mr. REED. This amounts to a recognition of these places?

Mr. WARREN. For the next fiscal year.

Mr. REED. For the continuance of these places for the next year?

Mr. WARREN. Yes.

Mr. REED. We are not merely appropriating money for services that have been rendered, but it is expected to carry this over into next year?

Mr. WARREN. We are not doing anything in regard to these employees except putting them on a regular roll, paying them a stated amount, and placing everything in plain sight, rather than having them paid from the cashier's desk and charged to the contingent fund. That is all.

Mr. REED. Mr. President, while the Senator is on his feet I wish to ask another question. Of course, if this bill was one that simply proposed to pay the debts that we have created, I would not rise to say anything, but it is intended now to provide for next year. Now, I want to know why a messenger gets $1,440 in some instances and $1,200 in others? What reason is there for that discrimination?

Mr. WARREN. There are differences that have been recognized heretofore in the importance of committees, according to the character and volume of their work, and there also have been differences regarding the amount of work occasioned by seniority places on the higher committees of some of the Senators. It is pretty hard to say that every committee shall have employees at the same salary and of the same number, because the work is not evenly distributed.

Mr. REED. Mr. President, I can recognize the fact that one committee has work requiring technical knowledge or peculiar skill and another committee may have work of a simpler character, but the work of a messenger——

Mr. OVERMAN. I want to say to the Senator that I think he will find that the committee has not increased any salary or added anybody to the pay roll, but we have followed the law as it exists under resolutions which have been passed by the Senate. The question as to why this distinction should be made I am not able to answer, but the Senate has done it.

Mr. REED. Exactly.

Mr. WARREN. If the Senator will allow me, I wish to add to what the Senator from North Carolina [Mr. OVERMAN] has said that we have but followed what has been determined upon and reported by other committees and what the Senate itself has passed upon. We are simply obeying the command of the Senate in these matters as to the salaries that are paid here. The responsibility is not with the Committee on Appropriations. If the Senator has the idea that he has to reckon with the Committee on Appropriations in this matter, he is mistaken, because the Committee on Appropriations did not fix those salaries, but, as I have said, it simply followed what the Senate itself has heretofore established in regard to them.

Mr. REED. I understand that; and nothing I have said here is intended in the slightest degree as a criticism of the committee or of its work.

Mr. WARREN. I understood that, Mr. President, but it was as a matter of information that I responded to the Senator.

Mr. OVERMAN. Many amendments have been reported by the Committee on Appropriations to the House bill. The House bill only provides for the places established under the current law which was passed last year, and the Senator will understand that what the committee have added in italics is to cover places that have been added by the Senate since that time. Heretofore there have been stuck around all over this building, in positions that nobody knew anything about, certain men—a great number of them—who were paid from the contingent fund of the Senate. A man was slipped in here and a man was slipped in there. We determined to provide for these places in the regular appropriation bill, so that the entire Senate and everyone else might know who is provided for and where he is employed, instead of having everything in the dark.

Mr. REED. I think that is very commendable, and I believe I understand the situation. The point I am trying to make, or to give expression to, in my very imperfect way, is this: It seems to me now is the time to equalize these salaries. I was saying that, of course, there might be committees having employees required to possess particular and special skill, where a salary commensurate with their ability ought to be paid, and other committees, requiring service of a simpler sort, where a smaller salary would be proper. But now, when you come to the question of a messenger, unless it is a misnomer, and unless somebody is working under the name of messenger who is not in fact a messenger, they all ought to be of about the same class and receive the same amount of pay. Simply because a resolution was passed here in the hurry of some day's work giving a messenger to a certain committee at $1,440,

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Capitol Building, 16 policemen in the Senate Office Building, 10 policemen in the House Office Building, and other policemen in the Congressional Library, then this must be the most lawless spot on the face of the earth. At the same rate, the city at large would need a police force of about 2,500, and I do not know how many thousands they would need in New York City, but it certainly would be a good-sized standing army.

In the early part of this discussion it was suggested that the reason we needed so many men was because a large number of the present policemen were superannuated. I observe these policemen, as others do, and I do not think it can be said that there are many of them so old that they can not fulfill their duties. I do not think that argument is a sound one.

Then it was suggested that a large number of them was necessary to be kept because they were on the old soldiers' roll; yet, as I heard the list read by the chairman of the committee, I did not find that the old soldier element preponderated, but rather that the element recommended by Senators was very largely in the majority.

It is easy enough to say that we need a man at this spot and one at another particular place; but, Mr. President, policemen in cities have to guard beats sometimes miles in length; they have to guard with reference to fire as well as with reference to life; and there is no reason that I can see why we need a policeman at every corner in this Capitol. There is no reason that I can see why a policeman must be given a standing position at some point in this building; there is no reason that I know of why two policemen should be posted in front of this building to call cabs; in other words, if we were entirely frank about this matter, I think we would be compelled to say that about one-half of this force is a luxury. It is nice to have them around, but they cost money, and therefore I object to having them around unless they are necessary.

At the other end of the Capitol the policemen are required to perform the same duties they are required to perform here, and there are nearly four times the number of Representatives that there are Senators. As you multiply the number of Representatives, you multiply the number of people going to and from that end of the Capitol. It is a fact that everybody must know that the galleries of the House of Representatives are crowded more than are the galleries of the Senate; more people come and go; and yet the House committee and the House itself has seen fit to cut the number in that end of the Capitol to 37.

Mr. WETMORE. Mr. President, they are still employed, even if they have cut them off.

Mr. REED. They will be employed until this bill becomes a law; and when this bill becomes a law they will no longer be employed. The Senator and I can not disagree that the policy of the House is to cut the number to 37.

Mr. WETMORE. Mr. President——

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

Mr. REED. Certainly.

Mr. WETMORE. I may state that one of the Capitol police is detailed to the House Office Building on account of the inadequacy of the force there.

Mr. REED. The Senator misunderstood me.

Mr. WETMORE. By request from the House side, I think, there are four other policemen also detailed to certain duties in the House Office Building.

Mr. REED. The Senator misunderstood me. I am speaking about the 37 policemen in the Capitol.

Mr. WETMORE. I suppose that man is one of the 37.

Mr. REED. I am not speaking about the Senate Office Building.

Mr. WETMORE. I was not, either.

Mr. REED. I do not consider that there is any force in the suggestion of the Senator that some experienced policeman was called on to go over and train the inexperienced men who came in when the majority shifted in the House of Representatives. They did put in inexperienced men, which illustrates the truth of what the Senator from Mississippi said when he intimated that, after all, the distribution of policemen was a matter of the distribution of spoils and that men were not employed because of their ability or because of their skill, but because of their politics.

It is not at all remarkable that they had to send for some one to train these green men. I apprehend that some of the men who came in did not know how to find their way through the corridors and the meanderings at the other end of the Capitol. But they nevertheless are getting along with their 37 men, and they are not now clamoring for assistance; and they are getting along with their 10 men in the House Office Building, where we insist upon having 16, while our building is the smaller, or at least the less populous. So that, Mr. President, I am opposed to this amendment, and I ask for a roll call upon it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. REED. Upon which I have asked for the yeas and nays.

The yeas and nays were not ordered.

Mr. REED. I move to strike out in line 8, on page 13, the word "three" and insert the word "two."

The VICE PRESIDENT. That is the amendment upon which the vote is about to be taken.

Mr. REED. Yes.

The VICE PRESIDENT. That is the pending amendment.

Mr. REED. Exactly, and I move to strike out the word "three" and insert "two."

The VICE PRESIDENT. But the pending amendment is to insert "three" instead of "two."

Mr. REED. I understand it now. It comes in the other form. I want to ask a question. The matter has not been discussed. Why do we need three lieutenants—three commanding officers?

Mr. WETMORE. There are three shifts of policemen, and there is one officer in charge of each shift.

Mr. REED. They have eight-hour shifts?

Mr. WETMORE. Eight-hour shifts.

Mr. REED. How many hours do the Capitol policemen work—8 hours or 12?

Mr. WETMORE. Eight hours.

Mr. REED. Mr. President, I raise the question of quorum.

The VICE PRESIDENT. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

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

Ashurst	Clapp	Jones	Smith, Ga.
Bacon	Clark, Wyo.	Lea	Smith, Md.
Bailey	Cullom	McCumber	Smith, S. C.
Borah	Cummins	Martin, Va.	Smoot
Bourne	Curtis	Myers	Stephenson
Bradley	Fletcher	Oliver	Stone
Briggs	Gallinger	Overman	Thornton
Bristow	Gardner	Page	Townsend
Brown	Gore	Perkins	Warren
Bryan	Gronna	Reed	Watson
Burnham	Heyburn	Richardson	Wetmore
Catron	Hitchcock	Simmons	Williams
Chamberlain	Johnston, Ala.	Smith, Ariz.	

Mr. JONES. My colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber by important business.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. A quorum of the Senate is present. The question is on agreeing to the committee amendment.

Mr. REED. I call for the yeas and nays.

The VICE PRESIDENT. The yeas and nays have been refused on this amendment.

Mr. REED. Mr. President, a parliamentary inquiry. What are we voting on now?

The VICE PRESIDENT. The Senate is about to vote upon the amendment in line 8, page 13, to strike out "two" and insert "three."

Mr. REED. That is the only part of this proposition upon which we are now voting?

The VICE PRESIDENT. That is all.

Mr. REED. Very well.

Mr. WARREN. Mr. President, a number of Senators came in and answered to the call of the roll. The motion was made, as I understand—and the Chair will correct me if I am wrong—by the Senator from Missouri to disagree to the committee amendment to insert three lieutenants instead of two.

The VICE PRESIDENT. The question now is on the committee amendment to strike out "two" and insert "three."

Mr. WARREN. The reason I asked the question is that Senators may know the exact question.

We are in this condition. There are three shifts of police during the day. There are the House and the Senate and the grounds to be overlooked. If a lieutenant is needed at all, three are needed, so that there may be one on duty all the time. I hope the committee may be sustained by an affirmative vote on the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 13, line 9, after the word "and," to strike out "thirty-three" and insert "sixty-seven," so as to read "67 privates, at $1,050 each."

Mr. REED. That is the main question which we have been discussing here for several hours—whether we will have 33 policemen or 67. The House, as I understand, has already

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fixed the number at 33. Upon the question of agreeing to that amendment, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WARREN. A question of order. I ask the Vice President to state the question.

The VICE PRESIDENT. The question is on agreeing to the committee's amendment, in line 13, page 9, proposing to strike out "thirty-three" and insert "sixty-seven." The Secretary will call the roll.

Mr. BAILEY (when his name was called). I am paired with the Senator from Montana [Mr. DIXON], and withhold my vote.

Mr. WATSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is necessarily absent from the city. He is, however, paired with the senior Senator from Illinois [Mr. CULLOM].

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I therefore withhold my vote.

Mr. BAILEY (when Mr. DIXON's name was called). The Senator from Montana [Mr. DIXON] is in Chicago.

Mr. GALLINGER (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE]. I transfer it to the senior Senator from Massachusetts [Mr. LODGE], and will vote. I vote "yea."

While I am on my feet, I wish to announce the pair of the Senator from Connecticut [Mr. BRANDEGEE] with the Senator from New York [Mr. O'GORMAN].

Mr. GARDNER (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. CRANE].

Mr. HEYBURN (when his name was called). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer it to the junior Senator from Tennessee [Mr. SANDERS] and vote "yea."

Mr. SMITH of Arizona. I am paired with the senior Senator from New Mexico [Mr. FALL]. I therefore withhold my vote.

Mr. OLIVER (when the name of Mr. PENROSE was called). My colleague [Mr. PENROSE] is necessarily absent. He is paired with the junior Senator from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I therefore withhold my vote.

The roll call was concluded.

Mr. CULLOM. I transfer my pair with the Senator from West Virginia [Mr. CHILTON] to the Senator from New York [Mr. ROOT] and will vote. I vote "yea."

Mr. SIMMONS. I wish to inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I have a pair with that Senator, and therefore withhold my vote.

The result was announced—yeas 33, nays 13, as follows:

YEAS—33.

Bacon	Cullom	Martin, Va.	Stephenson
Bradley	Curtis	Nelson	Thornton
Briggs	Dillingham	Oliver	Tillman
Bristow	Foster	Overman	Townsend
Brown	Gallinger	Page	Warren
Burnham	Gronna	Perkins	Wetmore
Catron	Heyburn	Richardson	
Chamberlain	Johnston, Ala.	Smith, Md.	
Clark, Wyo.	McCumber	Smoot	

NAYS—13.

Ashurst	Hitchcock	Reed	Watson
Bryan	Jones	Smith, Ga.	
Fletcher	Lea	Smith, S. C.	
Gore	Myers	Stone	

NOT VOTING—49.

Bailey	Davis	Lorimer	Root
Bankhead	Dixon	McLean	Sanders
Borah	du Pont	Martine, N. J.	Shively
Bourne	Fall	Newlands	Simmons
Brandegee	Gamble	Nixon	Smith, Ariz.
Burton	Gardner	O'Gorman	Smith, Mich.
Chilton	Guggenheim	Owen	Sutherland
Clapp	Johnson, Me.	Paynter	Swanson
Clarke, Ark.	Kenyon	Penrose	Williams
Crane	Kern	Percy	Works
Crawford	La Follette	Poindexter	
Culberson	Lippitt	Pomerene	
Cummins	Lodge	Rayner	

Mr. BACON. Mr. President——

The VICE PRESIDENT. On the question of agreeing to the committee amendment the yeas are 33 and the nays 13. The Senator from Texas [Mr. BAILEY], the Senator from Maine [Mr. GARDNER], the Senator from Arizona [Mr. SMITH], the Senator from Mississippi [Mr. WILLIAMS], the Senator from North Carolina [Mr. SIMMONS] having announced their pairs and that they refrained from voting, because of being paired, it makes a quorum; the yeas have it, and the amendment is agreed to.

Mr. BACON. Mr. President, before the result was announced I sought the recognition of the Chair. I wish to say that as I understand there is no rule of the Senate which authorizes those who do not vote upon a yea-and-nay call to be counted.

Mr. President, this is a self-governing body; this is a body in which the Senators make their own rules and enforce them; and that is not the rule of the Senate; it has never been the rule of the Senate, and I hope never will be the rule of the Senate. Of course, I recognize the fact, Mr. President, that frequently precedents are made in parliamentary bodies under stress of political or other influences which induce members of the parliamentary body to cast their votes, frequently because the casting of their votes in a particular way will accomplish the particular thing then under consideration.

It so happens that upon this occasion I am one of those who voted with the majority, and therefore in making this objection to the ruling of the Chair I am not influenced by the fact that that ruling accomplished a result which I myself favored. On the contrary, I favored the result which would be sustained by that ruling of the Chair.

Mr. President, of course there are some Senators here who have been here much longer than I have, but I have been here now for more than 17 years; and I wish to say, in all respect for the present occupant of the chair, for whom I personally have the highest regard and respect, that, so far as I know and can recall, prior to the occupancy of the chair by the present distinguished, honored, and highly esteemed officer, there has never been such a ruling in the Senate.

Of course, I know the facts that there have been occasions when there have been efforts made to justify the proposition that the Chair had the right to count a quorum, and that is a precedent which may in particular instances have been in a way recognized; but it is a rule which has never, so far as I know, received the distinct recognition and approval of the Senate.

Mr. President, this is no ordinary parliamentary body. This is a body with distinct and peculiar functions. This is a body with distinct and peculiar responsibilities and powers, far greater than those belonging to other parliamentary bodies, and I for one am unwilling that the rules which have been observed for a hundred years shall be overturned in this way.

Mr. BRISTOW. Mr. President——

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

Mr. BACON. I do.

Mr. BRISTOW. I desire to suggest to the Senator from Georgia that upon another occasion recently a vote was taken on a bill that is upon the calendar, in which I am interested and the vote was affirmatively in favor of the motion which I made, but a quorum did not vote and the motion was declared lost because a quorum had not voted. That was repeated upon more than one occasion that day, and it is an exact parallel to this case.

Mr. BACON. Yes.

Mr. President, I want to say this: I have seen occasions when upon a division the count showed the number voting less than a quorum, and I have seen that passed over several times without remarks.

I want to say that I myself have at times objected, at other times I have sat silent when that has been done, because it is not pleasant to take issue with the Chair. It is not pleasant to be making a point of this kind. The acceptance of the count in such cases can only be justified upon the ground that when a motion is put viva voce, very frequently there is nobody who votes at all, and in the absence of a vote the Chair says the ayes have it, upon the assumption that the absence of any negative vote indicates an assent on the part of Senators, and that the reasoning might be carried a little further and applied to the absence of a certain number voting upon a division. In other words, applied to the case where, on a division, less than a quorum vote. While I do not approve of that suggestion, still it is suggested that it may be conceded or concluded from that that those who do not vote are assenting. But I do not agree to that at all. Still that is the argument as to that. But that argument can not be applied to a yea-and-nay vote.

Mr. GALLINGER. Mr. President——

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

Mr. BACON. I do.

Mr. GALLINGER. Did I understand the Senator correctly to say that the decision just announced was without precedent in the Senate; that a quorum had never been counted before?

Mr. BACON. No; I did not say that. I referred to the ruling made by the Chair to-day, in which, after the call of the yeas and nays was concluded, showing less than a quorum, the

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PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Legislature of New Mexico, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

House joint memorial 8.

Memorial to the Congress of the United States, requesting the passage of Senate bill No. 6501 and House bill No. 23775, amending section 13 of the act of June 20, 1910, being "An act to enable the people of New Mexico to form a State government," etc., and providing for two in lieu of one judicial district in New Mexico.

Whereas there is now pending in the Congress of the United States a bill, introduced in the Senate by Hon. ALBERT B. FALL, Senator from New Mexico, and a bill introduced in the House of Representatives by Hon. GEORGE CURRY, Congressman from New Mexico, amending the act heretofore passed to enable the people of New Mexico to form a State government, so as to provide for two judicial districts instead of one; and

Whereas the speedy passage of said bill by the present Congress is very important for the following and other reasons:

1. Great distance between points of holding court: On account of lack of railroad connection between the city of Santa Fe and other parts of the State, the present arrangement involves great expense of time and money on the part of the United States as well as litigants in going to and returning from the place of holding such court and transporting witnesses and jurors to an extent greater than the cost of maintaining an additional district.

2. Government reclamation projects: The said State of New Mexico has developed very rapidly within the last 10 years, and in no part of it has the growth been greater than in that portion included within the proposed southern district, and the location therein of three great Government reclamation projects, to wit, the Rio Grande project, the Hondo project, and the Carlsbad project, being the only projects in the State of New Mexico, promises an era of growth in the near future well justifying the creation of this district.

3. Large areas of Government land: Aside from the great irrigation projects above referred to, the first of which will be in course of construction for several years to come, at the expense of the Government, the district includes immense bodies of Government lands, in fact, nearly all the Government land now open to settlement in the State is located in this district, and contests between the Government and private claimants, exclusive of cases coming within the jurisdiction of the United States land offices, would constitute a considerable amount of business for such court.

4. Forest reserves: It will appear upon investigation that thousands of acres of lands have been included within national forest reserves located principally in what would be the northern district, and the leasing, management, and control of the timber and grazing privileges thereon and controversies growing out of the same would come in such courts.

5. Mineral lands: The proposed amendment is necessary also on account of the great bodies of mineral lands in both of said districts, the operation of mines being one of the great industries of the State and rapidly increasing.

6. Indians and Indian property: New Mexico has perhaps more Indians and more Indian reserves than any other State in the Union, with the exception of Oklahoma, and over these and their property such courts would have jurisdiction.

7. Chinese-exclusion acts: The proposed southern district includes what is known as the "border counties"—that is, counties near the Mexico line—and violation of the Chinese-exclusion acts, and what is known as smuggling cases, has heretofore occupied the attention of the four United States courts which were held therein under Territorial government.

8. Conditions in Mexico: The present state of affairs in Mexico and the proximity of this State to the frontier thereof and the ease with which the neutrality and other laws applying to such conditions can be violated makes the constant supervision of a Federal court at Las Cruces almost imperative.

9. The great development in New Mexico during the past 10 years has brought investments by residents of other States in mining, agricultural, and live-stock properties of considerable magnitude, and an investigation of the dockets of the different State courts will show that about a fourth of the business in the Pecos Valley counties, and almost an equal amount in the counties of Dona Ana and Grant could be removed into the Federal court on the ground of diversity of citizenship, and probably would be so removed were it not for the expense of transporting witnesses, etc., therein.

10. Communication between Roswell and Santa Fe: It is about 500 miles from Roswell to Santa Fe by rail and about 600 from Carlsbad to Santa Fe; the round trip takes at least three days and often four or five when good connection is not made, and the minimum cost of taking a witness to Santa Fe is about $50.

Now therefore (if the house of representatives concur) be it

Resolved by the Legislature of the State of New Mexico, That the Congress of the United States be earnestly requested to pass Senate bill No. 6501 and House bill No. 23775, each entitled "A bill to amend section 13 of the act of June 20, 1910," being "An act to enable the people of New Mexico to form a State government," etc., and providing for two in lieu of one judicial districts in New Mexico, at its present session;

Resolved, That a copy of this memorial be sent to the President of the Senate and the Speaker of the House of Representatives and to Hon. ALBERT B. FALL and Hon. THOMAS B. CATRON, Senators from New Mexico, and to Hon. GEORGE CURRY, Member of Congress from New Mexico, and to Hon. H. B. FERGUSSON, Member of Congress from New Mexico.

E. C. DE BACA,
President of the Senate.
JOHN JOERNS,
Chief Clerk of the Senate.
ROMAN L. BACA,
Speaker of the House.
FRANK STAPLIN,
Chief Clerk of the House.

The VICE PRESIDENT presented a petition of sundry citizens of Philadelphia, Pa., praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. O'GORMAN. I present a telegram, in the nature of a resolution, adopted by the New York State Convention of Letter Carriers May 31, 1912, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the telegram was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

ELMIRA, N. Y., *June 4, 1912.*

Hon. JAMES A. O'GORMAN,
United States Senator, Washington, D. C.:

The following resolution was passed at the New York State Convention of Letter Carriers May 31, 1912:

Whereas we firmly believe that the establishment of an 8-hour workday within 10 consecutive hours will prove beneficial both to the Post Office Department and its employees, insuring as it does the greater efficiency that comes from a contented body of workers: Therefore be it

Resolved, That the New York State Association of Letter Carriers record its approval of section 5 of the Post Office appropriation bill, and expresses the hope that the Senate in consideration of this measure will make no material change there.

B. M. SHERMAN, *Secretary.*

Mr. O'GORMAN presented memorials of sundry citizens of Brooklyn, N. Y., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

Mr. CATRON. I present a joint memorial of the Legislature of the State of New Mexico, recommending the creation of two judicial districts in that State, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

The VICE PRESIDENT. A duplicate of the memorial has been presented by the Vice President and ordered printed in the RECORD. Of course the memorial will be printed in the RECORD but once.

Mr. CATRON. Very well. I wish to have it referred to the Committee on the Judiciary.

The VICE PRESIDENT. The memorial will be referred to that committee.

Mr. TOWNSEND presented a petition of sundry citizens of Wallace, Mich., praying for the establishment of a parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Jackson, Mich., remonstrating against the enactment of legislation providing for a five-year tenure of office for civil-service employees, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Wyandotte and Detroit, in the State of Michigan, remonstrating against the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. OLIVER presented a petition of sundry citizens of Pennsylvania, praying for the enactment of legislation providing reservations in Alaska for the Indians of that Territory, which was referred to the Committee on Territories.

He also presented a petition of members of the Pittsburgh Branch, National League of Commission Merchants of the United States, of Pennsylvania, praying for the enactment of legislation providing for the adoption of a uniform bill of lading, which was ordered to lie on the table.

He also presented a petition of members of the Manufacturers' Association of Erie, Pa., praying for the enactment of legislation providing for the ownership of buildings by the United States in foreign countries for the use of its representatives, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the board of directors of the Chamber of Commerce of Erie, Pa., praying for the enactment of legislation to enable the Secretary of Commerce and Labor, acting through the Bureau of Corporations, to make a complete investigation of the business of foreign and domestic fire insurance corporations in the United States, which were referred to the Committee on Finance.

He also presented a memorial of the Merchants' Association of Manila, P. I., remonstrating against the enactment of legislation to restrict the sale of the friar lands in the Philippine Islands, which was referred to the Committee on the Philippines.

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He also presented a petition of Penn Grange, No. 1485, Patrons of Husbandry, of Dickinson, Pa., praying for the enactment of legislation providing for vocational education, which was ordered to lie on the table.

Mr. CULLOM presented a memorial of sundry citizens of Virden, Ill., remonstrating against the extension of the parcel-post system beyond its present limitations, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented memorials of sundry citizens of Danbury and Naugatuck, in the State of Connecticut, remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Plainville, Conn., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

He also presented a petition of sundry members of the Ladies of the Maccabees of the World, residents of Waterbury, Conn., praying for the enactment of legislation granting to the publications of fraternal associations the privileges of second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a memorial of members of the Sarsfield Literary Association, of Woonsocket, R. I., remonstrating against an appropriation being made to be used for the purpose of celebrating the one hundredth anniversary of peace with England, which was referred to the Committee on Foreign Relations.

Mr. RAYNER presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

Mr. GUGGENHEIM presented a memorial of members of the South Park Ranchmen's Protective Association, of Colorado, remonstrating against the enactment of legislation permitting the cutting of timber from the Platte watershed by the Forest Service, which was referred to the Committee on Agriculture and Forestry.

Mr. GORE (for Mr. OWEN) presented a petition of members of the Davis County Medical Society, of Utah, praying for the passage of the so-called Owen health bill, which was ordered to lie on the table.

Mr. BRADLEY presented a petition of sundry citizens of Sonora, Ky., praying for the enactment of legislation to prohibit the transmission of race gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Sonora, Ky., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. ROOT presented a memorial of the Chamber of Commerce of New York, remonstrating against the proposed discontinuance of the appropriations for the Bureau of Trade Relations, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Canajoharie, Fishkill, Highland Falls, Hudson Falls, Ossining, Peekskill, Silver Creek, and Yonkers, all in the State of New York, remonstrating against the passage of the so-called Owen health bill, which were ordered to lie on the table.

STEAMER "DAMARA."

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (S. 7015) to provide American registry for the steamer *Damara*, reported it without amendment and submitted a report (No. 867) thereon.

PICTURES OF PRIZE FIGHTS, ETC.

Mr. BACON. I am instructed by the Committee on the Judiciary to report back favorably without amendment the bill (S. 7027) to prohibit the transportation of pictures of prize fights, and for other purposes, and I shall ask present consideration thereof. It is very short.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That it shall be unlawful to send or receive, by mail, railway, express, water service, or in any other manner, from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to bring into this country from any foreign country, any film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, or any record or account of betting on the same. Any person violating the provisions of this act shall be punished by imprisonment for not exceeding one year or a fine of not exceeding $1,000, at the discretion of the court.

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

Mr. HEYBURN. The word "receive" occurs. I should like to have the Senator in charge of the bill explain why we should penalize the person who receives it, because we receive a lot of things through the mails involuntarily.

Mr. BACON. If the Senator desires it, I will not now ask for the present consideration of the bill. I will state to the Senator that there is an urgent reason for the early action of Congress in this matter, but one day will not make much difference. There is an identical bill pending in the House, and for that, I understand, the House committee has offered a substitute which is probably better in its terms than this measure. The matter was brought to the attention of the Judiciary Committee, and the only purpose in presenting it now without amendment was to endeavor to expedite it, the anticipation being that probably the House substitute would be ultimately adopted.

Mr. HEYBURN. I am thoroughly in sympathy with the bill, except as to the word "receive," which might be used as a trap. That a man shall be penalized for receiving something through the mails is rather a dangerous proposition. I ask that the bill may go over.

Mr. GALLINGER. I trust that the Senator from Georgia may allow it to go over. I am not sure that it ought not to be somewhat enlarged. There are other things besides the exhibition of prize fights that are demoralizing in these picture shows.

Mr. BACON. I will state to the Senator that I shall not object to the bill going over, although I hope we may have early consideration of it. The Senator from North Carolina [Mr. SIMMONS] is the author of the bill.

I will state to the Senator that while what he says in regard to the propriety of enlarging it is true, still that is possibly not so urgent as this legislation. This is a special matter that has attracted the attention of the public, and there are some impending performances that it is intended, if possible, to reach.

Mr. GALLINGER. I was attracted by the suggestion the Senator made that another body has under consideration a similar bill. The Senate passed a bill months ago giving the Commissioners of the District of Columbia jurisdiction—or, at least, giving them authority to examine the films that were being used in these moving-picture shows. It is an utter abomination the way things are going on here in the District in that regard. Yet that bill has lain dormant or has been lost sight of in some way, and no action is taken on it. I think I will agree with the Senator——

Mr. BACON. I hope the bill the Senator refers to may be brought up and acted upon, but that it will not be complicated with this measure, because that would involve some delay.

Mr. GALLINGER. I promise the Senator——

Mr. BACON. It is suggested by the author of the bill and also by the Senator from Utah [Mr. SUTHERLAND], who is on the Judiciary Committee, that if the word "willfully" was put in as a prefix to the word "receive" it would relieve it from the just criticism offered by the Senator from Idaho.

Mr. GALLINGER. I promise the Senator that I will not complicate the bill at all. I think it is legislation in the proper direction.

Mr. HEYBURN. I have no desire to delay the consideration of the bill, but——

Mr. BACON. If the word "willfully" were put in——

Mr. GALLINGER. Knowingly.

Mr. BACON. Or knowingly.

Mr. HEYBURN. It is not in this bill.

Mr. BACON. If we could amend it to that extent, so as to read "knowingly or willfully receive," will the Senator still desire that it shall go over?

Mr. HEYBURN. I have not considered just how sufficient those words of limitation would be.

Mr. BACON. The Senator prefers to have the bill go over?

Mr. HEYBURN. It had better go over.

The VICE PRESIDENT. The bill will go to the calendar.

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. JOHNSON of Maine:

A bill (S. 7076) granting an increase of pension to Roscoe B. Smith (with accompanying paper); to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 7077) authorizing the Secretary of War to award the congressional medal of honor to Second Lieut. Etienne de P. Bujac; to the Committee on Military Affairs.

A bill (S. 7078) for the payment of certain money to Albert H. Raynolds; to the Committee on Indian Affairs.

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that a man renders conspicuous service in time of war is a reason, of course, why he should be promoted in time of war, but that does not justify us in passing a law that will prevent a proper recognition of that man in time of peace.

Mr. HITCHCOCK. Mr. President, I want to say a word in opposition to the conference report.

As a member of the Committee on Military Affairs I had some little interest in the makeup of the bill. If I had followed my own disposition it would have been to sustain none, possibly all, of the legislation proposed by the House of Representatives. It was decided in committee, and it was decided on the floor of the Senate, that we would take a position against legislating in this appropriation bill, and practically speaking, the legislation was cut out upon that understanding.

The bill went into conference, and it now comes back to the Senate. Instead of containing legislation proposed by the House of Representatives, discussed in public, weighed in public, and voted on in public, it now contains legislation agreed upon by the conferees, who certainly ought to have no power to present such new legislation to the Senate in the absence of any opportunity to consider it, in the absence of any opportunity to amend it, and without any information as to how the Senate stands upon that legislation.

I agree with what has been said against the proposition contained in the conference report, which practically can be construed as nothing more nor less than an attack upon Gen. Wood. I have no particularly strong partisan feeling for Gen. Wood; but I think it is a misuse of legislation, particularly of legislation by a conference committee, to single out an officer of the Army and disqualify him from further continuance in his office or for reappointment to his office.

But that is not all that I find fault with in the conference committee report. The conference committee not only usurps the functions of the House and the Senate in creating new legislation, but it assumes executive functions. It names and appoints a board of retired officers to constitute, with two Senators and two Members of the House of Representatives, a commission to take into consideration the military posts of the United States.

If it had been found proper by the conference committee to make that radical change in the House and Senate bill by the creation of a commission, it at least might have left the selection of the members of the commission to the War Department or to the President. But the conference committee has specifically named the officers of the Army who shall constitute that commission.

Mr. BRISTOW. If the Senator will yield——

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

Mr. HITCHCOCK. Certainly.

Mr. BRISTOW. Let me suggest, also, that it might have been left to the President of the Senate and the Speaker of the House to name the persons who shall represent the Senate and the House. I thoroughly agree with the Senator from Nebraska that the report simply incorporates in the bill the names of the officers that the conferees want appointed on the commission.

Mr. HITCHCOCK. Certainly the conference committee went outside of its proper functions when it undertook to select the officers of the Army who shall constitute this commission.

The same conferees provide that there shall be selected two Senators from the Military Affairs Committee of the Senate and two Representatives from the Military Affairs Committee of the House to act with the military officers. I am rather surprised that they did not also name the Senators. They are certainly more qualified to judge as to the fitness of Senators to sit upon the commission than they are to judge of the fitness of military officers to represent the War Department upon the commission.

So, Mr. President, I object to this conference report, in the first place, because the Military Affairs Committee took such action as to indicate that it was against legislation; and I, for one, if I were up against the necessity of accepting legislation, would much prefer to accept the legislation proposed by the House of Representatives rather than the legislation proposed by the conference committee.

I want to say to the Senator from Texas, who raised the point here a few moments ago, that the conference report does work some economy in the expenditures of the War Department, to the extent, I think, of some $2,000,000. Yet the fact is that the House bill, if it had been accepted in the form in which it came to the Senate, would have saved some $10,000,000. So, if there is any argument of economy, in my opinion, the House bill, with its legislation, would have been infinitely preferable to the bill which has come from the committee of conference.

I also agree with what the Senator from Alabama says, that in the midst of this legislation, which is evidently designed to strike down some officers and promote other officers, an attempt apparently has been made to discriminate against the departments to be consolidated into the supply department; and the strange anomaly in legislation is proposed that the first head of the Supply Department shall be a major general, whereas upon his retirement only a brigadier general shall be named to succeed him. Upon its face, in the absence of any explanation, that looks like an attempt to legislate in favor of one particular officer of the Army. I do not know that it is. I do not charge that it is.

Mr. WARREN. Mr. President, I wish the Senator would be consistent with himself. A moment ago he accused the committee of naming men. He now accuses it of naming men when they are not named.

I have no more idea than has the Senator whom the President may appoint as chief of this department. The House bill, as it came to us, provided that the office should be held by a major general continually. We believed that the first man, whoever he may be—and we had confidence that the President will select a man who has had experience in some of those staffs—deserves better than those that may follow him, in that he will have the first organization of the great bulk of the work, and will have to exercise the great skill that will be necessary to amalgamate those departments.

We of the Senate demanded that this officer should be a brigadier general only. But as between a brigadier general only, for all time, and the House proposition to have a major general for all time, the Senator will see that we did not transcend any bounds of proper conference when we compromised and said it should be a major general during the period of construction and afterwards a brigadier general.

Mr. HITCHCOCK. I hope when the matter again goes to conference the Senator from Wyoming, on behalf of the Senate, will insist that the office shall be held by a brigadier general. If that insistence is made effective I believe it will be a sufficient answer to the rumors, which have been universal, that the major generalship is intended for a particular individual who is favored by certain parties in important position. I have not charged that the Senator from Wyoming nor any member of the Senate committee——

Mr. WARREN. I will say to the Senator that I have been a constant reader of the newspapers, and I have knocked about quite a good deal among Senators and others, but the Senator is alluding to what I have never heard alluded to by anybody else—that some particular man is selected for that position. I do not believe that to be accurate.

Mr. HITCHCOCK. I think it will be sufficient assurance that that will not occur if the opportunity for promotion is not offered—if the head of the department is required to be a brigadier general at first as well as at any subsequent time.

Mr. WARREN. In fact, I do not know now to whom the Senator is alluding. I have not the faintest idea.

Mr. HITCHCOCK. I do not propose to tell the Senator, although it is a matter which has been talked of so generally, that I am very much surprised that it has not reached his ears; but, in any event, there is no reason that the Senator from Wyoming can advance—and I understand from the position he takes that he does not believe there is any defense for it—why the first head of that new department should be a major general, except for the purpose of giving a promotion to a certain individual.

The VICE PRESIDENT. The question is on agreeing to the conference report.

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

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

Mr. WARREN (when the name of Mr. CLARK of Wyoming was called). My colleague [Mr. CLARK] is paired with the senior Senator from Missouri [Mr. STONE]. I understand that both those Senators would, if present, vote for the adoption of the conference report.

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS]. Were I at liberty to vote, I should vote "nay."

Mr. GALLINGER (when his name was called). I am paired with the Senator from Arkansas [Mr. CLARKE]. I will therefore withhold my vote.

Mr. GARDNER (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. CRANE], and therefore withhold my vote.

Mr. HEYBURN (when his name was called). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I will withhold my vote.

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Mr. MARTIN of Virginia (when Mr. LEA's name was called). The Senator from Tennessee [Mr. LEA] is unavoidably absent owing to affliction in his family. He is paired with the Senator from Rhode Island [Mr. LIPPITT].

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. BRANDEGEE]. In his absence, I withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM], and I therefore withhold my vote.

Mr. POMERENE (when his name was called). On this question I am paired with the junior Senator from Tennessee [Mr. SAUNDERS] and withhold my vote.

Mr. RAYNER (when his name was called). I have a general pair with the junior Senator from Utah [Mr. SUTHERLAND]. The senior Senator from Massachusetts [Mr. LODGE] informs me that the junior Senator from Utah would vote "nay" if present. So I will vote. I vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is necessarily absent. If present, he would vote "yea." I understand that he is paired with the junior Senator from South Carolina [Mr. SMITH], who would also vote "yea" if present.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I am advised that if he were present he would vote as I should vote. I will therefore vote. I vote "yea."

Mr. SMITH of Arizona (when his name was called). I have a pair with the senior Senator from New Mexico [Mr. FALL]. If he were present, I should vote "yea."

Mr. TOWNSEND (when his name was called). I am paired on this vote with the junior Senator from Indiana [Mr. KERN]. If he were present and I were at liberty to vote, I should vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Arkansas [Mr. DAVIS], and I desire to vote. I vote "yea."

The roll call was concluded.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. I wish to inquire if he has voted.

The VICE PRESIDENT. He has not.

Mr. BURNHAM. Then I withhold my vote, as I am paired with that Senator.

Mr. WATSON. I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS] and withhold my vote. If I were permitted to vote, I should vote "nay."

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the Senate.

The result was announced—yeas 27, nays 24, as follows:

YEAS—27.

Bourne	Fletcher	Martine, N. J.	Simmons
Catron	Foster	Myers	Swanson
Chamberlain	Gronna	Oliver	Tillman
Crawford	Lorimer	Overman	Warren
Culberson	McCumber	Page	Wetmore
Cullom	McLean	Perkins	Williams
Dillingham	Martin, Va.	Shively	

NAYS—24.

Ashurst	Chilton	Jones	Root
Bacon	Cummins	Lodge	Smith, Ga.
Bradley	Gore	Percy	Smoot
Bristow	Hitchcock	Poindexter	Stephenson
Bryan	Johnson, Me.	Rayner	Thornton
Burton	Johnston, Ala.	Reed	Works

NOT VOTING—43.

Bailey	Curtis	Kern	Richardson
Bankhead	Davis	La Follette	Sanders
Borah	Dixon	Lea	Smith, Ariz.
Brandegee	du Pont	Lippitt	Smith, Md.
Briggs	Fall	Nelson	Smith, Mich.
Brown	Gallinger	Newlands	Smith, S. C.
Burnham	Gamble	O'Gorman	Stone
Clapp	Gardner	Owen	Sutherland
Clark, Wyo.	Guggenheim	Paynter	Townsend
Clarke, Ark.	Heyburn	Penrose	Watson
Crane	Kenyon	Pomerene	

So the report of the committee of conference was agreed to.

Mr. DU PONT. I understand that I am not recorded on the vote just taken. I desire to inquire if that is correct.

The VICE PRESIDENT. The Senator from Delaware is not recorded.

Mr. DU PONT. I ask unanimous consent to record my vote.

The VICE PRESIDENT. That can not now be done.

Mr. DU PONT. I will say that if my name had been called I would have voted in the affirmative.

The VICE PRESIDENT. The Senator's name was called.

Mr. DU PONT. I was present in the Chamber. Then I could not have heard it.

PUBLIC BUILDING AT LAS CRUCES, N. MEX.

Mr. WARREN. Before I ask the Senate to proceed with the legislative appropriation bill I yield to the Senator from New Mexico [Mr. CATRON], who has a bill he wishes to call up.

Mr. CATRON. I ask unanimous consent to call up the bill (S. 6745) to provide for the erection of a Federal building in Las Cruces, N. Mex.

The VICE PRESIDENT. The bill will be read for information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 9, before the word "thousand," to strike out "seventy-five" and insert "ten," and in line 10, after the word "dollars," to strike out the remainder of the bill in the following words, "and there is hereby appropriated the amount of one hundred and seventy-five thousand dollars for such construction," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected a suitable building for the use and accommodation of the United States post office, United States court and land office, and other Government offices in Las Cruces, Dona Ana County, N. Mex., upon the site heretofore authorized, at a total cost of not more than $110,000.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

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

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I move that House bill 24023 be now proceeded with.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The VICE PRESIDENT. The Secretary will begin the reading at the point where it was discontinued.

The reading of the bill was resumed at page 124, line 14.

The next amendment of the Committee on Appropriations was, under the head of "Department of Justice," on page 124, line 17, before the words "Assistant Attorneys General," to strike out "six" and insert "seven"; in line 21, before the word "attorneys," to strike out "three" and insert "four"; in line 22, after the word "arising," to strike out "therefrom" and insert "from such condemnation proceedings"; on page 125, line 4, after the word "attorneys," to insert "one at $4,000"; in line 5, after the word "each," to strike out "one at $2,500" and insert "two, at $2,500 each"; in line 13, after the word "law clerks," to insert "one at $2,500"; in line 18, before the words "disbursing clerk," to insert "assistant superintendent of prisons, $2,000"; in line 19, after the words "Chief of," to strike out "division" and insert "Bureau"; in line 21, after the sum "$1,800," to insert "clerk to also act as disbursing clerk during absence of the disbursing clerk, $2,000; clerk in charge, Division of Mail and Files, $2,000; clerk in charge, Division of Supplies, $2,000"; on page 126, line 1, before the words "of class 4," to strike out "eight" and insert "four"; in the same line, before the words "of class 2," to strike out "six," and insert "seven"; in line 2, before the words "of class 1," to strike out "fifteen" and insert "sixteen"; in the same line, before the words "at $1,000 each," to strike out "thirteen" and insert "fifteen"; in line 3, before the words "at $900 each," to strike out "twenty" and insert "twenty-two"; in the same line, after the word "each," to insert "clerk in charge stenographic division, $1,600"; in line 5, before the word "messengers," to strike out "five" and insert "seven"; and in line 13, after the words "in all," to strike out "$407,610" and insert "$437,090," so as to make the clause read:

Office of the Attorney General: Attorney General, $12,000; Solicitor General, $10,000; assistant to the Attorney General, $7,000; 7 Assistant Attorneys General, at $5,000 each; Assistant Attorney General of the Post Office Department, $5,000; Solicitor of Internal Revenue, $5,000; Solicitor for the Department of State, $5,000; 4 attorneys, at $5,000 each, one of whom shall have charge of all condemnation proceedings in the District of Columbia and supervise the examination of titles and matters arising from such condemnation proceedings in which the United States shall be a party or have an interest, and no special attorney or counsel, or services of persons other than of those provided for herein, shall be employed for such purposes; attorneys—1 at $4,000, 1 at $3,750, 3 at $3,500 each, 1 at $3,250, 12 at $3,000 each, 2 at $2,500 each; assistant attorneys—1 at $3,500, 2 at $3,000 each, 2 at $2,750 each, 5 at $2,500 each, 1 at $2,400, 2 at $2,000 each; assistant examiner of titles, $2,000; chief clerk and ex officio superintendent of the buildings, $3,000; superintendent of buildings, $500; private secretary and assistant to the Attorney General, $3,000; clerk to the Attorney General, $1,600; stenographer to the Solicitor General, $1,600; law clerks—1 at $2,500, 3 at $2,000 each, 2 of class 4, clerk in

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Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. In his absence, I withhold my vote.

Mr. DU PONT (when Mr. RICHARDSON'S name was called). My colleague [Mr. RICHARDSON] is necessarily absent. On this vote he is paired with the junior Senator from South Carolina [Mr. SMITH]. If he were present and free to vote, my colleague would vote "yea."

Mr. SMITH of Arizona (when his name was called). I am paired with the Senator from New Mexico [Mr. FALL], who is absent. I have been informed that, if he were present, he would vote "nay." I am extremely anxious to vote in this case, but not having heard directly from the Senator from New Mexico, I withhold my vote.

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from New Jersey [Mr. BRIGGS] to the junior Senator from Arkansas [Mr. DAVIS] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were present, and I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. GALLINGER. I have announced my pair with the Senator from Arkansas [Mr. CLARKE]; but I will transfer that pair to the Senator from Tennessee [Mr. SANDERS] and vote. I vote "yea."

Mr. JONES. I am requested to announce that the senior Senator from Kansas [Mr. CURTIS] is paired with the senior Senator from Nevada [Mr. NEWLANDS].

Mr. BURNHAM. I have a general pair with the Senator from Maryland [Mr. SMITH]. In his absence, I withhold my vote. If he were present, and I were at liberty to vote, I should vote "yea."

Mr. HEYBURN (after having voted in the negative). Mr. President, I desire to announce that I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I have been advised that if he were present he would vote "nay," and therefore I have voted. I do not see him in the Chamber, and I have not been personally instructed by him that I was at liberty to vote. I will therefore withdraw my vote.

The VICE PRESIDENT. The Senator from Idaho withdraws his vote.

Mr. JOHNSTON of Alabama. I am quite satisfied if the senior Senator from Alabama [Mr. BANKHEAD] were present he would vote the same way as has the Senator from Idaho.

Mr. HEYBURN. On the strength of the statement of the Senator from Alabama, I will allow my vote to stand.

Mr. LODGE. I desire to announce that my colleague [Mr. CRANE] is necessarily absent. He has a general pair with the junior Senator from Maine [Mr. GARDNER]. If present and at liberty to vote, my colleague would vote "yea."

The result was announced—yeas 24, nays 36, as follows:

YEAS—24.

Bradley	Gallinger	Oliver	Stephenson
Burton	Jones	Page	Sutherland
Catron	Lodge	Perkins	Thornton
Cullom	Lorimer	Root	Townsend
Dillingham	McCumber	Smith, Mich.	Warren
du Pont	McLean	Smoot	Wetmore

NAYS—36.

Ashurst	Culberson	Johnston, Ala.	Pomerene
Bacon	Cummins	La Follette	Rayner
Bourne	Fletcher	Martin, Va.	Reed
Bristow	Gardner	Martine, N. J.	Shively
Bryan	Gore	Myers	Simmons
Chamberlain	Gronna	Nelson	Smith, Ga.
Chilton	Heyburn	Overman	Swanson
Clapp	Hitchcock	Percy	Tillman
Crawford	Johnson, Me.	Poindexter	Watson

NOT VOTING—34.

Bailey	Crane	Kern	Sanders
Bankhead	Curtis	Lea	Smith, Ariz.
Borah	Davis	Lippitt	Smith, Md.
Brandegee	Dixon	Newlands	Smith, S. C.
Briggs	Fall	O'Gorman	Stone
Brown	Foster	Owen	Williams
Burnham	Gamble	Paynter	Works
Clark, Wyo.	Guggenheim	Penrose	
Clarke, Ark.	Kenyon	Richardson	

So the amendment of the committee was rejected.

The VICE PRESIDENT. The question now is upon agreeing to the amendment on page 147, which the Secretary will state.

Mr. WARREN. I prefer to first take up the amendment on page 150.

The VICE PRESIDENT. Without objection, action will next be taken upon the amendment on page 150, which the Secretary will state.

The SECRETARY. On page 150, beginning at the top of the page, it is proposed to insert:

United States Commerce Court: For clerk, $4,000; deputy clerk, $2,500; marshal, $3,000; deputy marshal, $2,500; for rent of necessary quarters in Washington, D. C., and elsewhere, and furnishing same for the United States Commerce Court; for books, periodicals, stationery, printing, and binding; for pay of bailiffs and all other necessary employees at the seat of government and elsewhere, not otherwise specifically provided for, and for such other miscellaneous expenses as may be approved by the presiding judge, $50,000; in all, $62,000.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The VICE PRESIDENT. There is an amendment on page 147, which was passed over.

Mr. WARREN. Mr. President, I do not know whether exactly the same question is involved in the amendment on page 147, but I should like to have it read, so that Senators may consider it.

The VICE PRESIDENT. The Secretary will state the amendment on page 147.

Mr. OVERMAN. Mr. President, that presents a very important question as to whether or not the abolition of the Commerce Court abolishes the judges of that court. It seems that the House thought not, because they have provided here that no further circuit judges shall be appointed until their number shall be reduced to 29, and that thereafter there shall not be more than 29 circuit judges. My own opinion is that the adoption of the House provision as to abolishing the court abolishes the judges.

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. HEYBURN. Mr. President, I should like to make this suggestion to the Senator from North Carolina. These judges were not created as judges of the Commerce Court, but were created as judges of the United States circuit courts as then established.

Mr. OVERMAN. I know that is the question involved.

Mr. WARREN. The question now is whether we wish to reduce the number of circuit judges to 29 as fast as the present judges may die or retire.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 147, after line 10, it is proposed to strike out:

No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges.

Mr. CUMMINS. Mr. President, a part of that amendment I favor entirely, but there is a part of it that I do not quite understand. I ask the attention of the Senator from North Carolina. The law under which these judges were appointed reads as follows:

The President shall, by and with the advice and consent of the Senate, appoint five additional circuit judges no two of whom shall be from the same judicial circuit, who shall hold office during good behavior and who shall be from time to time designated and assigned by the Chief Justice of the United States for service in the circuit court for any district, or the circuit court of appeals for any circuit or in the Commerce Court.

These five judges are therefore assignable to any circuit by the Supreme Court of the United States.

Mr. OVERMAN. I am aware of that fact, but I want to say to the Senator——

Mr. CUMMINS. Therefore, unless we desire to relieve them of their offices—and I do not understand the House bill goes to that extent—it is perfectly clear that they would be assigned to the various circuits. What does the Senator from North Carolina think of the provision that thereafter—that is, after the whole number of circuit judges is reduced to 29—there shall not be more than 29 circuit judges?

Mr. OVERMAN. I do not agree to that at all.

Mr. CUMMINS. I hoped the Senator from North Carolina would not agree to that, because we do not know how many circuit judges we may require as the years go on.

Mr. OVERMAN. I do not agree to that; I agree with the Senator. I also think that there ought to be an amendment repealing the section of the law which makes judges of the Commerce Court circuit judges. I understood the Senator from Minnesota was going to offer an amendment which would repeal the provision of law creating the judges of the Commerce Court. I think the idea of the Senate is that these judges ought to be abolished as well as the court.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

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Mr. CLAPP. I had intended to introduce such an amendment. My own judgment is, however, that we had better adopt the House language in lines 11 and 12 down to the word "nine," in line 13. That prohibits the appointment of any more judges until the number is reduced to 29, and then we could strike out the House provision limiting the number of circuit judges to 29, and take up later the question of disposing of these five judges.

Mr. CUMMINS. So far as I am concerned I had it in mind to offer just that amendment, but I do not believe that we should say that thereafter there shall be no more than 29 circuit judges.

Mr. CRAWFORD. May I ask the Senator a question?

Mr. CUMMINS. Yes.

Mr. CRAWFORD. I may betray my ignorance in doing so, but how many circuit judges have we now?

Mr. CUMMINS. Thirty-four.

Mr. CRAWFORD. This, then, is a proposal to reduce the existing number from 34 to 29?

Mr. CUMMINS. It is.

Mr. CRAWFORD. How is such a thing as that to be done?

Mr. CLAPP. The Senator does not understand the question.

Mr. CUMMINS. If any circuit judge should die or resign, then it is intended to prevent the appointment of anyone in his place until the whole number is reduced to 29.

Mr. POINDEXTER. This whole number of 34 includes the judges of the Commerce Court.

Mr. CRAWFORD. The existing 34 includes the members of the Commerce Court?

Mr. CUMMINS. It does.

Mr. CRAWFORD. And we have abolished the court so that it leaves these judges to perform the duties of circuit judges under some assignment to the respective circuits; but I have not yet been able to quite understand the proposal to reduce the number of circuit judges from 34 to 29.

Mr. CUMMINS. I do not believe that the provision ought to be in the bill at all. We have 34 circuit judges now. If the Commerce Court is abolished, and if one of the circuit judges shall die or resign, then it is for Congress to determine whether we need another circuit judge. The 5 circuit judges who are upon the Commerce Court simply go out into the circuits and take up the general work of those courts.

Mr. WARREN. Will the Senator allow me?

Mr. CUMMINS. Yes.

Mr. WARREN. I understand that now the judges who are doing the work of the Commerce Court are assigned from time to time to aid in the circuits where the judges are overworked. I understand they have been to Arizona and to other States.

Mr. CUMMINS. I so understand.

Mr. WARREN. As I understand, we have 34 circuit judges, 5 of whom are on the Commerce Court, detailed to that court, and while they have been doing the work of the Commerce Court they have also been doing work under assignment in the circuits. It seems to me that this provision in the House bill is far too drastic, because it states that hereafter there shall not be more than 29 circuit judges. Of course, we can correct that by legislation; but is it necessary now to say that? That is the question.

Mr. CUMMINS. Obviously not; we ought not to say it.

Mr. WARREN. First, I think we ought to settle whether we want 34 circuit judges and whether there is need for the extra judges in the different circuits. In many of the circuits the work is piled up and the judges are far behind. That being determined, the question is whether you shall retain 34 circuit judges or gradually reduce the number to 29.

Mr. CRAWFORD. If we decide that we do not want the 34 and in a blanket declaration reduce the number to 29, who is going out? There are 34 circuit judges now.

Mr. CUMMINS. Answering the Senator from South Dakota, so far as I am concerned, I do not think any part of this provision ought to be in the bill.

Mr. WARREN. None of them go out of office, as I understand, until they die, resign, or retire; but as they retire the number is finally reduced to 29, if the House provision is to govern, because no other judges will be appointed in their place.

Mr. CRAWFORD. We can cross a river of that kind when we come to it.

Mr. WARREN. That is why I wanted this question considered and decided on an entirely different basis than that regarding the Commerce Court proper.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. I do.

Mr. POINDEXTER. I understand the view of the Senator from Iowa is that if these lines in the House bill should be omitted altogether the effect would be the same as though they were retained, so far as reducing the number of circuit judges is concerned?

Mr. CUMMINS. No. If the House provision in this respect is retained, when a vacancy occurs, either by death or resignation, we have a law that prohibits the President from appointing any person to fill that vacancy. If, on the other hand, the language of the House is not retained, upon the happening of that event it would be for Congress to determine whether the judicial force of the United States ought to be enlarged.

Mr. POINDEXTER. Would it not be the duty of the President to make the appointment without any action of Congress? If the vacancy occurs, he would make the appointment, and it would be sent to the Senate for confirmation.

Mr. CUMMINS. I do not think so.

Mr. HEYBURN. Suppose I read the law, if the Senator from Iowa will permit me.

Mr. CUMMINS. Very well.

Mr. HEYBURN. This law was enacted since the Commerce Court was created, and of course will take precedence. The provisions with reference to the circuit courts are definite. The judges are not appointed at large; the appointment must be to some circuit. None of the judges of the Commerce Court are accredited to any circuit. Since the enactment of the Commerce Court law we have enacted this law:

SEC. 116. There shall be nine judicial circuits of the United States, constituted as follows—

Then they are described.

SEC. 117. There shall be in each circuit a circuit court of appeals, which shall consist of three judges, of whom two shall constitute a quorum, and which shall be a court of record, with appellate jurisdiction, as hereinafter limited and established.

Section 18 provides:

There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges; in the fourth circuit, two circuit judges; and in each of the other circuits three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate.

That is all the circuit judges there can be under existing law.

Mr. CUMMINS. I do not understand the law quite that way, Mr. President.

Mr. HEYBURN. I have read it.

Mr. CUMMINS. I mean I do not give it the interpretation the Senator from Idaho does. We have 34 circuit judges actually in existence. If you will multiply 9 by 3 you have 27, and then if you will add the circuits that are entitled to 4 you will have 29, and you will still have 5 circuit judges unaccounted for, and they are the circuit judges who are now holding the Commerce Court.

Mr. HEYBURN. I will come to that in a moment.

Mr. SMITH of Georgia. Will not the Senator from Idaho speak a little louder; we can not hear him, and we are very much interested in our local circuits.

Mr. HEYBURN. Yes; I will.

Mr. CUMMINS. Mr. President, what would happen under the statement made by the Senator from Idaho—and his statement is absolutely correct—if a circuit judge in any circuit should die or resign? That circuit is entitled to three judges or four, as the case may be.

Mr. HEYBURN. They are fixed definitely.

Mr. CUMMINS. There are two or three circuits that have four judges.

Mr. LODGE. Three circuits have four judges.

Mr. CUMMINS. Thereupon one of the circuit judges now holding the Commerce Court could be assigned to that circuit, and it would still have the three judges that the law requires, or the four judges, as the case may be.

Mr. HEYBURN. I think not. Now, let us see. If the Senator will pardon me, I think we can straighten out this matter from a law subsequent to the act creating the Commerce Court.

This is a provision in the judiciary act—existing law:

There shall be a court of the United States, to be known as the Commerce Court, which shall be a court of record, and shall have a seal of such form and style as the court may prescribe. The said court shall be composed of five judges—

That is the Commerce Court. That is not a circuit court. We changed this somewhat in revising the judiciary act, so that it is not safe to take the act creating the Commerce Court as printed there.

Now let me read further:

The said court shall be composed of five judges, to be from time to time designated and assigned thereto by the Chief Justice of the United States, from among the circuit judges of the United States, for the period of five years—

That does not necessarily involve enlarging the number of circuit judges, because under that provision the circuit judges already designated, to whom I have called attention, would be drawn upon to constitute the court.

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sundry citizens of East Jordan, Mich., praying for the establishment of a parcel-post system, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Saginaw, Mich., praying for the enactment of legislation providing for the construction of one of the proposed new battleships in the Brooklyn Navy Yard, which was ordered to lie on the table.

He also presented a memorial of members of the Grand Traverse Lincoln Club, of Traverse City, Mich., remonstrating against the further diversion of the waters of Lake Michigan, which was referred to the Committee on Commerce.

He also presented a petition of sundry citizens of the State of Michigan, praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Allen and Quimby, in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Trades and Labor Council, of Grand Rapids, Mich., praying for the enactment of legislation to regulate the method of directing the work of Government employees, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (S. 5885) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits, etc.," reported it with amendments and submitted a report (No. 871) thereon.

Mr. SIMMONS, from the Committee on Commerce, to which was referred the bill (H. R. 22006) authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala., reported it without amendment and submitted a report (No. 872) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the joint resolution (S. J. Res. 114) directing the Secretary of the Interior to amend the patent issued to the State of Idaho for lands described herein, reported it with amendments and submitted a report (No. 874) thereon.

ELIZABETH B. PRESTON.

Mr. ASHURST. From the Committee on Pensions I report back favorably, with amendments, the bill (S. 5176) granting a pension to Elizabeth B. Preston, and I submit a report (No. 870) thereon.

Mr. SWANSON. I should like to ask for the immediate consideration of the bill.

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

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, in line 6, to strike out the word "Captain" and also the name "Ballard" and insert the initial "B."; before the word "Company," in line 7, to strike out "of" and insert the word "captain"; and in line 9, before the word "dollars," to strike out "fifty" and insert "twenty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Preston, widow of William B. Preston, late captain Company I, Forty-third Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of twenty dollars per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

ARMY APPROPRIATION BILL.

Mr. MARTINE of New Jersey. Mr. President, I desire to move a reconsideration of the vote by which the conference report on House bill 18956, the Army appropriation bill, was agreed to.

Mr. LODGE. Mr. President, I rise to a question of order on that motion.

The VICE PRESIDENT. The Senator will state it.

Mr. LODGE. The motion is made, and it is necessary under the circumstances to accompany it with a motion that the House be requested to return the papers.

The VICE PRESIDENT. The Senator from Massachusetts is correct.

Mr. LODGE. I make that motion, and pending it I make the point that there is no quorum present.

The VICE PRESIDENT. The question that no quorum is present is raised, and the Secretary will call the roll.

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

Ashurst	Cummins	Lodge	Smith, Ariz.
Bacon	Curtis	McCumber	Smith, Ga.
Bourne	Dillingham	McLean	Smith, Mich.
Bradley	du Pont	Martin, Va.	Smith, S. C.
Brandegee	Fletcher	Martine, N. J.	Smoot
Bristow	Foster	Myers	Stephenson
Brown	Gallinger	Nelson	Sutherland
Bryan	Gardner	Oliver	Swanson
Burnham	Gronna	Overman	Thornton
Burton	Guggenheim	Page	Tillman
Catron	Heyburn	Percy	Townsend
Chamberlain	Hitchcock	Perkins	Warren
Chilton	Johnson, Me.	Poindexter	Watson
Clapp	Johnston, Ala.	Pomerene	Wetmore
Crawford	Jones	Root	
Culberson	Kenyon	Shively	
Cullom	Lippitt	Simmons	

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. A quorum of the Senate is present. The Senator from New Jersey enters a motion to reconsider the vote by which the conference report on the Army appropriation bill was agreed to, which, under the rule, must be accompanied by a motion to request the House to return the papers to the Senate, the papers having passed from the possession of the Senate. The Chair thinks the motion should be one motion, as made by the Senator from New Jersey.

Mr. MARTINE of New Jersey. I accept the amendment.

The VICE PRESIDENT. No amendment is necessary. The question is upon agreeing to the motion to request the House of Representatives to return to the Senate the papers in the case. [Putting the question.] The "ayes" appear to have it.

Mr. WARREN. I ask for the yeas and nays.

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

Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. Not seeing him present, I withhold my vote.

Mr. BRYAN (when his name was called). I have a pair with the Senator from Wyoming [Mr. CLARK], and therefore withhold my vote.

Mr. BURNHAM (when his name was called). On this vote I am released from my general pair with the junior Senator from Maryland [Mr. SMITH], and am at liberty to vote. I vote "nay."

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS], but I have been informed by at least two Senators and by others who are acquainted with the views of the Senator from Nevada, that we would vote the same way on this question. I therefore vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE], and therefore withhold my vote.

Mr. GARDNER (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. CRANE]. He not being present, I withhold my vote.

Mr. CRAWFORD (when Mr. GAMBLE's name was called). My colleague [Mr. GAMBLE] is necessarily absent. I desire to announce that he has a general pair with the Senator from Oklahoma [Mr. OWEN]. If he were present, my colleague would vote "nay."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I refrain from voting.

Mr. McCUMBER (when his name was called). The senior Senator from Maryland [Mr. RAYNER] is necessarily absent, and requested me to pair with him upon this vote. If I were at liberty to vote, I should vote "nay," but I withhold my vote in conformity with the agreed pair.

Mr. POMERENE (when his name was called). On this matter I have a pair with the junior Senator from Tennessee [Mr. SANDERS]. Therefore I withhold my vote. If the Senator from Tennessee were present, I should vote "yea."

Mr. SMITH of Arizona (when his name was called). I am paired with the Senator from New Mexico [Mr. FALL], but I transfer that pair to the junior Senator from Indiana [Mr. KERN] and vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER], but on this vote the Senator from Maryland stands paired with the Senator from North Dakota [Mr. McCUMBER]. I therefore vote. I vote "yea."

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Mr. WATSON (when his name was called). On account of my general pair with the senior Senator from New Jersey [Mr. BRIGGS] I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. MARTINE of New Jersey (when the name of Mr. WILLIAMS was called). I desire to state that the Senator from Mississippi [Mr. WILLIAMS] is paired with the Senator from Pennsylvania [Mr. PENROSE].

The roll call was concluded.

Mr. CHILTON (after having voted in the affirmative). I inadvertently voted. I have a pair with the Senator from Delaware [Mr. RICHARDSON], and therefore I desire to withdraw my vote.

Mr. SHIVELY. I desire to state that my colleague [Mr. KERN] is absent on important business. He is paired on this vote with the junior Senator from New Mexico [Mr. FALL].

Mr. HEYBURN. I desire to announce my general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I therefore withhold my vote.

Mr. GARDNER. Mr. President, since my name was called I have been informed that the Senator from Massachusetts [Mr. CRANE], with whom I am paired, if present, would vote "yea." Therefore I feel at liberty to vote. I vote "yea."

Mr. GORE. My colleague [Mr. OWEN] is paired with the senior Senator from South Dakota [Mr. GAMBLE]. He is necessarily absent from the Senate.

Mr. GUGGENHEIM. I wish to advise the Senate that I voted with the consent of my general pair, the Senator from Kentucky [Mr. PAYNTER], who is absent.

Mr. BRADLEY. I am paired with the senior Senator from Missouri [Mr. STONE]. If he were present I should vote "yea." He being absent, I decline to vote.

The result was announced—yeas 28, nays 29, as follows:

YEAS—28.

Ashurst	Curtis	Kenyon	Reed
Bacon	Gardner	Lodge	Root
Bristow	Gore	Martine, N. J.	Smith, Ga.
Brown	Hitchcock	Nelson	Smoot
Burton	Johnson, Me.	Percy	Sutherland
Clapp	Johnston, Ala.	Perkins	Thornton
Cummins	Jones	Poindexter	Townsend

NAYS—29.

Bourne	du Pont	Oliver	Stephenson
Burnham	Fletcher	Overman	Swanson
Catron	Foster	Page	Tillman
Chamberlain	Gronna	Shively	Warren
Crawford	Guggenheim	Simmons	Wetmore
Culberson	Lorimer	Smith, Ariz.	
Cullom	Martin, Va.	Smith, Mich.	
Dillingham	Myers	Smith, S. C.	

NOT VOTING—37.

Bailey	Crane	Lippitt	Richardson
Bankhead	Davis	McCumber	Sanders
Borah	Dixon	McLean	Smith, Md.
Bradley	Fall	Newlands	Stone
Brandegee	Gallinger	O'Gorman	Watson
Briggs	Gamble	Owen	Williams
Bryan	Heyburn	Paynter	Works
Chilton	Kern	Penrose	
Clark, Wyo.	La Follette	Pomerene	
Clarke, Ark.	Lea	Rayner	

So the motion of Mr. MARTINE of New Jersey was rejected.

Mr. WARREN. Mr. President, I now ask that the Senate take up the legislative appropriation bill.

Mr. HEYBURN. Has the morning business been closed?

The VICE PRESIDENT. Morning business has not yet been closed.

Mr. WARREN. Then I will withhold the motion. I supposed that the morning business had closed.

INTERNATIONAL MARITIME CONFERENCE.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 299) proposing an international maritime conference, to report it with amendments, and I ask for its present consideration.

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

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Foreign Relations were, on page 1, line 3, after the enacting clause, to strike out "That the President of the United States be, and he hereby is, authorized and requested to ascertain the opinions of maritime nations upon the desirability of an international maritime conference, to meet at Washington on the invitation of the United States," and insert, "That the President be authorized to convey to maritime nations the desire of Congress that an international maritime conference be held, and that he be also authorized to appoint commissioners to represent the United States at any such conference, whether called by the United States or any other nation, the purpose of said conference being"; in line 15, after the word "appliances," to strike out "regulations concerning accommodations for steerage passengers and crews"; on page 2, line 5, after the word "navigation," to strike out "the establishment of a patrol system in the region of ice, or elsewhere, or of a system of convoys for ocean-going vessels, or of a relief station at Cape Race or elsewhere, or of" and insert "the establishment of"; and on page 2, after line 10, to strike out "SEC. 2. That the President is hereby further requested to communicate to Congress at the earliest possible time the substance of the replies of maritime nations, with his recommendations upon the desirability of calling an international maritime conference at Washington for the purposes named" and insert: "SEC. 2. That in case such international maritime conference shall be called by the United States or any other nation the sum of $10,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated for the expenses of the representatives of the United States at said conference," so as to make the joint resolution read:

Resolved, etc., That the President be authorized to convey to maritime nations the desire of Congress that an international maritime conference be held, and that he be also authorized to appoint commissioners to represent the United States at any such conference, whether called by the United States or any other nation, the purpose of said conference being to consider uniform laws and regulations for the greater security of life and property on merchant vessels at sea, including, if practicable, regulations to establish standards of efficiency of the officers and crews of merchant vessels and the manning of such vessels; regulations for the construction and inspection of hulls, boilers, and machinery; regulations for equipment of ocean steamers with radio apparatus, searchlights, submarine bells, lifeboats, and other life-saving and fire-extinguishing appliances; regulations concerning lights, sound signals, steering and sailing rules; regulations for an international system of reporting and disseminating information relating to aids and perils to navigation; the establishment of lane routes to be followed by trans-Atlantic steamers; and such other matters relating to the security of life and property at sea as may be proposed.

SEC. 2. That in case such international maritime conference shall be called by the United States or any other nation the sum of $10,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the expenses of the representatives of the United States at said conference.

The amendments were agreed to.

Mr. HEYBURN. Mr. President, I should like to inquire of the Senator presenting this report whether or not the action of this maritime conference would be submitted to the Congress of the United States for approval?

Mr. LODGE. It would have to be; there could be no agreement made without its submission to Congress.

Mr. HEYBURN. After the maritime conference have agreed upon a report?

Mr. LODGE. Absolutely.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

PERSONNEL OF THE NAVY AND MARINE CORPS.

Mr. JOHNSON of Maine. On behalf of the junior Senator from Louisiana [Mr. THORNTON] I report from the Committee on Naval Affairs the bill (S. 6453) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899, to report it with an amendment, and I submit a report (No. 873) thereon.

Mr. GALLINGER. Mr. President, I ask unanimous consent for the present consideration of the bill.

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

The Secretary read the bill.

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

Mr. WARREN. What is this bill, and how did it come up?

The VICE PRESIDENT. On a request for unanimous consent for its present consideration.

Mr. WARREN. I wish to say that while I shall not object to the consideration of this bill, I shall be compelled to object to bills taking the time that this bill has occupied in its reading until we can dispose of some of the appropriation bills.

The VICE PRESIDENT. Will the Senator from Maine give his attention for a moment? The Secretary advises the Chair that no amendment is indicated in the bill, although upon the outside of it the statement is written that it is reported with an amendment.

Mr. JOHNSON of Maine. The bill was given to me by the junior Senator from Louisiana [Mr. THORNTON].

The VICE PRESIDENT. The Chair so understood.

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belief of Republicans in protection is concerned, was never recognized by this side of the Chamber than the so-called reciprocal proposition with Canada. I hope that there will be no hesitation in standing firmly by the record made the other day by the Senate upon this proposition.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. I ask that the unfinished business be laid aside until the Senate has acted upon the motion to recede from the amendments of the Senate to the metal-schedule bill.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the unfinished business may be temporarily laid aside.

Mr. WARREN. I wish the Senator would extend his request so that we can finish the little work on the legislative appropriation bill, and if he does not wish to lay the unfinished business aside for the day that he will include that bill.

Mr. SIMMONS. I hope the Senator from Wyoming will not insist upon that. The Senator from Maine [Mr. JOHNSON] has been here expecting to speak on the chemical schedule bill—now, this is the third day.

Mr. WARREN. If the Senator from Maine is to be accommodated, I am perfectly willing that he shall make his speech on the appropriation bill, but I do not like to sidetrack that business.

Mr. SIMMONS. With that understanding I will agree to that suggestion.

Mr. WARREN. So that there will be no misunderstanding, I shall move, as soon as the matter of the Senate amendments to the metal bill is disposed of, to take up the legislative, executive, and judicial appropriation bill, and when it is up, if the Senator from Maine wishes to proceed, of course he has that right, and I shall not make a contest against it. But this is the ninth day we have had the appropriation bill before the Senate, and I submit to the Senator from North Carolina himself that good orderly business requires that we shall finish it.

Mr. SIMMONS. It is the ninth day, also, that we have yielded to the Senator to go on with the appropriation bill, when we were very anxious to proceed with the unfinished business.

Mr. WARREN. When the Senator says he has yielded it is true that he has done so, and very generously, but I might as well say that the time may come when the Senate will have to decide whether the appropriation bill shall have the right of way and can be displaced by other bills. I hope that time will not come, because——

Mr. SIMMONS. At the suggestion of the Senator from Maine, I will consent that after this vote is taken the Senator from Wyoming shall call up the appropriation bill, with the understanding that as soon as it is acted upon then I shall call up the unfinished business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

Mr. LODGE. Do I understand that this is a unanimous consent that we shall take up the tariff bill at the conclusion of the legislative, executive, and judicial appropriation bill?

The PRESIDING OFFICER. The understanding of the Chair is that the Senator from North Carolina has asked unanimous consent that the unfinished business may be temporarily laid aside, and he has had some understanding with the Senator from Wyoming that the Senator from Wyoming will then move to take up the legislative, executive, and judicial appropriation bill.

Mr. SIMMONS. I ask that the unfinished business be temporarily laid aside until the motion that is now before the Senate is disposed of and until action is had upon the legislative, executive, and judicial appropriaton bill.

The PRESIDING OFFICER. Is there objection to that request?

Mr. SMOOT. Would it be in order to ask unanimous consent to lay aside the unfinished business with a provision attached to it?

Mr. SIMMONS. I was asking unanimous consent that it be laid aside until certain things happened.

Mr. SMOOT. Then it will be open to act upon at any time.

Mr. SIMMONS. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina? The Chair hears none, and it is so ordered. The question is on the motion of the Senator from North Carolina that the Senate recede from its action in putting the reciprocity repeal amendments on the metal schedule bill. Is the Senate ready for the question? The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

The PRESIDING OFFICER (when Mr. BRANDEGEE's name was called). The Chair will state that he has a general pair with the junior Senator from New York [Mr. O'GORMAN], but will transfer that pair to his colleague, the Senator from Connecticut [Mr. MCLEAN], and will vote. I vote "nay."

Mr. BURNHAM (when his name was called). I have a general pair with the Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. WARREN (when the name of Mr. CLARK of Wyoming was called). My colleague [Mr. CLARK] is absent on business of the Senate, and he stands paired with the Senator from Missouri [Mr. STONE].

Mr. LODGE (when Mr. CRANE's name was called). My colleague [Mr. CRANE] is necessarily absent from the Senate. He is paired with the Senator from Maine [Mr. GARDNER]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS]. Were I at liberty to vote, I should vote "nay."

Mr. CRAWFORD (when Mr. GAMBLE's name was called). My colleague [Mr. GAMBLE] is necessarily absent. He has a general pair with the senior Senator from Oklahoma [Mr. OWEN]. If my colleague were present, he would vote "nay."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER] which I transfer to the junior Senator from Tennessee [Mr. SANDERS] and I will vote. I vote "nay."

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the junior Senator from Idaho [Mr. BORAH] and vote. I vote "nay."

Mr. LIPPITT (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. I vote "nay."

Mr. GORE (when Mr. OWEN's name was called). My colleague [Mr. OWEN] is necessarily absent from the Senate. He is paired, however, with the senior Senator from South Dakota [Mr. GAMBLE].

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] has a general pair with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "nay."

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP]. I would vote "yea" if I were not paired.

Mr. SMITH of South Carolina (when his name was called). I have a pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Louisiana [Mr. THORNTON] and vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER]. I transfer that pair so that he may stand paired with the Senator from New Mexico [Mr. FALL], and I vote "nay."

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from New Jersey [Mr. BRIGGS] to the junior Senator from Indiana [Mr. KERN] and vote. I vote "yea."

Mr. OVERMAN (when the name of Mr. WILLIAMS was called). I was requested to announce that the Senator from Mississippi [Mr. WILLIAMS] is paired with the senior Senator from Pennsylvania [Mr. PENROSE]. The Senator from Mississippi is necessarily absent.

The roll call was concluded.

Mr. CRAWFORD (after having voted in the negative). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], and he being absent I feel compelled to withdraw my vote.

Mr. JOHNSTON of Alabama. I wish to announce for the day that the Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON].

Mr. BURNHAM. I desire to transfer my pair to the junior Senator from Illinois [Mr. LORIMER], and I will vote. I vote "nay."

The result was announced—yeas 27, nays 33, as follows:

YEAS—27.

Ashurst	Gore	Overman	Smith, Ariz.
Bacon	Hitchcock	Percy	Smith, Ga.
Bryan	Johnson, Me.	Poindexter	Smith, S. C.
Chamberlain	Johnston, Ala.	Pomerene	Swanson
Chilton	Martin, Va.	Rayner	Tillman
Culberson	Martine, N. J.	Reed	Watson
Fletcher	Myers	Shively	

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NAYS—33.

Bourne	Cummins	Lippitt	Smoot
Bradley	Dillingham	Lodge	Stephenson
Brandegee	du Pont	McCumber	Sutherland
Bristow	Gallinger	Nelson	Townsend
Brown	Gronna	Oliver	Warren
Burnham	Guggenheim	Page	Wetmore
Burton	Heyburn	Perkins	
Catron	Jones	Root	
Cullom	Kenyon	Smith, Mich.	

NOT VOTING—34.

Bailey	Curtis	Lea	Sanders
Bankhead	Davis	Lorimer	Simmons
Borah	Dixon	McLean	Smith, Md.
Briggs	Fall	Newlands	Stone
Clapp	Foster	O'Gorman	Thornton
Clark, Wyo.	Gamble	Owen	Williams
Clarke, Ark.	Gardner	Paynter	Works
Crane	Kern	Penrose	
Crawford	La Follette	Richardson	

So Mr. SIMMONS's motion that the Senate recede from its amendments was rejected.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. LODGE] that the Senate insist on its amendments Nos. 3 and 4, disagreed to by the House, and request a conference with the House of Representatives on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. PENROSE, Mr. LODGE, and Mr. SIMMONS conferees on the part of the Senate.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to proceed with the consideration of House bill 24023, the legislative, executive, and judicial appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The VICE PRESIDENT. The pending question is on agreeing to the committee amendment on page 147.

Mr. CUMMINS. I understood the Senator from Minnesota [Mr. CLAPP] had offered an amendment striking out a certain part of the House text.

Mr. CLAPP. I had an amendment prepared, but the Senator from Georgia [Mr. SMITH] offered one last evening that I rather think is in better form.

Mr. SMITH of Georgia. And I have improved on that a little.

The VICE PRESIDENT. The Senator from Georgia offers an amendment which will be stated.

The SECRETARY. On page 147, amend line 7 by striking out "thirty-four" and inserting "twenty-nine"; amend line 10 by striking out "two hundred and seventy-two thousand five hundred" and inserting "two hundred and thirty-seven thousand five hundred"; amend by substituting for lines 11, 12, 13, and 14 the following:

The five additional circuit court judgeships provided for by the act of Congress approved June 18, 1910, are hereby abolished, and the authority in said act of Congress for the President, by and with the advice and consent of the Senate, to appoint five additional circuit judges is hereby repealed, and the number of circuit judges is hereby reduced to 29.

Mr. WARREN. I make the point of order against the amendment that it entirely changes existing law. These men are appointed for life or during good behavior, and hold their commissions and are in the service of the United States, under the law.

Mr. SMITH of Georgia. Mr. President, I want to be heard. That is the very issue that is involved.

Mr. WARREN. I withhold my point of order for the moment, so that the Senator from Georgia may proceed.

Mr. SMITH of Georgia. The proposed amendment of the committee strikes out lines 11, 12, 13, and 14 as found on page 147 of the bill. The bill as passed by the House provides that—

No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges.

I agree with the committee that that provision should be stricken out. It is based upon the idea that if a circuit court judge should die in any particular circuit, instead of the President appointing a new circuit court judge in that circuit one of these five judges is to be detailed to that circuit to do the work. I object to having one of these five judges detailed into our circuit. We have three good circuit court judges, and if a vacancy should arise we feel that we are entitled to have another circuit court judge appointed in that circuit from the bar of that circuit. Not one of these five men is from our circuit.

If the principle involved in the House provision is to prevail, then I think it would only be fair to limit its effect to the circuits from which these five men were appointed. If they desire to retain these men and reduce the number of circuit court judges as circuit court judges pass away, then the provision to be fair should be that in these circuits where the addition of these five men has increased the number no appointment shall be made until the number has been reduced to the normal number. But I do not think that these five men ought to be retained at all.

Mr. HEYBURN. Will the Senator permit me to say, in regard to the use of his language, they are not appointed to the circuits; they are appointed from them.

Mr. SMITH of Georgia. I understand.

Mr. HEYBURN. There is no law authorizing the appointments from the circuit.

Mr. SMITH of Georgia. I understand that they are appointed from the circuits, but if they are to be assigned to regular circuit court judge work, then I want them to stick to the circuits that they live in and in which their appointments are made.

But I submit there is no necessity for that. We have dispensed with the court. We agree with the House that there shall be no Commerce Court, and there is, therefore, no necessity for these five additional circuit court judges. The five additional positions were created, not for the benefit of the general work but for this particular court. Five additional positions were created by the act of 1910, which created the Commerce Court.

Now, as we abolish the court we do not need the five additional positions any longer, and it is perfectly legal to abolish those five positions.

The Supreme Court of the United States has held that no man appointed to an office has a vested right in his office. The legislative power can lessen the years of his office where there is no constitutional provision as to the time of the service. The legislative power can abolish the office. No vested right exists to draw the salary.

Congress, in 1910, created five additional positions, enlarging the number of circuit court judges to 34. It did it to provide for the detail of these five men to the Court of Commerce and for nothing else. We have abolished the Court of Commerce and there is no necessity for continuing the five positions.

The amendment which I have offered as a substitute for the House provision, agreeing with the committee that the House provision certainly ought to be disagreed to, simply provides that we shall repeal so much of the act of 1910 as created these five additional positions.

Mr. SUTHERLAND. Mr. President——

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

Mr. SMITH of Georgia. I do.

Mr. SUTHERLAND. I should like to ask the Senator from Georgia a question: The Supreme Court of the United States now consists of nine judges. It would be within the competence of Congress to provide that hereafter the Supreme Court of the United States shall consist of seven judges, but does the Senator from Georgia think that, in connection with that provision, we could abolish the last two Supreme Court judgeships and thereby legislate those two judges out of office?

Mr. SMITH of Georgia. I will reply to the Senator by asking him a question: If we reduced the court to seven, could more than seven sit?

Mr. SUTHERLAND. No; but my position is, as implied by my question, that while we might reduce the number of the Supreme Court hereafter to seven members, we could not abolish the office of any one of those nine judges.

Mr. SMITH of Georgia. I am not prepared to say whether we could or could not. The Supreme Court stands upon a somewhat different position from the circuit courts, as it is undoubtedly a court provided for by the Constitution.

Mr. SUTHERLAND. Well, Mr. President, that is true, but only as respects the provision of the Constitution that there shall be a Supreme Court. There is no provision of the Constitution as to number.

Mr. SMITH of Georgia. I will say to the Senator that my impression is that we could reduce the number, and, having abolished the places, that they would no longer hold their offices and no longer draw salaries. I do not express a fixed opinion upon it, but that is my impression about it. I do not see why it should not be the law.

Mr. OVERMAN. Mr. President, may I ask the Senator a question? Suppose we did reduce the number from nine to seven, could we not withhold the appropriation from them if we desired to do so?

Mr. SUTHERLAND. Perhaps we have the physical power to do it; but we certainly have no right to do it under the

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It seems to me, Mr. President, that this increase has not been estimated for, and that it comes directly under the terms of Rule XVI.

Mr. McCUMBER. Does the Senator claim that the amendment which has just been agreed to was referred to the committee one day before it was considered?

Mr. GALLINGER. That was determined upon an entirely different proposition—that it conformed to existing law, and hence was an exceptional case under the rule.

Mr. McCUMBER. Mr. President, that is a distinction without a difference.

Mr. OVERMAN. Mr. President, this is an increase of an estimate. The total amount estimated was $162,000. This amendment proposes to increase the estimate from $162,000 to about $170,000.

Mr. McCUMBER. Let me ask the Senator if he claims that the committee has authority with reference to increases that the Senate itself has not?

Mr. OVERMAN. The Senate has made certain rules of order here by which the Chair is to be governed.

Mr. McCUMBER. The Senate has made no rule that gives any committee created by the Senate a power greater than the Senate itself has. If there is such a rule, I should like to have the Senator point it out to me. If the creature of the Senate has under any rule a power greater than the power the Senate has with reference to an amendment, I certainly should like to see it.

Mr. OVERMAN. The Senate has made certain rules to govern the Senate and to govern the committee. The committee has been governed as far as it knew how by the rules of the Senate. Rule XVI is to govern the Senate, and the point of order is made and is submitted to the President of the Senate to rule upon under the rule that the Senate has made.

Mr. McCUMBER. Then, Mr. President, so we may not misunderstand each other, and so it may stand as a precedent in future cases, the position is that if there is an estimate made by the department for one captain at $1,800, and the committee acts upon that estimate and adopts it, there is no such thing permissible as an amendment of it in the Senate——

Mr. GALLINGER. Except by unanimous consent.

Mr. McCUMBER (continuing). That the Senate can not raise the amount? If we are to have that as a precedent, I want to know that it is a precedent which we can call up at any time, and interpose it against any amendment raising any salary by one cent unless it has been acted upon by the committee and the committee itself has changed it.

Mr. WARREN. Oh, no, Mr. President; any standing committee of the Senate can recommend an increase, and that makes it in order.

Mr. McCUMBER. But the Senate can not recommend an increase?

Mr. WARREN. A Senator may rise in his place and propose it, but if a point of order is made the rule certainly covers the case, and always has covered it. To make it in order there must be either an estimate or a favorable report from some committee, either the Committee on Appropriations or some other standing committee. Otherwise the appropriation may not be increased.

Mr. McCUMBER. The Senator does not seem to understand my proposition. The difference between us is this: I insist that if there has been an estimate made, that opens the matter for discussion and amendment. If there has been no estimate made, of course I will agree that the rule applies. But we are not bound by the figures of the estimate; and once having the estimate made by a department and brought in by the committee, I insist that there is no standing rule of the Senate, when properly construed, under which the amount is sacred, and we can not change it. If there is, let us have it and follow it hereafter.

Mr. WILLIAMS. Mr. President, some time ago I gave notice that I would hand the Secretary an amendment. I want to hand it to him now, and ask that it be published in the RECORD for information.

The PRESIDENT pro tempore. Without objection, it will be so ordered. The point of order made is that this increase has not been estimated for. The general rule is that no amendment——

Mr. WILLIAMS. Mr. President, one moment; I give notice that I want to call up that amendment to-morrow, when we get back to the consideration of the bill. For the information of the Senator from Wyoming, I wish to say that this is the amendment he asked me to have prepared and put in the RECORD.

Mr. WARREN. I hope the Senator will not talk about "to-morrow," because we may not have the bill under consideration to-morrow. I should like to finish it to-night.

The PRESIDENT pro tempore. Senators will please postpone——

Mr. WILLIAMS. Then, Mr. President, I fail to understand the object of the request of the Senator from Wyoming.

The PRESIDENT pro tempore. The Chair was proceeding to rule——

Mr. WILLIAMS. The Senator from Wyoming asked me to have the amendment prepared and put it in the RECORD so that Senators could read it. I do not see how we can read it in the RECORD to-day.

The PRESIDENT pro tempore. The Chair was proceeding to rule upon the point of order.

The point of order made was that the amendment offered by the Senator from North Dakota had not been estimated for, and therefore was out of order.

Mr. WARREN. Mr. President, the Chair says that is the point of order. I did not so understand it. That was only one branch of it. What becomes of the balance of Rule XVI?

The PRESIDENT pro tempore. Will the Senator permit the Chair to proceed with the ruling? Then, if there is any other point, the Chair will be glad to hear it stated.

Mr. WARREN. I myself made the point under the whole rule. Perhaps I am not in order, though, if the other point has been made.

The PRESIDENT pro tempore. The Senator from Wyoming will please state his point of order.

Mr. WARREN. The point of order is that it has not been estimated for and that it increases the amount of an appropriation without having had the indorsement of any standing committee. The reading of Rule XVI will advise the Chair of the situation:

> No amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law or treaty stipulation,

And so forth.

The PRESIDENT pro tempore. The Chair was proceeding to rule upon that very point.

The general rule is this:

> No amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless—

Then follow certain exceptions. One of the exceptions is:

> Unless * * * proposed in pursuance of an estimate of the head of some one of the departments.

The Senator from North Dakota contends that the estimate for the number of policemen would comply with that requirement of the rule.

In the opinion of the Chair, the words "proposed in pursuance of an estimate of the head of some one of the departments" refer to an estimate for that increase; and therefore, unless the increase has been estimated for, that the amendment is not in order.

Mr. BURTON. Mr. President, I desire to call up an amendment submitted on the 28th of May.

The PRESIDENT pro tempore. The Senator from Ohio proposes an amendment, which the Secretary will report.

The SECRETARY. On page 136, line 13, immediately after the figures "$2,500," insert the words—

> Chief of Division of Compilation, $2,000.

Mr. BURTON. Mr. President, this is in pursuance of a letter of the Secretary of Commerce and Labor which gives this list, and states:

> The House bill does not provide for this position, although there is a chief of division (of compilation), at $2,000, now in the Bureau of Statistics. It will be still necessary to maintain this division without in any degree lessening its responsibilities or duties.

Mr. WARREN. I understand that to be within the estimate.

Mr. BURTON. It is.

Mr. WARREN. Will the Senator send the letter to the desk?

Mr. BURTON. I will send the letter to the desk. It is somewhat voluminous, however.

Mr. WARREN. I mean, just the point to which the Senator has referred.

Mr. BURTON. It is upon pages 5 and 6. That is, it is in the estimate as transmitted in this letter. I will suggest that perhaps I had better read the portion referred to, as the letter contains other unrelated recommendations.

The Secretary of Commerce and Labor, as a substitute for the provision as it came from the House, gives an enumeration of the positions in the proposed Bureau of Foreign and Domestic Commerce:

> Chief of bureau, $5,000—

That is carried here at $4,000—

> assistant chief of bureau; stenographer to chief of bureau; chief clerk; chief statistician; chief, Division of Consular Reports; chief, Division of Compilation.

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Then the letter gives the list of clerks.

I presume it is unnecessary for me to repeat his statement, which I have already read, to the effect that this position is necessary under the reorganization as well as under the old plan. This amendment is also in pursuance of existing law, as the position has existed for, I think, 10 years or more.

Mr. McCUMBER. Mr. President, I raise a point of order against this amendment and cite the rule just cited by the Chair, that—

No amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill—

This increases the appropriation already contained in the bill—

or to add a new item of appropriation—

This adds a new item of appropriation—

unless it be made to carry out the provisions of some existing law or treaty stipulation.

This is not to carry out the provisions of an existing law any more than the amendment which I proposed a short time ago was to carry out the provisions of an existing law. Also because the same has not been moved by direction of a standing or select committee of the Senate or proposed in pursuance of an estimate of the head of some one of the departments.

Mr. BURTON. I think if the Senator from North Dakota will carefully examine the exceptions he will find that there are two exceptions very distinctly stated, either of which makes this amendment germane. In the first place, it is in pursuance of existing law, being a position of long standing and an integral part of the Bureau of Statistics. I will read the exceptions from the rule:

Unless it be made to carry out the provisions of some existing law—

As I have said, there is an existing law for this position. It has been in existence for 10 years as an essential part of the Bureau of Statistics. Then, passing by others not applicable—

or treaty stipulation, or act, or resolution previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate—

We come to another exception which clearly justifies this amendment—

or proposed in pursuance of an estimate of the head of some one of the departments.

Here is an estimate of the head of the Department of Commerce and Labor and a statement clearly setting forth his position in reference to it:

The House bill does not provide for this provision, although there is a chief of division (of compilation) at $2,000 now in the Bureau of Statistics. It will be still necessary to maintain this division without in any degree lessening its responsibilities or duties.

The PRESIDENT pro tempore. The Chair is not in a position to pass on the question of fact raised. The Chair knows nothing as to whether an estimate has been made or not. The Chair would be very glad to hear from the chairman of the Committee on Appropriations.

Mr. WARREN. I will say, in order to inform the Chair, that in the original estimate which precedes the law a chief was estimated for without giving the title of bureau or division, and we did not include it. The only difference is that the amendment now offered names the place the chief is to have. Therefore, so far as the estimate is concerned, it is true that it was estimated for. It is also true that in the combination made in this Bureau of Domestic and Foreign Commerce there has been quite an uncertainty as to how the Department of State and the Department of Commerce and Labor were affected. In amalgamating them, one depended upon another. It seemed to the subcommittee, and later to the full committee, that in getting it together they missed this one place, which we thought was not necessary at the time. The letter explains the situation.

The PRESIDENT pro tempore. Upon the assumption that the expenditure had been estimated for, the Chair will overrule the point of order.

Mr. OVERMAN. Mr. President, I wish to say as to the merits of the case that, so far as I am concerned, it was understood when these great departments were consolidated that there would be some money saved to the Government by the consolidation. I thought they had enough clerks, and I shall vote against this amendment. I do not see any reason for a consolidation if we are going to put all the old clerks back. Here are three departments consolidated into one department. It seemed to me that the compilation might be done by fourth-class clerks who get $2,000 each.

Mr. BURTON. On that point I will state that there is not an unusual number of chiefs here. There are two assistant chiefs. There is a very large amount of labor. This man has had 10 subordinates under him for a number of years, and the officials of the bureau state that the position is still necessary for the performance of efficient work.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Ohio. [Putting the question.] The noes appear to have it.

Mr. BURTON. I call for a division upon the question.

The PRESIDENT pro tempore. A division is demanded. [After a pause.] No quorum has voted. What is the pleasure of the Senate?

Mr. GALLINGER. Let us have the yeas and nays.

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

Mr. CULLOM (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CHILTON].

Mr. HEYBURN (when his name was called). I have a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the junior Senator from Idaho [Mr. BORAH] and vote. I vote "yea."

Mr. JOHNSON of Maine (when his name was called). I am paired with the senior Senator from New York [Mr. ROOT], and I withhold my vote.

Mr. GALLINGER (when Mr. SANDERS's name was called). I was requested to announce that the junior Senator from Tennessee [Mr. SANDERS] is paired with the junior Senator from Indiana [Mr. KERN].

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague [Mr. SMITH] is absent on important business. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON], and in his absence I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. SUTHERLAND (when his name was called). Has the Senator from Maryland [Mr. RAYNER] voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. SUTHERLAND. I have a pair with that Senator, and I withhold my vote.

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to my colleague [Mr. PERCY] and vote. I vote "nay."

The roll call was concluded.

Mr. CULLOM. I transfer my pair with the junior Senator from West Virginia [Mr. CHILTON] to the senior Senator from Minnesota [Mr. NELSON], and vote "yea."

Mr. CURTIS. I am paired with the Senator from Nevada [Mr. NEWLANDS], and therefore withhold my vote.

Mr. PAYNTER. I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM], who is absent from the Chamber, and I therefore withhold my vote.

Mr. SMITH of South Carolina. I transfer my pair with the junior Senator from Delaware [Mr. RICHARDSON] to the junior Senator from Louisiana [Mr. THORNTON] and vote. I vote "nay."

Mr. CURTIS. I transfer my pair with the Senator from Nevada [Mr. NEWLANDS] to the Senator from Nebraska [Mr. BROWN] and vote "yea."

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. He has not voted, and I desire to withdraw my vote.

Mr. SUTHERLAND. I will transfer my pair with the Senator from Maryland [Mr. RAYNER] to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. BURNHAM. I will inquire if the junior Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. BURNHAM. I have a general pair with that Senator, and therefore withhold my vote.

Mr. CHAMBERLAIN. If there is doubt about a quorum I will transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the Senator from Maryland [Mr. SMITH], and this will permit the Senator from New Hampshire [Mr. BURNHAM] to vote. I will let my vote stand.

Mr. BURNHAM. Under the transfer of pairs just announced, I vote "yea."

The result was announced—yeas 30, nays, 20, as follows:

YEAS—30.

Bourne	Cullom	Heyburn	Stephenson
Bradley	Cummins	Jones	Sutherland
Briggs	Curtis	Lodge	Townsend
Burnham	Dillingham	McLean	Warren
Burton	du Pont	Page	Watson
Catron	Fletcher	Perkins	Wetmore
Clapp	Gallinger	Pomerene	
Crawford	Gore	Smoot	

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NAYS—20.

Ashurst	Clarke, Ark.	Martine, N. J.	Smith, Ga.
Bacon	Culberson	Myers	Smith, S. C.
Bristow	Johnston, Ala.	Overman	Swanson
Bryan	McCumber	Shively	Tillman
Chamberlain	Martin, Va.	Simmons	Williams

NOT VOTING—44.

Bailey	Foster	Lippitt	Rayner
Bankhead	Gamble	Lorimer	Reed
Borah	Gardner	Nelson	Richardson
Brandegee	Gronna	Newlands	Root
Brown	Guggenheim	O'Gorman	Sanders
Chilton	Hitchcock	Oliver	Smith, Ariz.
Clark, Wyo.	Johnson, Me.	Owen	Smith, Md.
Crane	Kenyon	Paynter	Smith, Mich.
Davis	Kern	Penrose	Stone
Dixon	La Follette	Percy	Thornton
Fall	Lea	Poindexter	Works

So Mr. BURTON'S amendment was agreed to.

Mr. WILLIAMS. I sent an amendment to the desk. I ask that the amendment be published in the RECORD, and that we agree to take a vote upon it to-morrow morning when the bill is called up. I do not care to discuss it, but I should like to give Members of the Senate an opportunity to read the amendment and compare it with the House provisions and with the Senate amendment. I call up the amendment for the purpose of making that request.

Mr. WARREN. I did not catch the drift of the Senator's remarks. What was his request?

Mr. WILLIAMS. I requested that the amendment be published in the RECORD, and that we take a vote upon it to-morrow morning without any further discussion. I do not care to discuss it, but I want to give every Member of the Senate an opportunity to read it and compare it with the House provision and with the Senate amendment.

Mr. WARREN. Does not the Senator think that if it were read the Senate would then be ready to vote on it to-night?

Mr. WILLIAMS. I doubt it, unless every Senator had the bill in his hand to follow it. It is a rather far-reaching amendment.

Mr. WARREN. The Senator knows in what anxiety we are to try to finish this appropriation bill. The Senator from North Carolina [Mr. SIMMONS] is shaking his gory locks at me now regarding the unfinished business.

Mr. WILLIAMS. There is nothing in my request which interferes with that.

Mr. CUMMINS. I ask the Senator from Wyoming whether he proposes to make a point of order against the amendment submitted by the Senator from Mississippi?

Mr. WILLIAMS. No point of order would lie.

Mr. CUMMINS. If he does, it seems to me it might well be made now. I do not know whether he intends to do it, but from the general trend of his suggestions heretofore I believe that he would be of the opinion that it is subject to a point of order.

Mr. WARREN. I understand the amendment is not in order now, and will not be in order until we get into the Senate. It is not in order as in Committee of the Whole, because we have already adopted the amendments in the bill, and if in order at all it comes up in the Senate. Of course the amendment seeks to become a substitute——

Mr. WILLIAMS. It seeks to amend the Senate amendment.

Mr. WARREN. It is, in other words, a substitute for both the House provision and the Senate committee amendment.

Mr. WILLIAMS. But it is an amendment of the Senate to the House provision, and it is not subject to a point of order at all.

Mr. WARREN. It would be most desperately out of order were it not for what is already in the bill. I do not feel, with what we have in the bill, as if I should want to make a point of order against it, although when we come to act upon it it may seem to me to be subject to a point of order.

Mr. CUMMINS. I did not want to suggest to the Senator from Wyoming that he could make a point of order, and I certainly do not wish to make one, but if one is to be made it might well be made now, because if we enter upon the debate of the entire civil service, what it has done and what we hope for it, it may take quite a while.

Mr. WARREN. The amendment is not offered yet.

Mr. WILLIAMS. Mr. President, I certainly hope that the Senator from Iowa will at least read the amendment before he repeats his last observation. It not only does not repeal the entire civil-service system, but it does not repeal a bit of it, except——

Mr. CUMMINS. I heard the very eloquent address of the Senator from Mississippi, and I assume that everything which he said in that address is pertinent to the amendment which he offers. His address covered the whole scope of the civil service. It covered the issue as between appointments during efficiency and appointments during a term. It covered the question of the contributory pension system, the civil-service pension system, and everything else that could possibly enter into one's consideration of the civil service, and the manner of appointment and the manner of dismissal. I could not, with my view of the matter, allow it to pass without some discussion.

Mr. WILLIAMS. That is the very reason why I have made the request.

Mr. CULLOM. If the amendment is going to be discussed let it be read.

Mr. WILLIAMS. The amendment does not in the slightest degree weaken or hurt the civil-service system. On the contrary, it strengthens it. The only thing it is intended to do is to remove from the future the deadened lumber in the way of an accumulation of superannuation which year by year takes place.

It may be true that while I was discussing the question I discussed everything as far as I could cognate to it, everything that it might affect, everything that it might help or hurt, but the amendment speaks for itself. The amendment is intended to coalesce and harmonize the existing nonpartisan and nonpolitical public service with a fixed tenure of office, so that there shall not be an accumulation of superannuation from year to year. That is all it does. There is nothing that has anything to do with entrance into the civil service; it is just as it is now. There is nothing in it that prevents reappointment, except a provision that where a civil-service employee falls below the minimum rate to be fixed by the Civil Service Commission he shall go out at the end of five years; that is all.

Mr. GALLINGER. Will the Senator yield to me?

Mr. WILLIAMS. Certainly.

Mr. GALLINGER. I will ask the Senator if I understood him correctly to say that if the amendment should be printed in the RECORD and go over until morning he is willing that a vote shall be taken upon it without further debate?

Mr. WILLIAMS. Without further debate as far as I am concerned. I do not desire to debate it. All I want is to give Senators an opportunity to read it and compare it with the bill.

Mr. GALLINGER. I am quite sure the chairman will agree to that.

Mr. WILLIAMS. I do not think Senators can do that now, because most of them have not the bill before them. Talking about it is one thing and taking it and comparing it with the bill is another.

Mr. CUMMINS. I have not seen the amendment. All I know is through the address of the Senator from Mississippi. I am not ready to agree that we shall take a vote upon it without debate.

Mr. SMOOT. Let the amendment be read.

Mr. CLAPP. I suggest that the whole situation be cleared up by taking the vote Saturday morning, and then to-morrow morning bringing in the bill the Senator from North Carolina [Mr. SIMMONS] has in charge. That would harmonize with his desires.

Mr. SIMMONS. That would be very satisfactory.

Mr. WILLIAMS. How will that do?

Mr. GALLINGER. I suggest to the Senator from Mississippi, if he pleases, that he let the proposed amendment be now read. It will then go in the RECORD, and the matter as to when the vote shall be taken will be determined later.

Mr. WILLIAMS. Then I ask for the reading of the amendment, Mr. President.

Mr. SIMMONS. If I can get the attention of the Senator from Mississippi for a minute I desire to say I had hoped very much that we might be able to finish the appropriation bill this afternoon. I have no sort of objection to the Senator's request provided it is coupled with the condition that if the bill is not disposed of this afternoon and the amendment is to be submitted for consideration to-morrow——

Mr. WILLIAMS. I do not understand that my request could possibly conflict with the chemical tariff bill. That is what the Senator is talking about. That will come up to-morrow if my request is granted. It certainly would not take 20 minutes to call the roll of the Senate and vote on the bill.

Mr. SIMMONS. As the Senator from Iowa says he can not give consent to an agreement that there shall be no debate on the amendment to-morrow, my suggestion is that if possible we finish the bill this afternoon; and if we fail to finish the bill this afternoon then let the Senator's amendment be printed in the RECORD.

Mr. WILLIAMS. I am not willing to agree that an amendment of this magnitude, without any opportunity on the part of Senators to read it and compare it with the provisions of existing law, should be voted upon this afternoon. So far as I am concerned I am willing to make any agreement that will

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give Senators an opportunity to read the amendment and compare it with existing law, compare it with the House provision, compare it with the Senate amendment, and take a vote upon it.

Mr. WARREN. I suggest that the amendment is not pertinent until we get out of the Committee of the Whole and in the Senate. I understand we are still in Committee of the Whole and the bill is still subject to amendment. If the Chair will ask if there are further amendments in Committee of the Whole, and if there are none, and we go into the Senate, then the amendment will be pertinent.

Mr. WILLIAMS. Let me get the situation. As the Senator knows, I was absent yesterday. Were the Senate amendments on pages 152 and 153 adopted yesterday?

Mr. WARREN. One was adopted yesterday and one was adopted to-day.

Mr. WILLIAMS. When was one adopted to-day? It was not adopted while I was here.

Mr. WARREN. I think it was adopted while the Senator was here.

Mr. WILLIAMS. No; it was not, for I was watching it very closely. I did not hear it. I had an amendment pending to it. I do not see how it came to be adopted.

Mr. CUMMINS. I think the Senator from Mississippi probably refers to sections 4 and 5 of the House bill. The amendments proposed by the committee striking those sections out were agreed to yesterday.

Mr. WILLIAMS. But the Senate amendment, as a substitute for them, was not offered and never has been, if I understand it.

Mr. CUMMINS. The amendment was agreed to to-day, as I understand it.

Mr. WARREN. The Senator from Mississippi loses nothing by that course, because the amendment to which we agreed yesterday, as well as the other, made his amendment not in order until we get into the Senate.

Mr. WILLIAMS. No; I have no objection to the modus operandi at all. I merely want to know that there will be some modus; that is all.

The PRESIDENT pro tempore. The reading of the amendment has been called for. Without objection, it will be read.

Mr. WILLIAMS. I suggest the reading of the amendment.

Mr. GALLINGER. Let the proposed amendment be read for information.

The SECRETARY. In the bill as printed it is proposed by the Senate to strike out from the House text section 5 as printed on pages 152 and 153. The Senator from Mississippi now proposes to perfect the portion of the bill proposed to be stricken out. In the first place, on the top of page 153, beginning with the word "and," line 1, strike out down to the word "*Provided*," in line 7. Then after the word "shall," in line 8, page 153, there be inserted these words: "except as hereinafter prescribed"; that in line 12, page 153, the word "fair" be stricken out, and that after the word "efficiency," in line 12, page 153, these words be inserted: "prescribed by the Civil Service Commission," so that the provision as amended will read as follows:

SEC. 5. That on and after July 1, 1913, all appointments to positions in the classified service of the executive departments within the District of Columbia provided for at annual rates of compensation shall be made, after the probationary period of six months shall have expired, for terms of five years each; at the expiration of each such appointment the employment of each person so appointed shall cease and determine: *Provided*, That all persons separated hereunder from the classified service shall, except as hereinafter prescribed, be eligible for and may, in the discretion of the head of the executive department, be reappointed without examination for additional periods of five years, if at the time of such reappointment they shall be up to a standard of efficiency prescribed by the Civil Service Commission and capable of rendering a full measure of service in return for the salary of the place to which they may be appointed: *Provided further*, That in reducing the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped: *And provided further*, That nothing herein shall be construed to prevent the head of any department from removing at any time for good and sufficient cause any employee of his department.

Mr. WILLIAMS also moves that in the Senate committee amendment, after the word "promoted," on line 5, page 154, there be inserted these words, "or reappointed at the end of his five years' service," and on line 6 strike out the words "below which no employee may fall without being demoted," and insert, after the word "rating," on line 6, this language, "and any employee having this rating shall be reappointed to a place in the service, unless on charges made he shall be deemed in character unfit," so that the amendment shall read as follows:

SEC. 6. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted or reappointed at the end of his five years' service; it shall also provide a maximum rating, and any employee having this rating shall be reappointed to a place in the service, unless on charges made he shall be deemed in character unfit; it shall further provide for a maximum rating, below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section.

During the reading of the amendment,

Mr. WILLIAMS. Wait one moment. That is a mistake of the committee. It should be "minimum rating" there, evidently.

The SECRETARY. It is proposed to change the word "maximum" to "minimum."

Mr. WARREN. Both of those words are used in the original amendment, and properly used, I think.

Mr. WILLIAMS. Yes; I understand; but in that case, if the Senator will pardon me, it is evidently a misprint. The provision reads:

It shall further provide for a maximum rating below which no employee may fall without being dismissed for inefficiency.

Mr. WARREN. That is right.

Mr. WILLIAMS. Of course it means a minimum rating.

Mr. WARREN. I beg pardon, it does not. It means just what it says. Employees must attain that maximum rating or they are to be demoted.

Mr. WILLIAMS. Oh, yes; I understand.

Mr. JONES. I offer an amendment, in line 21, on page 68, after the word "other," to insert "clerks and."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WARREN. Wait a moment. I want to know where that amendment is proposed to be inserted.

Mr. OVERMAN. On page 68, line 21.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington [Mr. JONES] will be stated.

The SECRETARY. On page 68, line 21, after the word "other," it is proposed to insert the words "clerks and," so that if amended it will read:

For wages of workmen and other clerks and employees, $22,000.

Mr. GALLINGER. The word "other" ought to go out.

Mr. JONES. I will say, Mr. President——

Mr. WARREN. I have not yet located the amendment.

Mr. JONES. It is on page 68, line 21.

Mr. WARREN. It now reads:

For wages of workmen and other employees, $22,000.

Mr. JONES. Yes. I propose to make it read "other clerks and employees." The purpose of that, Mr. President, is simply this——

Mr. WARREN. Does the Senator propose to increase the amount of the appropriation?

Mr. JONES. Not at all.

Mr. WARREN. Then I have no objection to the amendment.

Mr. JONES. It is merely to meet an emergency which may require the use of extra help for a little time. I am not proposing to increase the appropriation at all.

Mr. GALLINGER. I suggest that the word "other" ought to go out, so that it will read:

For wages of workmen, clerks, and employees.

Mr. JONES. I follow the language that was in the last law.

Mr. GALLINGER. The word "other" ought to go out.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Hampshire to the amendment proposed by the Senator from Washington will be stated.

The SECRETARY. In the amendment just proposed, before the word "clerks," it is proposed to strike out the word "other," so as to read:

For wages of workmen and clerks and employees, $22,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. JONES. I desire to offer another amendment, to come in on page 93, line 5, which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 93, line 5, after the sum "$2,000," it is proposed to insert "who may act as or be appointed director," so that if amended it will read:

Nautical Almanac Office: For assistants in preparing for publication the American Ephemeris and Nautical Almanac, namely, one at $2,000, who may act as or be appointed director.

The amendment was agreed to.

Mr. JONES. I offer another amendment on page 93, to strike out lines 9, 10, and 11.

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Mr. HEYBURN. We have had hearings before the Committee on Railroads of the Senate involving this question, and it is one of such importance that the reservation ought to be inserted. It can do no harm.

Mr. CUMMINS. Of course I want to meet the views of the Senator from Idaho if I can, but I put this question to him: Suppose the Union Pacific Railroad Co. had executed a conveyance of land that it had a right to sell and afterwards it attempted to repudiate that conveyance, and on behalf of the right of the grantee of the conveyance Congress sought to validate it, the Senator from Idaho would not contend that to such a bill there should be attached the condition or proviso he has mentioned, because the subjects are so widely separated it would seem a reflection upon our knowledge of the whole matter to put such a proviso in this bill.

Mr. HEYBURN. I will give the Senator some light on that subject. It has been one of the attempted defenses in more than one case that Congress has recognized those transfers by reciting in legislation or basing legislation upon the assumption that the railway company was successor to the railroad company. The Northern Pacific, the Union Pacific, the Oregon Railroad & Navigation, and I could name a number of them, under this pretended reorganization merely changed the name from "railroad" to "railway." It involves millions and millions of dollars of unsettled questions in the courts, and it can certainly militate nothing against the purpose the Senator has in view to make that provision.

Mr. CUMMINS. Will the Senator from Idaho write out the amendment, because I am unfamiliar with the subject he is talking about?

Mr. HEYBURN. I did not anticipate that the bill was coming up today. I am quite familiar with the subject. I will propose an amendment.

Mr. LODGE. While the Senator is preparing his amendment——

Mr. HEYBURN. I was going to state the amendment.

Mr. LODGE. I beg pardon.

Mr. HEYBURN. I will move to amend by inserting at the end of the substitute the words:

Provided, That nothing herein contained shall be taken or construed to be a recognition of any right in the Union Pacific Railway Co. as successor in interest to the Union Pacific Railroad Co.

Mr. CUMMINS. In so far as I can, I will accept the amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following words:

Provided, That nothing herein contained shall be taken or construed to be a recognition of any right in the Union Pacific Railway Co. as successor in interest to the Union Pacific Railroad Co.

Mr. CUMMINS. Has the amendment proposed by the committee been adopted?

The PRESIDENT pro tempore. It has not been. The amendment offered by the Senator from Idaho is necessarily an amendment to the amendment of the committee.

Mr. CUMMINS. Very well; I repeat that I accept it so far as I can.

The PRESIDENT pro tempore. The amendment to the amendment will be agreed to, without objection.

Mr. SMOOT. I notice on the calendar that this bill is stated as having been reported from the Committee on Public Lands.

Mr. CUMMINS. No; it was reported from the Committee on the Judiciary.

Mr. SMOOT. The calendar states that it was reported from the Committee on Public Lands.

Mr. CUMMINS. The calendar is wrong in that respect.

Mr. SMOOT. The reason I called attention to the fact was that the calendar should be corrected, because the bill was never considered by the Committee on Public Lands.

Mr. CUMMINS. It was considered by and unanimously reported from the Committee on the Judiciary.

The PRESIDENT pro tempore. It is properly stated on the bill itself as reported by the Committee on the Judiciary.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The bill was read a third time, and passed.

MARY BRADFORD CROWNINSHIELD.

Mr. LODGE. I ask unanimous consent for the present consideration of the bill (S. 1152) granting an increase of pension to Mary Bradford Crowninshield.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, on page 1, line 8, after the words "rate of" to strike out "one hundred" and insert "fifty"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Bradford Crowninshield, widow of Arent Schuyler Crowninshield, late rear admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

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.

LANDS IN THE DISTRICT OF COLUMBIA.

Mr. SUTHERLAND. I ask unanimous consent for the present consideration of Senate bill 6688.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 6688) to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.'"

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to repeal section 13 of an act entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes,'" approved March 2, 1907, which authorizes and directs the Secretary of War to convey to the purchaser from the United States of square 1131, the south part of square 1117, and the squares south of squares 1123, 1148, and 1149, in the city of Washington, all the interest of the United States in the land lying south of the squares so purchased and between them and the channel of the Anacostia River upon the payment by the purchaser into the Treasury of the United States of such sum of money as the Secretary of War, upon consideration of all the circumstances, shall determine proper to be paid for the land, and which authorizes and directs the surveyor of the District of Columbia to mark out such land and determine the areas and to record a plat thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETRIAL OF MILITARY ACADEMY CADETS.

Mr. DU PONT. I ask unanimous consent for the present consideration of Senate joint resolution No. 99.

Mr. GALLINGER. Let the title of the joint resolution be read.

The PRESIDENT pro tempore. The Secretary will read the joint resolution by title.

The SECRETARY. A joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them.

The PRESIDENT pro tempore. The joint resolution has heretofore been read in full and an amendment agreed to. Is there objection to its present consideration?

Mr. BRISTOW. The Senator from New York [Mr. ROOT] was very much interested in this joint resolution, and I do not think it ought to be taken up in his absence. Personally, I have not any objection to it; but he was very much interested in it and spoke on it.

Mr. DU PONT. I think, Mr. President, the Senator's objections were largely of an impersonal character and on points of law which were raised. I doubt very much if he objects to the joint resolution itself.

Mr. BRISTOW. I think it is the custom not to take up any matters of that kind in the absence of a Senator interested; and it seems to me that the Senator from New York ought to be present when it is considered. At least I should not want it taken up under such circumstances.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. I understood the Senator from New York had an amendment which he desired to offer to the joint resolution. Personally, I would not object; but I do not think the joint resolution should be taken up in the absence of the Senator from New York, and therefore I object.

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The PRESIDENT pro tempore. Objection is made.

Mr. GORE. I ask unanimous consent——

Mr. SWANSON. I understood the Senator from Delaware expected to move to take up the joint resolution, and not to ask that it be considered by unanimous consent.

The PRESIDENT pro tempore. The Senator asked that it be taken up by unanimous consent. The Senator did not make a motion to the effect stated by the Senator from Virginia.

Mr. SWANSON. I should like to be recognized after the Senator from Oklahoma [Mr. GORE] has concluded, in order that I may make that motion.

APACHE INDIANS, FORT SILL MILITARY RESERVATION, OKLA.

Mr. GORE. I ask unanimous consent for the present consideration of Senate bill 6776.

Mr. LODGE. I thought a motion had been made to take up the joint resolution.

The PRESIDENT pro tempore. The Chair did not so understand. The Chair did not hear such a motion.

Mr. SWANSON. I simply gave notice to that effect.

The PRESIDENT pro tempore. The Senator from Oklahoma asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 6776) for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation, in Oklahoma, and for other purposes.

The PRESIDENT pro tempore. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I think I shall have to interpose an objection, because I want the report read when the bill comes up, and that will take up more time to-night than I care to consume. I hope the Senator from Oklahoma will not be inclined to press the bill to-night.

The PRESIDENT pro tempore. The Senator from Idaho objects.

RETRIAL OF MILITARY ACADEMY CADETS.

Mr. SWANSON. I move that the Senate proceed to the consideration of Senate joint resolution 99, unanimous consent for the consideration of which was asked by the Senator from Delaware [Mr. DU PONT].

The PRESIDENT pro tempore. The Senator from Virginia moves that the Senate proceed to the consideration of the joint resolution named by him notwithstanding the objection.

Mr. SWANSON. We should dispose of the matter one way or the other because if it does not pass soon it will be too late to do anything at all.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Virginia. [Putting the question.] By the sound the "noes" appear to have it.

Mr. SWANSON. I ask for division.

Mr. GALLINGER. Mr. President, we had better have the yeas and nays if we are going to have anything. I ask for the yeas and nays.

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

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS]. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As I am not aware as to how he would vote on this question, I withhold my vote. If I were permitted to vote I should vote "yea."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the Senator from Kentucky [Mr. PAYNTER]. I therefore withhold my vote.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD], and therefore withhold my vote.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I will refrain from voting. If he were here, and I were at liberty to vote, I should vote "nay."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Maryland [Mr. RAYNER], but I transfer that pair to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

The roll call was concluded.

Mr. BOURNE. I should like to announce that my colleague, the Senator from Oregon [Mr. CHAMBERLAIN], is unavoidably detained. He has a general pair with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. CRAWFORD (after having voted in the negative). I voted through inadvertence and I wish to withdraw my vote, as I have a pair with the senior Senator from Arkansas [Mr. CLARKE], and I do not know how he would vote if present.

Mr. ASHURST. I desire to announce that my colleague [Mr. SMITH of Arizona] is unavoidably detained from the Chamber. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. SMITH of South Carolina. I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the junior Senator from Louisiana [Mr. THORNTON] and will vote. I vote "yea."

Mr. SHIVELY. My colleague [Mr. KERN] is detained from the Senate Chamber on important business. He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. DU PONT. As I have already stated, I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I am informed that if he were present he would vote "yea" on this question, and I therefore will vote. I vote "yea."

Mr. GORE. I desire to announce that my colleague [Mr. OWEN] is necessarily absent from the Senate. He has a general pair with the Senator from South Dakota [Mr. GAMBLE].

The result was announced—yeas 17, nays 16, as follows:

YEAS—17.

Ashurst	Martin, Va.	Shively	Tillman
Bryan	Martine, N. J.	Smith, Ga.	Watson
Catron	Myers	Smith, Md.	
du Pont	Overman	Smith, S. C.	
Fletcher	Perkins	Swanson	

NAYS—16.

Bourne	Burton	Gore	Stephenson
Briggs	Cummins	McCumber	Sutherland
Bristow	Dillingham	Page	Townsend
Burnham	Gallinger	Smoot	Wetmore

NOT VOTING—61.

Bacon	Curtis	La Follette	Rayner
Bailey	Davis	Lea	Reed
Bankhead	Dixon	Lippitt	Richardson
Borah	Fall	Lodge	Root
Bradley	Foster	Lorimer	Sanders
Brandegee	Gamble	McLean	Simmons
Brown	Gardner	Nelson	Smith, Ariz.
Chamberlain	Gronna	Newlands	Smith, Mich.
Chilton	Guggenheim	O'Gorman	Stone
Clapp	Heyburn	Oliver	Thornton
Clark, Wyo.	Hitchcock	Owen	Warren
Clarke, Ark.	Johnson, Me.	Paynter	Williams
Crane	Johnston, Ala.	Penrose	Works
Crawford	Jones	Percy	
Culberson	Kenyon	Poindexter	
Cullom	Kern	Pomerene	

The PRESIDENT pro tempore. No quorum has voted.

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 14, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 13, 1912.*

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

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

Our Father in heaven, we thank Thee that the way is always open for the betterment of the conditions of life and its far-reaching purposes. Possess us, we beseech Thee, with Thy spirit, that we may see clearly the way, and walk fearlessly in consonance with the highest dictates of conscience in all that pertains to the duties of the hour, that Thy will may be done in us, to the glory and honor of Thy holy name. For Thine is the kingdom, and the power, and the glory forever. Amen.

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

IMPEACHMENT OF CORNELIUS H. HANFORD.

Mr. CLAYTON. Mr. Speaker, I present to the House a privileged report on a resolution referred to the Committee on the Judiciary a few days ago.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] presents a privileged report, which the Clerk will report.

The Clerk read as follows:

[House Report No. 880. Sixty-second Congress, second session.]

RELATIVE TO THE ALLEGED OFFICIAL MISCONDUCT OF CORNELIUS H. HANFORD.

Mr. CLAYTON, from the Committee on the Judiciary, submitted the following report, to accompany House resolution 576:

The Committee on the Judiciary, having had under consideration House resolution 576, report the same back to the House with the following amendment and recommend that the amendment be agreed to and that as amended the resolution do pass:

Page 1, line 1, strike out all after the word "Resolved" and insert in lieu of the language so stricken out the following:

"That the Committee on the Judiciary be directed to inquire and report whether the action of this House is requisite concerning the

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fered an amendment to the amendment already adopted, or an addition to it, the Senator from Utah raises the question as to whether it is or is not germane, and the Chair submits that question to the Senate under the rule.

Mr. HITCHCOCK. Can the amendment already adopted and the proposed amendment both be read together?

The PRESIDENT pro tempore. They will again be read.

The SECRETARY. The Senator from Iowa [Mr. CUMMINS] offered an amendment, on page 158, to follow an amendment on that page already agreed to, offered by the Senator from Minnesota [Mr. NELSON]. The amendment reads:

No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any order made or entered by the Interstate Commerce Commission shall be issued or granted by any justice of the Supreme Court or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, or whom at least one shall be a justice of the Supreme Court, or a circuit court judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. When such application as aforesaid is presented to a justice of the Supreme Court or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the Supreme Court or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit: *Provided*, That if, in opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence, and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing and interlocutory injunction in such case; and upon the final hearing of any suit brought to annul, enjoin, or restrain any order of said commission the same requirement as to judges and the same procedure as to appeal shall apply.

Mr. HEYBURN. I desire to call the attention of the Senator offering the amendment to the fact that in the earlier part of it he uses the term "judge of a circuit court." There is no such office now.

Mr. CRAWFORD. That is in the amendment already adopted.

Mr. HEYBURN. There is no such court. There are circuit judges who sit in the circuit court of appeals, but there is no circuit court. That can be readily corrected. It should be.

The PRESIDENT pro tempore. The Secretary will now read the amendment proposed by the Senator from South Dakota [Mr. CRAWFORD].

The SECRETARY. At the end of the amendment just read, the Senator from South Dakota [Mr. CRAWFORD] moves to add the following:

The provisions of this section shall also apply to issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statutes of a State.

The PRESIDENT pro tempore. The question is, Is the amendment offered by the Senator from South Dakota [Mr. CRAWFORD] germane? Those who consider the amendment germane will say "aye," opposed "no." [Putting the question.] The ayes appear to have it. The ayes have it, and the Senate determines that the amendment is germane and in order. The question now is upon the adoption of the amendment offered by the Senator from South Dakota [Mr. CRAWFORD].

Mr. SUTHERLAND. Mr. President, I wish to call the attention of the Senator from South Dakota again to the fact that his amendment, if adopted, will require in every suit that may be brought under it service of notice upon the Attorney General of the United States and the Interstate Commerce Commission. I do not think he desires that that result should follow.

It still further emphasizes what I have already said as to the unwisdom of undertaking to legislate in this way in the open Senate upon a subject of this far-reaching importance. There is already a bill of this same character, I understand, introduced by the Senator from South Dakota, pending in the Judiciary Committee. The Senator shakes his head, but I understood that such a bill had been introduced. Am I mistaken about that?

Mr. CRAWFORD. No such bill has been introduced.

Mr. SUTHERLAND. Then I am in error about that; but certainly such a bill could be introduced and referred to the Judiciary Committee, and by that committee taken up in an orderly way, and the whole subject considered.

I think, Mr. President, we are doing here an unwise thing in undertaking to pass legislation of this character, the exact scope and effect of which at least some of us have doubts about.

Mr. CRAWFORD. The amendment of the Senator from Iowa provides for the service of notice in each of these cases upon the defendants in the case. It is a pretty far fetched objection to construe the requirements to go so far as to require service upon some one entirely foreign to the case.

Mr. SUTHERLAND. The provision of the section which the Senator from South Dakota now undertakes to make applicable to the class of cases mentioned in his amendment is as follows:

Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit.

It must be given to all. It must be given to the defendants; it must be given to the Attorney General; it must be given to the Interstate Commerce Commission. Suppose a suit is brought against some administrative board of the State not in any manner connected with railroad matters, why should notice be served upon the Attorney General of the United States? Indeed, why should notice be served upon the Attorney General of the United States in a suit against the railway commission in a State? He has nothing whatever to do with it.

Mr. CRAWFORD. I will ask to perfect the amendment by adding "that in such case the notice required shall be served upon the defendants in the case and upon the attorney general of the State."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from South Dakota as modified. [Putting the question.] The ayes appear to have it.

Mr. SUTHERLAND. I ask for a division.

Mr. SMOOT. I ask for the yeas and nays.

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

Mr. CRAWFORD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. I will transfer that pair to the junior Senator from California [Mr. WORKS] and vote. I vote "yea."

Mr. FLETCHER (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BRADLEY]. If he were present, I should vote "yea." As he is not present, I withhold my vote.

Mr. CRAWFORD (when Mr. GAMBLE's name was called). My colleague [Mr. GAMBLE] is necessarily absent. He has a general pair with the senior Senator from Oklahoma [Mr. OWEN].

Mr. GARDNER (when his name was called). I have a general pair with the Senator from Massachusetts [Mr. CRANE]. On this question I transfer my pair to the Senator from Missouri [Mr. REED] and vote. I vote "yea."

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the junior Senator from Idaho [Mr. BORAH]. I vote "nay."

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is unavoidably absent on important business. He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], which I transfer to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "nay."

Mr. McCUMBER (when his name was called). I am paired with the senior Senator from Mississippi [Mr. PERCY]. Observing that he is not in the Chamber, I will withhold my vote.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM], who is absent from the Chamber, and I therefore withhold my vote. If he were present, I should vote "yea."

Mr. SMITH of Arizona. I am paired with the Senator from New Mexico [Mr. FALL]. I transfer that pair to the Senator from Maryland [Mr. RAYNER] and vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. If I were at liberty to vote, I would vote "yea."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Maryland [Mr. RAYNER]. I understand that I am at liberty to transfer my pair to the Senator from New Mexico [Mr. FALL], which I do, and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were present and I were at liberty to vote, I

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mission dealing with railway rates, but it may apply to any administrative board. It may apply to a case where a board by some action is depriving a citizen of his civil rights or to any other case where he would have a right under the Constitution or the laws of the United States to an injunction.

Then, again, the amendment proposes that the provisions of this section as amended shall apply. Among the provisions of the section is that notice shall be served upon the Attorney General of the United States or upon the Interstate Commerce Commission.

Mr. CRAWFORD. I think the Senator will find that the language includes not simply the Attorney General, but in a case where a State statute is involved it provides that notice shall be served upon the officers of the State. This, of course, makes it applicable only so far as concerns injunctions against——

Mr. SUTHERLAND. The Senator's amendment does not make applicable section 266 of the code, as I understand, but it makes applicable the provisions of the section in this legislative appropriation bill.

Mr. CRAWFORD. It could not be construed to make applicable provisions entirely foreign to these orders. That would hardly be a reasonable construction of it.

Mr. SUTHERLAND. I entirely sympathize with the proposition that any application for an injunction against the State or the State officers, based upon the claim that the State statutes are opposed to the Constitution of the United States, should be heard by the three judges. I quite agree to that. And I quite agree that that principle ought to be extended so as to include railway commissions acting under a statute; but I should have to know more about the scope of this amendment—what it is going to result in—before I would be willing to consent to extend that principle to every administrative board in the State.

I think it is a dangerous thing to undertake to put legislation of this character upon an appropriation bill—legislation that has never been considered by any committee of the Senate. Not because I am opposed to the principle, as I have stated, but for the other reason suggested, I make the point of order that it is general legislation.

Mr. HEYBURN. If the Senator will withhold the point of order for a moment, I desire to ask a question which may throw some light upon it. If we abolish this court, will the provisions that existed before the establishment of this court, in regard to appealing from the action of the Interstate Commerce Commission, be in effect or would we be entirely without any provision, having abolished the Court of Commerce, for reviewing the action of the Interstate Commerce Commission?

Mr. SUTHERLAND. No; I understand not. I understand the section as now amended provides for that review being had by these three judges.

Mr. HEYBURN. The original law would not be applicable at all; the original law in regard to reviewing the decisions of the Interstate Commerce Commission is out of effect now, and it would not be revived by anything we do.

Mr. SUTHERLAND. I should say not.

Mr. HEYBURN. Then, should we not confine ourselves to merely substituting the United States district courts with the same rights and powers? And is this an appropriate time to attempt to amend or extend the powers of review? I should think not. I am in accord with the opinion, as I understand it, of the Senator from Utah, that whenever we attempt to enlarge or add anything to the provisions now existing, which are really transferred to another court without addition or subtraction, that that is as far as we should go at this time. We ought not to attempt to legislate beyond the scope of existing powers vested in the court that we abolish.

Mr. OVERMAN. May I ask the Senator from South Dakota a question? I think he has the floor. I want to know if that question has been decided by the circuit court of appeals. Where was that question raised?

Mr. CRAWFORD. In litigation now pending, arising from an act which South Dakota enacted two years ago. It has not been decided by the court of appeals, but was by the circuit court; and the impression is that the decision of the court is well founded because of the narrow language used.

Mr. OVERMAN. Was the case appealed to the circuit court of appeals?

Mr. CRAWFORD. I think it is pending there now.

Mr. OVERMAN. There was a case from Kansas taken up to the circuit court of appeals, and it was finally carried to the Supreme Court, and the law was upheld; and I did not know but that it had the broadening effect the Senator speaks of. I may be mistaken about it. Therefore I do not see why this should not be covered by the amendment. If it is not broad enough it should be broadened.

Mr. CRAWFORD. That is the point. We are not here taking any substantial rights from anybody. We are not even curtailing or limiting in any way the right and power to issue preliminary injunctions. We are simply providing a method under which the courts must act in issuing preliminary injunctions that will protect the States from what appears to have been an abuse.

The amendment I have proposed is no more subject to a point of order than the amendment proposed by the Senator from Iowa which the Senate has already adopted. That simply extends the provisions of section 266 to preliminary injunctions against orders made by the Interstate Commerce Commission. This amendment will simply extend it in the same manner exactly to injunctions against orders made by administrative boards of a State.

Now, there is not any difference in principle or in effect between its requirements as it would apply to a State board of railway commissioners and as it might apply possibly to some other administrative board created under and acting in reference to a State statute. It could involve a constitutional right in one case as in the other, and it seems to me it would be a discrimination that might make it subject to objection that it was class legislation to undertake to specify that it should apply to boards of railway commissioners. The boards of railway commissioners or some other administrative tribunal of a State making these orders under a State law are governed by the same fundamental principles, and the language of the amendment as it is proposed would include one as it would include the other. Undoubtedly in practically all the cases which would arise under it the subject of difference would lie upon the one part with the board of railway commissioners of a State.

It has been a subject of great irritation and annoyance to have solemn acts of the State legislature and orders made by boards under acts of a State legislature rendered ineffective by the hasty arbitrary issuance of preliminary injunctions by district judges. There has been grave abuse in that direction, and the Senator from North Carolina, with whom I had a number of conferences at the time—he drew this provision in section 266 when the railway legislation was up a couple of years ago—was undertaking and intended to cover these orders of State boards, as well as the naked provisions of a State statute. But as the provision has been construed the great majority of the cases which arise are not within it and the purpose of this amendment is to make it include them.

The PRESIDENT pro tempore. What is the point of order made by the Senator from Utah?

Mr. SUTHERLAND. I make the point of order under clause 3 of Rule XVI, first, that the amendment proposes general legislation, and, second, that it is not germane or relevant to the subject matter contained in the bill. Certainly the latter point is clearly good, because there is not a syllable in this bill to which an amendment of this character can by any stretch of the imagination apply.

This is an appropriation bill, and this particular part of it proposes to transfer the jurisdiction of the Commerce Court to certain other courts, and provides that in proceedings involving cases heretofore under the jurisdiction of the Commerce Court a certain number of judges shall act. Now it is proposed to provide, in addition to that, that these judges shall act upon a totally different class of cases, to which class of cases this bill does not in the remotest degree refer.

Mr. CRAWFORD. I simply desire to say that the Senate has already adopted the amendment of the Senator from Iowa, which does put into that law legislation upon this very subject.

The PRESIDENT pro tempore. The Senator from Utah [Mr. SUTHERLAND] raises the question as to whether this amendment is germane to the amendment already adopted. Under the rule of the Senate the Chair is compelled to submit that question to the Senate. The Chair will state that if limited to the question of general legislation, the Chair would rule that it is in order, on the ground that it is an amendment to a subject matter that the Senate has already incorporated in the bill, but the question of its being germane the Chair must submit to the Senate under the rule.

Mr. CRAWFORD. Mr. President, a parliamentary inquiry. In the question the Chair suggests as to whether it is germane, as I understand it, the question is whether it is germane to the subject contained in the amendment already adopted by the Senate which was offered by the Senator from Iowa.

The PRESIDENT pro tempore. The Chair understands that to be the question. The Senator from South Dakota having of-

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would vote "yea." Observing the pair, however, I withhold my vote.

The roll call was concluded.

Mr. McLEAN. I wish to announce that my colleague [Mr. BRANDEGEE] is paired with the junior Senator from New York [Mr. O'GORMAN].

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER] and withhold my vote.

Mr. BRIGGS. I have a general pair with the Senator from West Virginia [Mr. WATSON]. He is not present, and I withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. CURTIS (when his name was called). I am paired with the Senator from Nevada [Mr. NEWLANDS], and therefore I withhold my vote. I wish this announcement to stand for the day.

Mr. WARREN (after having voted in the negative). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], but he will stand paired during the consideration of the bill to-day and on this subject with the Senator from California [Mr. WORKS]. I make this announcement for the day.

My colleague [Mr. CLARK of Wyoming], who is absent on business of the Senate, has a general pair with the Senator from Missouri [Mr. STONE], and I also make that announcement for the day.

Mr. BRIGGS. I transfer my pair to the senior Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "nay."

Mr. WILLIAMS. Under the provisions of that transfer I am at liberty to vote. I vote "yea."

Mr. GORE. I wish to announce that my colleague [Mr. OWEN] is necessarily absent from the Senate. He is paired with the senior Senator from South Dakota [Mr. GAMBLE]. If my colleague were present, he would vote "yea."

Mr. JOHNSON of Maine. I wish to announce my pair with the senior Senator from New York [Mr. ROOT].

Mr. JONES. I wish to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber on important business. I make this announcement for the remainder of the day.

Mr. CRAWFORD. As the transfer of my pair to the Senator from California [Mr. WORKS] will not stand, I will transfer my pair [Mr. DAVIS], who I am informed would vote "yea," to the senior Senator from New York [Mr. ROOT], which will permit my vote to stand, and the Senator from Maine [Mr. JOHNSON] is at liberty to vote.

Mr. JOHNSON of Maine. I am informed that under the transfer of pairs I am at liberty to vote. I vote "yea."

The result was announced—yeas 32, nays 17, as follows:

YEAS—32.

Ashurst	Culberson	Martin, Va.	Simmons
Bacon	Cummins	Martine, N. J.	Smith, Ariz.
Bristow	Gardner	Myers	Smith, Ga.
Brown	Gore	Nelson	Smith, Md.
Bryan	Hitchcock	Overman	Thornton
Clapp	Johnson, Me.	Perkins	Tillman
Clarke, Ark.	Johnston, Ala	Pomerene	Townsend
Crawford	Jones	Shively	Williams

NAYS—17.

Briggs	du Pont	McLean	Warren
Burnham	Gallinger	Page	Wetmore
Burton	Heyburn	Smoot	
Catron	Lippitt	Stephenson	
Dillingham	Lodge	Sutherland	

NOT VOTING—45.

Bailey	Davis	Lorimer	Richardson
Bankhead	Dixon	McCumber	Root
Borah	Fall	Newlands	Sanders
Bourne	Fletcher	O'Gorman	Smith, Mich.
Bradley	Foster	Oliver	Smith, S. C.
Brandegee	Gamble	Owen	Stone
Chamberlain	Gronna	Paynter	Swanson
Chilton	Guggenheim	Penrose	Watson
Clark, Wyo.	Kenyon	Percy	Works
Crane	Kern	Poindexter	
Cullom	La Follette	Rayner	
Curtis	Lea	Reed	

So Mr. CRAWFORD's amendment was agreed to.

Mr. HEYBURN. Mr. President, I rise to a parliamentary inquiry. The amendment to the amendment is adopted. Now the amendment as amended, I suppose, is the next question, is it not?

The PRESIDENT pro tempore. The original amendment was adopted. This was an additional amendment.

Mr. HEYBURN. And now it has been amended.

The PRESIDENT pro tempore. But it does not change in any manner the status of the action of the Senate in the adoption of the prior amendment.

Mr. HEYBURN. My purpose in inquiring was that the RECORD might show my justification in asking unanimous consent that in line 10, where the word "court" last appears, that word be stricken out, because there is no such court, and I call attention to the fact.

Mr. CUMMINS. I know that. I followed the language of the judicial code precisely. This will all be in conference, and the conference committee can change the phraseology if necessary.

Mr. McCUMBER. Is an amendment now before the Senate, Mr. President?

The PRESIDENT pro tempore. The Chair has not yet disposed of the request made by the Senator from Idaho [Mr. HEYBURN] for unanimous consent for the striking out of the word "court." Does the Chair understand that to be the motion of the Senator?

Mr. HEYBURN. It not being amendable, I ask unanimous consent that the word "court" be stricken out, it obviously not having a proper place there.

Mr. CUMMINS. I have no objection at all to that.

Mr. NELSON. Mr. President, section 10 was adopted, as in Committee of the Whole, with one amendment, the amendment offered by myself, yet it was excepted when the bill was reported to the Senate. We have amended it by two separate amendments; so the question now before the Senate is upon concurring in section 10 as amended.

The PRESIDENT pro tempore. The Senator from Minnesota is correct as to that. The response which the Chair made was as to the amendment offered by the Senator from Iowa [Mr. CUMMINS]. He misunderstood the Senator from Idaho.

Mr. HEYBURN. And there was no objection to my amendment.

The PRESIDENT pro tempore. There was no objection, as the Chair understood, to unanimous consent to striking out the word "court," as requested by the Senator from Idaho. The question now is upon concurring in the section to which two amendments have been added this morning—section 10 of the original bill as reported from the Committee of the Whole and as amended by the action of the Senate to-day.

Mr. SUTHERLAND. Mr. President, is it now in order to call up the amendment offered by the Senator from Georgia [Mr. SMITH]?

The PRESIDENT pro tempore. Not unless it is an amendment to section 10, the section to which the Senator from Minnesota [Mr. NELSON] has referred.

Mr. SUTHERLAND. I thought that had been disposed of.

The PRESIDENT pro tempore. It has not been.

Mr. SUTHERLAND. Then I misunderstood the status.

The PRESIDENT pro tempore. The Chair understands that section 10 is the one to which the Senator from Minnesota [Mr. NELSON] referred and to which each of these amendments has been added.

Mr. NELSON. Exactly.

The PRESIDENT pro tempore. The question now is upon the adoption of section 10.

Mr. NELSON. As amended.

The PRESIDENT pro tempore. As amended by the action of the Senate to-day [Putting the question.] The "ayes" have it, and section 10 as amended is concurred in.

Mr. SUTHERLAND. I ask now for a vote—I do not now recall in just what part of the bill it occurs—on the amendment proposed by the Senator from Georgia [Mr. SMITH].

The PRESIDENT pro tempore. The Chair is informed that it is under the title of "Judicial," on page 147. The amendment will be reported to the Senate. It is the amendment offered by the Senator from Georgia and adopted as in Committee of the Whole. The question now is upon its adoption by the Senate.

The SECRETARY. On page 147, after line 10, the following amendment was inserted:

The five additional circuit judgeships provided for by the act of Congress approved June 18, 1910, and by chapter 9 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, are hereby abolished, and the authority in said acts of Congress for the President, by and with the advice and consent of the Senate, to appoint five additional circuit judges is hereby repealed, and the number of circuit judges is hereby reduced to 29.

Mr. McCUMBER. Mr. President, I can not give my consent to the proposition that with the exception of the Supreme Court of the United States it is in the power of Congress to abolish any court, nor that it is in the power of Congress to destroy the term of office of any judge appointed to any of those courts. Believing that this precedent will at some time in the history of the country come back to plague us if adopted, and desiring a record vote directly upon that proposition, I offer the amendment which I send to the desk, as a substitute for the amendment proposed by the Senator from Georgia; and upon that I ask for the yeas and nays.

The PRESIDENT pro tempore. The amendment proposed by the Senator from North Dakota will be stated.

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The SECRETARY. In lieu of the words inserted as in Committee of the Whole on the motion of Mr. SMITH of Georgia, Mr. MCCUMBER now proposes to insert the following:

That five additional circuit judges appointed under the provisions of an act to create a Commerce Court, approved June 18, 1910, shall from time to time be assigned by the Chief Justice of the United States for service in any district court or the circuit court of appeals for any circuit.

The PRESIDENT pro tempore. The Senator from North Dakota offers this as a substitute for the amendment proposed by the Senator from Georgia.

Mr. LODGE. It is an amendment to strike out and insert.

The PRESIDENT pro tempore. The amendment of the Senator from North Dakota is to strike out the amendment offered by the Senator from Georgia.

Mr. MCCUMBER. That is the effect of the motion, Mr. President, to strike out the amendment adopted as in Committee of the Whole, known as the amendment offered by the Senator from Georgia, and to insert in lieu thereof the language which has just been read.

The PRESIDENT pro tempore. In order to prevent any misconstruction subsequently, the Chair will state that the amendment offered by the Senator from Georgia [Mr. SMITH] is now before the Senate as if originally offered; in other words, it is an amendment proposed in the Senate.

Mr. LODGE. The amendment was adopted as in Committee of the Whole.

Mr. GALLINGER. And agreed to.

Mr. LODGE. And agreed to.

The PRESIDENT pro tempore. But it has not been concurred in by the Senate.

Mr. LODGE. This is a motion to strike out and insert.

The PRESIDENT pro tempore. It is not a part of the bill as the bill has been reported to the Senate.

Mr. LODGE. Certainly not, but this is a motion to substitute other language for it.

The PRESIDENT pro tempore. That is undoubtedly true, but the Chair desires to recall attention to the fact that it does not occupy the same status that it would if it were an amendment proposing to strike out a paragraph of the bill.

Mr. LODGE. It is to strike out from the report of the Committee of the Whole.

The PRESIDENT pro tempore. Yes; but it is pending now before the Senate subject to all the features which would attach to an amendment offered in the Senate.

Mr. GALLINGER. Exactly.

Mr. PAYNTER. Mr. President, is it in order to submit an observation on the question?

The PRESIDENT pro tempore. It is.

Mr. PAYNTER. Mr. President, I do not intend to enter upon any discussion of this question and I shall only state my conclusions with reference to it. I am fully aware that nothing I may say will have any effect on the action of this body, as Senators have their minds settled as to what they should do.

I was opposed t. the establishment of the Commerce Court, and if there was a vote upon that question as a separate measure, I voted against it. I know the record shows that I was opposed to the creation of the court. I voted, however, for the bill which contained a provision for the court, because it had so many valuable provisions in it that I did not think I should allow my opposition to the establishment of the Commerce Court to prevent me from voting for the measure. I believe that Congress is without power to remove from office the circuit judges who preside over the Commerce Court for the time being. The repeal of the act creating the Commerce Court could not have the effect of abolishing the judgeships. They are not judges of the Commerce Court, but circuit judges assigned for a time to preside over that court. The duties they are to thus perform are only part of the duties which they are required by law to perform. The amendment offered by the Senator from Georgia does not attempt to abolish the circuits in the districts from which they were appointed. The circuit courts remain. The practical effect of the proposed amendment is simply to remove from office five circuit court judges. The effect is not to abolish the circuit courts, but to remove the judges. In my opinion, the amendment will be invalid if it passes, and I am opposed to it on that ground. Even if Congress had the power to enact it into a law I would still be opposed to it, because of its revolutionary character. It threatens the independence of the judiciary. Unless the independence of the judiciary is maintained, the right to life, property, and the pursuit of happiness is in jeopardy. If Congress is in political accord with the Executive, every circuit judge might, in the manner here proposed, be removed from office and their places filled by the political adherents of the administration. The effect of such an act would be nothing short of revolution. Therefore I say such legislation has a strong revolutionary tendency, and I can not give my consent to it.

While I was opposed to the establishment of the Commerce Court I would not have voted to abolish it for the reasons which most of the Senators gave who so voted, to wit: That that court had rendered decisions that did not meet with their approval. I had the honor to serve upon a bench for some years, and I know how easy it is for courts to err. I have seen, in my judgment, this great body of men commit as great errors as the courts of the country, including the Court of Commerce, have committed. So it is human to err.

I am opposed to the recall of judges because they may render opinions that may not meet with popular favor; I am opposed to the recall of judicial decisions; and I am opposed to this method of trying to get rid of five judges, who, it seems, are objectionable to many Members of this body. I therefore shall vote against the amendment of the Senator from Georgia [Mr. SMITH]. I shall, however, vote in favor of the amendment proposed by the Senator from North Dakota [Mr. MCCUMBER].

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from North Dakota, to insert the words just read in lieu of the amendment offered by the Senator from Georgia, which has been adopted as in Committee of the Whole.

Mr. WARREN and Mr. LODGE. On that the Senator from North Dakota asked for the yeas and nays.

The PRESIDENT pro tempore. The Senator from North Dakota has asked for the yeas and nays.

The yeas and nays were ordered.

Mr. LODGE. As I understand, the question is on the substitute amendment of the Senator from North Dakota for the amendment of the Senator from Georgia.

The PRESIDENT pro tempore. It is. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a general pair with the Senator from West Virginia [Mr. WATSON]. I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE] and vote. I vote "yea."

Mr. ASHURST (when Mr. CHAMBERLAIN'S name was called). I am authorized to announce that the Senator from Oregon [Mr. CHAMBERLAIN] is paired with the Senator from Pennsylvania [Mr. OLIVER] and that the Senator from Oregon is necessarily absent from the Senate Chamber on official business.

Mr. CRAWFORD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS] and therefore withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from West Virginia [Mr. CHILTON]. If he were present, I should vote "yea."

Mr. FLETCHER (when his name was called). I am paired with the junior Senator from Kentucky [Mr. BRADLEY]. If he were present, I should vote "nay." In his absence I withhold my vote.

Mr. GARDNER (when his name was called). I again announce my pair with the junior Senator from Massachusetts [Mr. CRANE]. I transfer that pair to the Senator from Missouri [Mr. REED] and will vote. I vote "nay."

Mr. HEYBURN (when his name was called). I am paired with the senior Senator from Alabama [Mr. BANKHEAD], and will therefore withhold my vote.

Mr. JOHNSON of Maine (when his name was called). I am paired with the senior Senator from New York [Mr. ROOT]. I transfer that pair to the Senator from West Virginia [Mr. CHILTON] and vote. I vote "nay."

Mr. SHIVELY (when Mr. KERN'S name was called). I again announce the unavoidable absence of my colleague [Mr. KERN] from the Senate Chamber, and the fact that he is paired with the junior Senator from Tennessee [Mr. SANDERS]. I desire this announcement to stand for the rest of the day.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], which I transfer to the junior Senator from Illinois [Mr. LORIMER] and vote. I vote "yea."

Mr. MCCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I transfer that pair to the junior Senator from Delaware [Mr. RICHARDSON] and vote. I vote "yea."

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is absent from the Chamber; but I am informed that if he were present he would vote "yea" on this question; so I will take the liberty of voting. I vote "yea."

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Mr. SMITH of Arizona (when his name was called). I again announce my pair with the Senator from New Mexico [Mr. FALL]. I transfer that pair to the Senator from Montana [Mr. MYERS] and will vote. I vote "nay."

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED], but I understand that the Senator from Maine [Mr. GARDNER], who is paired with the Senator from Massachusetts [Mr. CRANE], has transferred his pair to the Senator from Missouri, so that I am at liberty to vote. I therefore vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Mississippi [Mr. PERCY] and vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER]. In his absence I withhold my vote. If he were present, and I were permitted to vote, I should vote "yea."

Mr. CLAPP (when Mr. THORNTON's name was called). The junior Senator from Louisiana [Mr. THORNTON] is paired on this vote with the junior Senator from North Dakota [Mr. GRONNA].

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. The Senator from New Jersey [Mr. BRIGGS] has transferred his pair with the Senator from West Virginia [Mr. WATSON] to the Senator from Pennsylvania [Mr. PENROSE]. I am therefore at liberty to vote, and desire to vote. I vote "nay."

The roll call was concluded.

Mr. CULLOM. As already announced, I have a general pair with the Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the Senator from New York [Mr. ROOT] and vote. I vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I observe that the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, is not present and has not voted. I therefore withdraw my vote.

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. Noticing that that Senator has not voted, I withhold my vote. If I were at liberty to vote, I should vote "yea." I will let this announcement stand for the rest of the day.

Mr. LODGE. I desire to say that my colleague [Mr. CRANE], who is now paired with the junior Senator from Missouri [Mr. REED], if present would vote "yea."

Mr. HEYBURN. When my name was called I announced a pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not know how that Senator would vote if present, but I desire to say that were I at liberty to vote I should vote "yea."

Mr. PERCY. I am paired with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "nay."

The result was announced—yeas 23, nays 25, as follows:

YEAS—23.

Briggs	Gallinger	McLean	Smoot
Brown	Guggenheim	Nelson	Stephenson
Burnham	Jones	Page	Townsend
Burton	Lippitt	Paynter	Warren
Catron	Lodge	Perkins	Wetmore
Cullom	McCumber	Smith, Mich.	

NAYS—25.

Ashurst	Cummins	Overman	Smith, Md.
Bacon	Gardner	Percy	Smith, S. C.
Bristow	Gore	Pomerene	Swanson
Bryan	Johnson, Me.	Shively	Williams
Clapp	Johnston, Ala.	Simmons	
Clarke, Ark.	Martin, Va.	Smith, Ariz.	
Culberson	Martine, N. J.	Smith, Ga.	

NOT VOTING—46.

Bailey	Davis	Kern	Reed
Bankhead	Dillingham	La Follette	Richardson
Borah	Dixon	Lea	Root
Bourne	du Pont	Lorimer	Sanders
Bradley	Fall	Myers	Stone
Brandegee	Fletcher	Newlands	Sutherland
Chamberlain	Foster	O'Gorman	Thornton
Chilton	Gamble	Oliver	Tillman
Clark, Wyo.	Gronna	Owen	Watson
Crane	Heyburn	Penrose	Works
Crawford	Hitchcock	Poindexter	
Curtis	Kenyon	Rayner	

So Mr. MCCUMBER's amendment to the amendment of Mr. SMITH of Georgia was rejected.

The PRESIDENT pro tempore. The bill is in the Senate and still open to amendment.

Mr. SMITH of Georgia. As I understand, the question now is upon the amendment which I reserved.

The PRESIDENT pro tempore. The question is upon concurring in the amendment proposed by the Senator from Georgia [Mr. SMITH], which was adopted as in Committee of the Whole.

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

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

Mr. LODGE (when Mr. CRANE's name was called). My colleague [Mr. CRANE], who is paired with the junior Senator from Missouri [Mr. REED] would, if present, vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer it to the senior Senator from New York [Mr. ROOT] and will vote. I vote "nay."

Mr. FLETCHER (when his name was called). I again announce my pair with the junior Senator from Kentucky [Mr. BRADLEY]. If he were present, I should vote "yea." In his absence, I withhold my vote.

Mr. GARDNER (when his name was called). I again announce my pair with the junior Senator from Massachusetts [Mr. CRANE]. I transfer it to the junior Senator from Missouri [Mr. REED] and will vote. I vote "yea."

Mr. JOHNSON of Maine (when his name was called). I again announce my pair with the senior Senator from New York [Mr. ROOT]. I transfer it to the junior Senator from West Virginia [Mr. CHILTON] and will vote. I vote "yea."

Mr. SMITH of Arizona (when his name was called). I again announce my pair with the Senator from New Mexico [Mr. FALL]. I transfer it to the senior Senator from Maryland [Mr. RAYNER] and will vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my general pair with the senior Senator from Delaware [Mr. DU PONT] and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. RAYNER]. Under the transfer made by the Senator from Arizona [Mr. SMITH], I understand I am at liberty to vote and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from West Virginia [Mr. WATSON] and will vote. I vote "yea."

The roll call was concluded.

Mr. HEYBURN (after having voted in the negative). Inadvertently I voted. I am paired with the senior Senator from Alabama [Mr. BANKHEAD]. Therefore I withdraw my vote.

Mr. BRIGGS. I have a general pair with the Senator from West Virginia [Mr. WATSON]. I transfer it to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "nay."

I make this announcement for the day.

Mr. HEYBURN. I understand I am now at liberty to transfer my pair to the junior Senator from Kentucky [Mr. BRADLEY]. I so transfer it, and will vote. I vote "nay."

Mr. LIPPITT. I again announce the transfer of my pair with the senior Senator from Tennessee [Mr. LEA] to the junior Senator from Illinois [Mr. LORIMER] and will vote. I vote "nay."

Mr. FLETCHER. In pursuance of the transfer of pairs announced by the Senator from Idaho [Mr. HEYBURN] I am at liberty to vote. I vote "yea."

Mr. CRAWFORD. I desire again to announce my general pair with the junior Senator from Arkansas [Mr. DAVIS].

Mr. SMOOT. I desire to announce that the senior Senator from Kansas [Mr. CURTIS] has a pair with the Senator from Nevada [Mr. NEWLANDS].

Mr. CLAPP. I desire to announce that the junior Senator from Louisiana [Mr. THORNTON] has a pair with the junior Senator from North Dakota [Mr. GRONNA]. I will let that statement stand as to all votes relating to the Commerce Court.

Mr. CRAWFORD. I desire to make the announcement for the remainder of the day that my colleague [Mr. GAMBLE] is necessarily absent and has a general pair with the senior Senator from Oklahoma [Mr. OWEN].

Mr. ASHURST. I have been requested to announce that the Senator from Oregon [Mr. CHAMBERLAIN] has a pair with the Senator from Pennsylvania [Mr. OLIVER], and that the Senator from Oregon is necessarily absent from the Chamber.

The result was announced—yeas 28, nays 26, as follows:

YEAS—28.

Ashurst	Cummins	Martin, Va.	Simmons
Bacon	Fletcher	Martine, N. J.	Smith, Ariz.
Bristow	Gardner	Myers	Smith, Ga.
Bryan	Gore	Overman	Smith, Md.
Clapp	Hitchcock	Percy	Swanson
Clarke, Ark.	Johnson, Me.	Pomerene	Tillman
Culberson	Johnston, Ala.	Shively	Williams

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NAYS—26.

Briggs	du Pont	McCumber	Stephenson
Brown	Gallinger	McLean	Sutherland
Burnham	Guggenheim	Page	Townsend
Burton	Heyburn	Paynter	Warren
Catron	Jones	Perkins	Wetmore
Cullom	Lippitt	Smith, Mich.	
Dillingham	Lodge	Smoot	

NOT VOTING—40.

Bailey	Crawford	La Follette	Rayner
Bankhead	Curtis	Lea	Reed
Borah	Davis	Lorimer	Richardson
Bourne	Dixon	Nelson	Root
Bradley	Fall	Newlands	Sanders
Brandegee	Foster	O'Gorman	Smith, S. C.
Chamberlain	Gamble	Oliver	Stone
Chilton	Gronna	Owen	Thornton
Clark, Wyo.	Kenyon	Penrose	Watson
Crane	Kern	Poindexter	Works

So the amendment was concurred in.

Mr. CULBERSON. Mr. President, I desire to make a personal statement about pairs. I have a general pair with the Senator from Delaware [Mr. DU PONT]. On the vote on the amendment of the Senator from North Dakota, offered as a substitute, I voted when my name was called, thinking the Senator from Delaware would come in. The matter passed from my mind, and I let my vote stand, although the Senator from Delaware did not come in and vote. The vote was 25 to 23. My vote would not have changed the result, else I should very gladly move to reconsider and have the matter righted.

Mr. CUMMINS. I offer the following amendment to immediately follow the amendment proposed by the Senator from Georgia, just adopted.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 147, following the amendment offered by the Senator from Georgia, just agreed to, insert:

So much of the act of June 18, 1910, and of March 3, 1911, authorizes or directs the said five judges to preside in the circuit or district courts of the United States or in the circuit courts of appeal or to exercise any of the powers, duties, or authority of circuit or district judges or of said circuit or district courts or of said circuit courts of appeal is hereby repealed.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

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

The PRESIDENT pro tempore. The Senator from Utah asks that the unfinished business be temporarily laid aside. Without objection it will be so ordered. The question is upon the adoption of the amendment submitted by the Senator from Iowa [Mr. CUMMINS].

The amendment was agreed to.

Mr. WILLIAMS. Mr. President——

Mr. OVERMAN. If the Senator from Mississippi will yield, there is another amendment offered by the Senator from Georgia.

Mr. SMITH of Georgia. And which will perfect it.

Mr. WILLIAMS. I withhold my amendment.

Mr. SMITH of Georgia. I will ask whether the reservation carried with it also the two other amendments, one as to the amount appropriated for the salaries of these judges and the other as to the total. If it did, I ask that they be passed on.

Mr. WARREN. The matter of totals has already been provided for by unanimous consent. The clerk has been instructed on the finishing of the bill to correct all totals.

Mr. SMITH of Georgia. That does not take care of the provision in line 7.

Mr. WARREN. It takes care of the totals only.

Mr. SMITH of Georgia. It does not take care of the provision in line 7, which refers to 34 circuit judges instead of 29, and I call attention to that amendment.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 147, line 7, strike out "thirty-four" before the words "circuit judges" and in lieu insert "twenty-nine."

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, I offer the amendment I had printed and gave notice of on yesterday. I call the attention of the Senator from Iowa to it.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. That the Senate amendment striking out the House provision numbered section 5, beginning on line 19, page 152, and including line 21, page 153, be disagreed to, and that the House provision be adopted with the following amendments:

First. After the semicolon in line 1, page 153, all the language in lines 1, 2, 3, 4, 5, 6, and 7, down to the word "provided" in line 7, be stricken out.

Second. That after the word "shall," in line 8, page 153, there be inserted the words "except as hereinafter prescribed"; that in line 12, page 153, the word "fair" be stricken out; and that after the word "efficiency," in line 12, page 153, these words be inserted: "prescribed by the Civil Service Commission," so that the provision as amended shall read as follows:

"SEC. 5. That on and after July 1, 1913, all appointments to positions in the classified service of the executive departments within the District of Columbia provided for at annual rates of compensation shall be made, after the probationary period of six months shall have expired, for terms of five years each; at the expiration of each such appointment the employment of each person so appointed shall cease and determine: *Provided*, That all persons separated hereunder from the classified service shall, except as hereinafter prescribed, be eligible for, and may, in the discretion of the head of the executive department, be reappointed without examination for additional periods of five years if at the time of such reappointment they shall be up to a standard of efficiency prescribed by the Civil Service Commission and capable of rendering a full measure of service in return for the salary of the place to which they may be appointed: *Provided further*, That in reducing the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped: *And provided further*, That nothing herein shall be construed to prevent the head of any department from removing any time for good and sufficient cause any employee of his department."

That in the Senate committee amendment, after the word "promoted," in line 5, page 154, there be inserted the words "or reappointed at the end of his five years' service"; and in line 6, strike out the words "below which no employee may fall without being demoted," and insert, after the word "rating" in line 6, this language, "and any employee having this rating shall be reappointed to a place in the service, unless on charges made he shall be deemed in character unfit," so that the amendment shall read as follows:

"SEC. 6. That the Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted or reappointed at the end of his five years' service; it shall also provide a maximum rating, and any employee having this rating shall be reappointed to a place in the service, unless on charges made he shall be deemed in character unfit; it shall further provide for a service maximum rating below which no employee may fall, without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. WILLIAMS].

Mr. CUMMINS. Mr. President, I am very reluctant to consume any time of the Senate in the discussion of this amendment, but believing that it would be very disastrous to the civil service of this country I feel that it is my duty to record some of the conclusions that I hold with respect to the subject.

I believe that the employees of the civil service of the United States compose as faithful, efficient, loyal, and competent a body as ever served the public in any country of the world. I will go further; I believe them to be as efficient and as faithful as ever served any private enterprise in the country. I do not believe that, as a whole, they are overpaid. I believe that some of them are overpaid and that some of them are underpaid. I believe that owing to a duplication of work, which unfortunately exists in many departments, and owing to a faulty system under which the work is done, we have more employees than we ought to have, and that with proper care with respect to the duplication of labor and proper care with respect to the system under which the work is done we could dispense with a great many of the civil-service employees; and I am heartily for a readjustment which will reach these results.

I believe that in the higher grades of service the United States is paying less to its men and its women than is paid for like service anywhere in the country, and I hope the time will come when we can readjust this system so that every man and every woman will receive that which he or she fairly and honestly earns.

This civil service of ours has five defects, and I feel obliged to speak of them, because the amendments proposed by the Senator from Mississippi will, if not destroy, radically revolutionize the system. The first is that the law should prescribe what employees should be in the civil service or rather under civil service rules, what employees should enter upon merit, upon competitive examination; and that power should not have been remitted to the Executive. I think it is the duty of Congress to speedily take up the subject and prescribe by a statute what employees of this country shall enter upon examination and shall be governed by the rules of the civil service.

Second, there should be a reclassification of the civil service employees in the departments, so that the grade held by a par-

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niversary of peace with England, which was referred to the Committee on Foreign Relations.

He also presented a petition of Molders' Local Union, No. 71, of Ansonia, Conn., praying for the passage of the so-called Clayton injunction-limitation bill, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Gales Ferry, Conn., remonstrating against the repeal of the anticanteen law, which was referred to the Committee on Military Affairs.

Mr. WARREN presented a petition of the congregation of the First Christian Church of Sheridan, Wyo., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. BROWN presented a petition of members of the Central Labor Union, of Lincoln, Nebr., praying for the passage of the so-called Clayton injunction-limitation bill, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Commercial Club, of Kansas City, Mo., praying for the enactment of legislation to regulate the sale of convict-made goods, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation providing for the retirement of officers of the Civil War Volunteer force upon a fair and equitable basis, which was referred to the Committee on Military Affairs.

Mr. PERKINS presented a telegram in the nature of a memorial from the San Francisco Chapter, American Institute of Architects, of California, remonstrating against the repeal of the act providing for competition among architects for all Federal buildings, which was referred to the Committee on Appropriations.

He also presented telegrams in the nature of memorials from Frank B. Anderson and members of the Chamber of Commerce of San Francisco, Cal., and of members of the Northern California Hotel Association, remonstrating against the enactment of legislation prohibiting the use of the Panama Canal by any steamship company in which any railroad has an interest, which were referred to the Committee on Interoceanic Canals.

Mr. BRADLEY presented a petition of sundry citizens of Fayette County, Ky., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. ROOT presented a memorial of sundry citizens of Kingston, N. Y., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (H. R. 24016) 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. 898) 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. SUTHERLAND:

A bill (S. 7205) granting jurisdiction to the Supreme Court of the District of Columbia to quiet the title to lands in certain cases; and

A bill (S. 7206) restricting the method of disposition of public land in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WORKS:

A bill (S. 7207) granting an increase of pension to Cyrus N. Lyons (with accompanying paper); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 7208) to amend an act entitled "An act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property," approved February 13, 1893; and

A bill (S. 7209) to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 7210) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining and to regulate the expenditure thereof; to the Committee on Mines and Mining.

By Mr. McCUMBER:

A bill (S. 7211) to correct the military record of Samuel Barry (with accompanying papers); to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 7212) granting an increase of pension to Lucius E. Fletcher; and

A bill (S. 7213) granting an increase of pension to Myra Von Winkle; to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 7214) granting an increase of pension to John Cook, alias Joseph Moore;

A bill (S. 7215) granting a pension to Amanda Barrett; and

A bill (S. 7216) granting an increase of pension to Alvah S. Howes; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 7217) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Finance.

By Mr. BORAH:

A bill (S. 7218) providing for the disposition of town sites in connection with reclamation projects, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. CRANE:

A bill (S. 7219) granting an increase of pension to George C. Rider; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 7220) to provide for the sale of 39.69 acres of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations to the Pittsburg County Fair (with accompanying paper); to the Committee on Indian Affairs.

A bill (S. 7221) granting a pension to William H. H. Chestnut; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 7222) granting an increase of pension to Hiram Lay (with accompanying paper); to the Committee on Pensions.

By Mr. WARREN:

A joint resolution (S. J. Res. 121) authorizing the use of certain unexpended balances to defray expenses incident to parting and refining bullion; to the Committee on Appropriations.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25069).

Mr. CRAWFORD submitted an amendment proposing to appropriate $75 to reimburse the Government of the Philippine Islands for expenses relative to the disinterment, shipment, and transportation of the remains of the late Ormon K. Osbon, 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. NELSON submitted an amendment providing that no allowance or disallowance heretofore made shall preclude an officer or enlisted man of the United States or Volunteer Army or his next of kin or personal representative from applying for and receiving any pay and allowance which may be due him under the decision of the Supreme Court of the United States, 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. GALLINGER submitted an amendment proposing to increase the number of topographic and hydrographic draftsmen in the Coast and Geodetic Survey, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. OLIVER submitted an amendment relative to the donation of any land or building or the use of any land or building in or near the city of Pittsburgh, Pa., suitable for experimental work of the Bureau of Mines, 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. SMOOT submitted an amendment proposing to appropriate $100,000 for inquiries and investigations into the methods of mining and treatment of ores and other mineral substances, 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. OWEN submitted an amendment proposing to appropriate $100,000 for inquiries and investigations into the mining and treatment of ores and other mineral substances, 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.

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Mr. BRADLEY submitted an amendment proposing to appropriate $250,000 for expenses of the semicentennial exposition for the celebration of the semicentennial anniversary of the act of emancipation, 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.

He also submitted an amendment proposing to appropriate $25,656.80 for the purchase of additional land in Cave Hill Cemetery, at Louisville, Ky., 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.

He also submitted an amendment proposing to appropriate $25,000 to enable the Census Department to collect statistics concerning the quantity of leaf tobacco in all forms in the United States, 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.

He also submitted an amendment proposing to increase the appropriation for the punishment for violations of internal-revenue laws, etc., from $140,000 to $150,000, 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. CULLOM submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Claims.

UNITED STATES DISTRICT COURTS.

Mr. WETMORE submitted an amendment intended to be proposed by him to the bill (H. R. 21226) relating to the compensation of clerks of the United States district courts, etc., which was referred to the Committee on the Judiciary and ordered to be printed.

IMPERIAL VALLEY, CAL. (S. DOC. NO. 867).

Mr. WORKS. Mr. President, a few days ago I offered an amendment to the sundry civil appropriation bill for the improvement of the Colorado River to prevent the overflow of land in the Imperial Valley. This is a matter of urgency. The appropriation has been urged by the Secretary of the Interior and has been recommended by a special message of the President.

I have here a statement showing the necessity for the improvement that is sought to be made. I move that the statement be printed and referred to the Committee on Appropriations, to accompany the amendment.

The motion was agreed to.

EXPENSES IN PRESIDENTIAL CAMPAIGNS.

Mr. WORKS. I offer the resolution which I send to the desk, and ask that it be read.

The Secretary read the resolution (S. Res. 350), as follows:

Whereas it is asserted and has been charged on the floor of the Senate and elsewhere that large sums of money have been furnished to and used by candidates for the office of President of the United States by the various candidates for that office to control the presidential primary elections in the different States, and otherwise, to secure the election of delegates to the national conventions of the Republican and Democratic Parties; and

Whereas it is well known that many persons drawing salaries or other compensation from the Government for services as public officials or employees, from the President, Cabinet officers, and United States Senators down, have been using the time for which they have been paid by the Government in campaigning for themselves and others and aiding as campaign managers and otherwise during this session of Congress, and in the endeavor to influence and control the primary elections in the various States for the election of delegates and the nomination of candidates for President of the United States: Now therefore be it

Resolved, That a committee of seven Senators, four Republicans and three Democrats, be appointed by the Vice President a special committee to investigate, inquire into, and report to the Senate the following facts:

1. What amount of money has been subscribed, paid, or furnished to or for the use of each and every candidate for the nomination as a candidate for President of the United States, both Republican and Democratic, or to their and each of their managers, treasurers, auditors, committees, agents, or friends, or paid out or subscribed in aid or support of his candidacy, directly or indirectly, and the amount paid out by such candidate himself for such purpose, giving the name of each such candidate, the amount subscribed, paid, and used for or in aid of his candidacy, by whom paid, subscribed, or furnished, directly or indirectly, the name of each person or corporation by whom subscribed, furnished, or paid, and in behalf of which candidate; the amount paid by each person; the total amount subscribed, paid, and furnished to or in aid of the candidacy of each of such candidates; the amount of money paid out by or in aid of the candidacy of each such candidates and for what purpose, in detail, and the total amount subscribed, paid, or furnished to or for and paid out by all such candidates.

2. What persons engaged in the campaign by and for each of such candidates or in aid thereof, in whatever mode or form, were under salary or other pay of the Government, in what capacity, the amount of compensation paid each of them, the amount of time devoted by each of them, including the candidates themselves, and the total amount of money paid by the Government to such persons and the aggregate amount paid to all of them for the time consumed by them all in conducting, carrying on, or in any way aiding in the conduct of such political campaign, giving the amount so paid for workers of all kinds for all of said candidates, giving them separately.

3. The proportion or percentage of the registered and qualified voters voting at the presidential primary elections in each of the States, giving the Republican and Democratic percentage of votes cast separately, and the total vote cast at such election in each of the States, giving the Republican and Democratic votes separately.

4. The amount of money paid to newspapers and other publications and periodicals and newspaper and other writers for services of any and every kind rendered by said newspapers and other publications and periodicals and writers in aid or support of each and every candidate for such office; the names of such newspapers and other publications and writers and the amount paid to each, directly or indirectly, whether for additional subscriptions or otherwise; the amount paid by, for, or on account of any such candidate in the aggregate, and the whole amount so paid by all of such candidates to all of such newspapers, publications, or periodicals.

5. The cost to the candidates and each of them, and of the delegates attending the same, of the national convention for the nomination of candidates for President of the United States, and each of them, and for what purpose moneys were paid and used at each such convention, and particularly whether the expenses of any delegate to such convention, or either of them, were paid, either in whole or in part, by anyone other than themselves, and if so, by whom and in what amounts and on what terms and conditions, if any.

6. In what States corrupt-practice acts have been enacted applicable to primary elections and, in general terms, the provisions of each of said acts and the penalties imposed for the violation thereof.

That said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress; to hold sessions at such place or places as it shall deem most convenient for the purposes of the investigation; to employ stenographers; to send for persons and papers; to administer oaths; and to report the results of its investigations, including all testimony taken by it, and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. WORKS. Mr. President, I have been an earnest advocate of the direct and presidential primaries. I believe they are necessary to the preservation of the rights of the people and the prevention of fraud and corruption in elections. I believe they will have that effect if rightly and honestly conducted. They have been on trial for the past few months. I think it is time to take account of stock and see what they have profited us.

We have just passed through a campaign in both of the great parties for the nomination of candidates for President of the United States. No American citizen can look back upon it without the blush of shame. Candidates for that great office have gone on the stump and canvassed for their own election. That was shame enough. But one of them was President of the United States and another an ex-President, pitted against each other. Their campaign was undignified, malicious, and disgraceful. It was not a discussion of principles or an effort to inform or instruct the people, but consisted of personal attacks and counterattacks, criminations and recriminations. If half the things they said of each other were true, neither of them was fit to be nominated. The whole country was shocked at this unexampled spectacle. The people were humiliated and indignant. It was openly charged on the stump and on the floor of the Senate that enormous sums of money were being used to carry the election. The people have a right to know whether this charge is true or not. They have a right to know whether the direct primaries can be controlled by the use of money, as we all know the caucus and convention can be controlled and corrupted. If they can, if the masses of the people can not be trusted and their votes can be had for money, the last hope of maintaining the institutions of the country free and uncorrupted has vanished. The hope of the country rests upon the integrity and patriotism of the people.

We all know that public officials, paid by the Government, from the President down, have given their time, that the people are paying for, in carrying on the campaigns of the various candidates. The people have a right to know how much of the time paid for by them has been used in conducting, managing, and manipulating politics in the interest of candidates. They have a right to know, too, how much it cost to hold the nominating conventions and who put up the money for these expenses. The enormous sums of money expended in political contests has become one of the crying evils of the time. This country has every right to be informed on these subjects. In other words, the people have a right to know how much it costs them, in money and time, to nominate a candidate for President, and how much the candidates and their supporters have paid in the attempt to secure the nominations. It is information that touches the very vitals of our systems, new and old, of nominating candidates for President.

We have tried both the direct primaries and conventions in this campaign. The national convention at Chicago was a fitting sequel to the campaign that preceded it. It was full of malice and hatred. Charges of fraud and corruption were

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37. Gums: Amber, and amberoid unmanufactured, or crude gum, $1 per pound; arabic, one-half of 1 cent per pound; camphor, crude, natural, 3 cents per pound; camphor, refined and synthetic, 5 cents per pound; chicle, 20 cents per pound; gum copal, one-half of 1 cent per pound; gum resin, 10 per cent ad valorem; dextrine, burnt staich or British gum, dextrine substitutes, and soluble or chemically treated starch, three-fourths of 1 cent per pound; gum Kauri and damar, and lac, crude, seed, button, and stick, 1 cent per pound; lac dye and shell, 1½ cents per pound.

38. Indigo, indigo extracts or pastes, and indigo carmined, 10 per cent ad valorem.

39. Ink and ink powders, 15 per cent ad valorem.

40. Iodine: Crude, 10 cents per pound; resublimed, 15 cents per pound; potassium iodide, 20 cents per pound; iodoform, 25 cents per pound.

41. Leaves, roots, and spices: Buchu leaves, 10 cents per pound; coca leaves, 10 cents per pound; gentian, one-fourth of 1 cent per pound; licorice root, unground, .15 cent per pound; sarsaparilla root, 1 cent per pound; all the foregoing in a crude state, and not advanced in value or condition by refining, grinding, or other process; cassia buds, cassia, and cassia vera; cinnamon and cinnamon chips; ginger root, unground and not preserved or candied; nutmegs; pepper, black or white; capsicum or red pepper, or cayenne pepper; and clove stems, 1 cent per pound; cloves, 2 cents per pound; pimento, three-fourths of 1 cent per pound; sage, one-half of 1 cent per pound; mace, 8 cents per pound; mustard, ground or prepared, in bottles or otherwise, 6 cents per pound; all other spices not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem.

42. Lemon juice, lime juice, and sour orange juice, all the foregoing containing not more than 2 per cent of alcohol, 10 per cent ad valorem.

43. Licorice, extracts of, in pastes, rolls, or other forms, 15 per cent ad valorem but not less than 2 cents per pound.

44. Lime, citrate of, 1 cent per pound.

45. Magnesia: Calcined, 3½ cents per pound; carbonate of, precipitated, 1½ cents per pound; sulphate of, or Epsom salts, one-tenth of 1 cent per pound; magnesite, calcined, not purified, $1 per ton.

46. Menthol, 50 cents per pound.

47. Methyl alcohol or wood alcohol, 5 cents per gallon.

48. Moss and sea grass, eel grass, and seaweeds, if manufactured or dyed, 10 per cent ad valorem.

49. Oils, rendered: Cod, sod, seal, herring, whale, and other fish oil, not specially provided for in this act or in the first section of the act cited for amendment, 5 cents per gallon; cod-liver oil, 12 cents per gallon; wool grease, including that known commercially as degras or brown wool grease, crude and not refined or improved in value or improved in value or condition, one-fourth of 1 cent per pound; refined or improved in value or condition, and not specially provided for in this act or in the first section of the act cited for amendment, one-half of 1 cent per pound; lanolin, 1 cent per pound; all other animal oils, rendered oils and greases, and all combinations of the same, not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem.

50. Oils, expressed: Alizarin assistant, sulphoricinoleic acid, and ricinoleic acid, and soaps containing castor oil, any of the foregoing in whatever form, and all other alizarin assistants and all soluble greases used in the processes of softening, dyeing, or finishing, not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem; castor oil, 20 cents per gallon; cocoanut oil, palm oil, palm-kernel oil, and soya-bean oil, one-fourth of 1 cent per pound; olive oil rendered unfit for use as food or for any but mechanical or manufacturing purposes, by such means as shall be satisfactory to the Secretary of the Treasury and under regulations to be prescribed by him, three-eighths of 1 cent per pound; flaxseed and linseed oil, raw, boiled, or oxidized, 13 cents per gallon; poppy-seed oil, raw, boiled, or oxidized, rapseed oil, and peanut oil, 10 cents per gallon; hempseed oil and Chinese-nut oil, 5 cents per gallon; almond oil, sweet, 5 cents per pound; mace oil, 8 cents per pound; sesame or sesamum seed or bean oil, 1½ cents per pound; olive oil, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem; olive oil, in bottles, jars, kegs, or other packages containing less than 5 gallons each, 30 cents per gallon; all other expressed oils and all combinations of the same, not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem.

51. Oils, distilled and essential: Peppermint, 25 cents per pound; almond, bitter; anise or anise seed; bergamot; camomile; caraway; cassia; cinnamon; cedrat; citronella or lemon-grass; jasmine or jasmine; juniper; lavender, and aspic or spike lavender; lemon; limes; neroli or orange flower; orange; origanum, red or white; rosemary or anthoss; attar of roses; thyme; and valerian; all the foregoing oils, and all fruit oils and essences, and essential and distilled oils and all combinations of the same, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

52. Opium, crude or unmanufactured, and not adulterated, containing 9 per cent and over of morphia, $3 per pound; opium of the same composition, dried to contain 15 per cent or less of moisture, powdered, or otherwise advanced beyond the condition of crude or unmanufactured, $4 per pound; morphia or morphine, sulphate of, and all alkaloids of opium, and salts and esters thereof, $3 per ounce; cocaine, ecgonine, and all salts and derivatives of the same, $2 per ounce; aqueous extract of opium, for medicinal uses, and tincture of, as laudanum, and other liquid preparations of opium, not specially provided for in this act or in the first section of the act cited for amendment, 60 per cent ad valorem; opium containing less than 9 per cent of morphia, $6 per pound; but preparations of opium deposited in bonded warehouses shall not be removed therefrom without payment of duties, and such duties shall not be refunded: *Provided*, That nothing herein contained shall be so construed as to repeal or in any manner impair or affect the provisions of an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909.

53. Perfumery, including cologne and other toilet waters, articles of perfumery, whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, including tooth soaps, pastes, including theatrical grease paints, and pastes, pomades, powders, and other toilet articles, all the foregoing; if containing alcohol, 60 cents per pound and 50 per cent ad valorem; if not containing alcohol, 60 per cent ad valorem; floral or flower waters containing no alcohol, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem.

54. Ambergris; enfleurage grease; musk, crude, in natural pods, and musk in the grain; civet, crude; all synthetic and essential oils and all other odoriferous substances or preparations suitable for the manufacture of perfumes or cosmetics, or flavoring extracts, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem: *Provided*, That no article containing alcohol shall be classified for duty under this paragraph.

55. Plasters, healing or curative, of all kinds, and court-plaster, 15 per cent ad valorem.

56. Baryta, sulphate of, or barytes, including barytes earth, unmanufactured, 15 per cent ad valorem but not less than 40 cents per ton; manufactured, 20 per cent advalorem but not less than $1.30 per ton; blanc-fixe, or artificial sulphate of barytes, and satin white, or artificial sulphate of lime, 20 per cent ad valorem but not less than one-fourth of 1 cent per pound.

57. Blues, such as Berlin, Prussian, Chinese, and all others, containing ferrocyanide of iron, in pulp, dry or ground in or mixed with oil or water, 20 per cent ad valorem but not less than 3 cents per pound; ultramarine blue, whether dry, in pulp, or ground in or mixed with oil or water, and wash blue containing ultramarine, 20 per cent ad valorem but not less than 2 cents per pound.

58. Black pigments, made from bone, ivory, or vegetable substance, by whatever name known; gas black and lampblack, dry or ground in or mixed with oil or water, 15 per cent ad valorem.

59. Chrome yellow, chrome green, and all other chromium colors in the manufacture of which lead and bichromate of potash or soda are used, in pulp, dry, or ground in or mixed with oil or water, 20 per cent ad valorem but not less than 3 cents per pound.

60. Ocher and ochery earths, sienna and sienna earths, and umber and umber earths, Spanish brown, Venetian red, Indian red, and colcothar or oxide of iron, not specially provided for in this act or in the first section of the act cited for amendment, when crude or not powdered, washed or pulverized, 10 per cent ad valorem; if powdered, washed, pulverized, or ground in or mixed with oil or water, 20 per cent ad valorem.

61. Lead pigments: Litharge, orange mineral, red lead, white lead, and all pigments containing lead, dry or in pulp, and ground or mixed with oil or water, not specially provided for in this act or in the first section of the act cited for amendment, 25 per cent ad valorem but not less than 1 cent per pound.

62. Lead, acetate of, white, and nitrate of, 1½ cents per pound; acetate of, brown, gray, or yellow, 1 cent per pound; all other lead compounds not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem.

63. Varnishes, including so-called gold size or japan, and enamel paints made with varnish, 25 per cent ad valorem: *Provided*, That spirit varnishes containing less than 10 per cent of methyl alcohol of the total percentage of alcohol contained therein, shall be dutiable at $1.32 per gallon and 25 per cent ad valorem.

64. Vermilion reds, containing quicksilver, dry or ground in oil or water, 15 per cent ad valorem but not less than 7½ cents per pound; when not containing quicksilver but made of lead or containing lead, 25 per cent but not less than 4 cents per pound.

65. Whiting and Paris white, dry, one-tenth of 1 cent per pound; ground in oil, or putty, 15 per cent ad valorem but not less than one-fourth of 1 cent per pound.

66. Zinc, oxide of, and white sulphid of, lithopone, and pigments containing zinc, but not containing lead, ground dry, 15 per cent ad valorem but not less than six-tenths of 1 cent per pound; when ground in or mixed with oil or water, 20 per cent ad valorem but not less than 1 cent per pound.

67. Zinc, chloride of and sulphate of, one-half of 1 cent per pound.

68. All paints, colors, pigments, stains, lakes, crayons, including charcoal crayons or fusians, smalts and frostings, and all ceramic and glass fluxes, glazes, enamels, and colors, whether crude, dry, mixed, or ground with water or oil or with solutions other than oil, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem; all paints, colors, and pigments commonly known as artists' paints or colors, whether in tubes, pans, cakes, or other forms, 25 per cent ad valorem.

69. Potash: Bicarbonate of, and carbonate of, refined, one-half of 1 cent per pound; hydrate of, six-tenths of 1 cent per pound; hydrate of, in sticks or rolls, 1 cent per pound; chlorate of, chromate and bichromate of, 1 cent per pound; cyanide of, 1½ cents per pound; nitrate of, or saltpeter, crude, $3 per ton; refined, $7 per ton; permanganate of, 1½ cents per pound; prussiate of, red, 2 cents per pound; yellow, 1½ cents per pound.

70. Soaps: Toilet soaps, 40 per cent ad valorem, but not less than 20 cents per pound; medicinal soaps, 30 per cent ad valorem, but not less than 8 cents per pound; castile soap and all other soaps not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem, but not less than 1 cent per pound.

71. Soda: Arseniate of, chlorate of, and nitrite of, one-half of 1 cent per pound; bicarbonate of, or supercarbonate of, or saleratus, and other alkalies containing 50 per cent or more of bicarbonate of soda; hydrate of, or caustic; phosphate of; hyposulphite of; sulphid of, and sulphite of, one-fourth of 1 cent per pound; cyanide of, 1½ cents per pound; chromate and bichromate of, and yellow prussiate of, three-fourths of 1 cent per pound; borate of, or borax refined; crystal carbonate of, monohydrate, and sesquicarbonate of; sal soda, and soda crystals; silicates of; and soda ash, one-eighth of 1 cent per pound; and sulphate of soda crystallized, or Glauber salts, $1 per ton.

72. Sponges, 15 per cent ad valorem; manufactures of sponges, or of which sponge is the component material of chief value, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem.

73. Sumac, ground, one-fifth of 1 cent per pound.

74. Talcum, steatite, and French chalk, powdered, washed, or pulverized, 15 per cent ad valorem.

75. Tin, chlorid of, tetrachlorid of, crystals and all other compounds of tin, not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem.

76. Vanillin, 10 cents per ounce; vanilla beans, 50 cents per pound; tonka beans, 25 cents per pound.

FREE LIST.

That on and after the day following the passage of this act, the articles enumerate, described, and provided for in the following paragraphs shall, when imported from any foreign country into the United

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States or into any of its possessions (except the Philippine Islands and the Islands of Guam and Tutuila), be exempt from duty:

77. Acids: Acetic and pyroligneous, arsenic or arsenious, carbolic, chromic, fluoric, hydrochloric or muriatic, nitric, prussic, silicic, sulphuric acid and oil of vitriol, and valerianic.

78. Albumen, not specally provided for in this act or in the first section of the act cited for amendment.

79. Ammonia, sulphate of.

80. Antitoxins, vaccine virus, and all other serums derived from animals and used for therapeutic purposes.

81. Blue vitriol, or sulphate of copper; acetate and subacetate of copper, or verdigris.

82. Borax, crude and unmanufactured, and borate of lime, soda, and other borate material, crude and unmanufactured, not otherwise provided for in this act or in the first section of the act cited for amendment.

83. Calcium, acetate of, brown and gray, chloride of, crude, and nitrate of, crude.

84. Chalk, natural, not ground, bolted, precipitated, or otherwise manufactured.

85. Charcoal, blood char, bone char, or bone black, not suitable for use as a pigment.

86. Coal tar, crude, pitch of coal tar, and products of coal tar known as naphthalin, phenol and cresol; all the foregoing not medicinal and not colors or dyes.

87. Copperas, or sulphate of iron.

88. Drugs, such as barks, beans, berries, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums, herbs, leaves, lichens, mosses, nuts, nutgalls, logs, roots, stems, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncompounded drugs and not edible and not specially provided for in this act or in the first section of the act cited for amendment, and are in a crude state, not advanced in value or condition by peeling, shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture: *Provided*, That no article containing alcohol shall be admitted free of duty under this paragraph.

89. Magnesite, crude, not purified.

90. Oils: Cottonseed oil; spermaceti, whale, and other fish oils of American fisheries, and all fish and other products of such fisheries; petroleum, crude or refined, including kerosene, benzine, naphtha, gasoline, and similar oils produced from petroleum.

91. Paris green and London purple.

92. Phosphorus.

93. Potash, crude, or "black salts"; carbonate of potash, crude; sulphate of potash, crude or refined; and muriate of potash.

94. Santonin, and all salts thereof.

95. Sheep dip containing five one-hundredths of 1 per cent of arsenic or more, not specially provided for in this act or in the first section of the act cited for amendment.

96. Soda, sulphate of, crude, or salt cake and niter cake.

97. Strychnia or strychnine, and all salts thereof.

98. Sulphur in any form, brimstone, and sulphur ore as pyrites, or sulphuret of iron in its natural state, containing in excess of 25 per cent of sulphur.

99. Talcum, steatite, and French chalk, crude and unground.

SEC. 2. That section 25 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended to read as follows:

"SEC. 25. That where imported materials on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States there shall be allowed on the exportation of such articles a drawback equal in amount to the duties paid on the materials used, less 1 per cent of such duties: *Provided*, That when the articles exported are made in part from domestic materials the imported materials, or the parts of the articles made from such materials, shall so appear in the completed articles that the quantity or measure thereof may be ascertained: *And provided further*, That the drawback on any article allowed under existing law shall be continued at the rate herein provided. That the imported materials used in the manufacture or production of articles entitled to drawback of customs duties when exported shall, in all cases where drawback of duties paid on such materials is claimed, be identified, the quantity of such materials used and the amount of duties paid thereon shall be ascertained, the facts of the manufacture or production of such articles in the United States and their exportation therefrom shall be determined, and the drawback due thereon shall be paid to the manufacturer, producer, or exporter, to the agent of either or to the person to whom such manufacturer, producer, exporter, or agent shall in writing order such drawback paid, under such regulations as the Secretary of the Treasury shall prescribe.

"That on the exportation of flavoring extracts and of medicinal or toilet preparations (including perfumery) hereafter manufactured or produced in the United States in part from domestic alcohol on which an internal-revenue tax has been paid there shall be allowed a drawback equal in amount to the tax found to have been paid on the alcohol so used: *Provided*, That no other than domestic tax-paid alcohol shall have been used in the manufacture or production of such preparations. Such drawbacks shall be determined and paid under such rules and regulations and upon the filing of such notices, bonds, bills of lading, and other evidence of payment of tax and exportation as the Secretary of the Treasury shall prescribe.

"That the provisions of this section shall apply to materials used in the construction and equipment of vessels built for foreign account and ownership, or for the Government of any foreign country, notwithstanding that such vessels may not within the strict meaning of the term be articles exported."

SEC. 3. That on and after the day following the passage of this act all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subject to no other duty upon the entry or withdrawal thereof than the duty which would be imposed if such goods, wares, or merchandise were imported on or after that date.

SEC. 4. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed.

During the reading of the bill,

Mr. SIMMONS. I move that the Senate take a recess until this evening at half past 8 o'clock.

Mr. SMOOT. Mr. President, would it not be better to continue and finish the reading of the bill and then take a recess?

Mr. LODGE. Let us finish the reading of the bill.

Mr. SMOOT. I suggest to the Senator from North Carolina that the reading of the bill be concluded.

Mr. SIMMONS. I inquire on what page the Secretary is now reading?

The PRESIDENT pro tempore. There are about 15 pages more to be read, as the Chair is informed.

Mr. SIMMONS. Very well, I will withhold the motion.

The reading of the bill was resumed and concluded.

RECESS.

Mr. SIMMONS. I move that the Senate take a recess until half past 8 o'clock to-night.

The motion was agreed to, and thereupon (at 3 o'clock and 25 minutes p. m.) the Senate took a recess until 8.30 p. m.

EVENING SESSION.

At 8.30 p. m., on the expiration of the recess, the Senate reassembled.

THE CHEMICAL SCHEDULE.

The PRESIDENT pro tempore. The business before the Senate is the further consideration of House bill 20182.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS. Mr. President, I desire to offer an amendment to the bill on behalf of the minority members of the Committee on Finance. On page 3 I move to strike out lines 3 and 4, which read as follows:

Alizarin, natural or artificial, and dyes derived from alizarin or from anthracene, 10 per cent ad valorem.

The PRESIDENT pro tempore. The Secretary will report the amendment proposed by the Senator from North Carolina.

The SECRETARY. On page 3 strike out lines 3 and 4, which read as follows:

Alizarin, natural or artificial, and dyes derived from alizarin or from anthracene, 10 per cent ad valorem.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from North Carolina.

Mr. SIMMONS. 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]. That Senator is necessarily absent, and I withhold my vote.

Mr. FLETCHER (when his name was called). I am paired with the senior Senator from Ohio [Mr. BURTON]. If he were present I should vote "yea." In his absence I withhold my vote.

Mr. THORNTON (when Mr. FOSTER's name was called). I announce the unavoidable absence of my colleague [Mr. FOSTER] on account of illness, and also that he has a general pair with the Senator from Wyoming [Mr. WARREN]. I will let this announcement stand for all subsequent roll calls during the evening.

Mr. GALLINGER (when his name was called). I am paired with the senior Senator from Virginia [Mr. MARTIN]. If I were privileged to vote I would vote "yea."

Mr. HEYBURN (when his name was called). I am paired with the senior Senator from Alabama [Mr. BANKHEAD]. He being absent, I withhold my vote.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I withhold my vote. If I were at liberty to vote I should vote "yea."

Mr. PENROSE (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. WILLIAMS], and therefore I withhold my vote on this and all other questions on the bill this evening.

Mr. LODGE (when Mr. ROOT's name was called). I desire to announce the pair of the senior Senator from New York [Mr. ROOT] with the Senator from Maine [Mr. JOHNSON]. I will let the announcement stand for the evening.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the city.

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Mr. SUTHERLAND (when his name was called). I have a pair with the senior Senator from Maryland [Mr. RAYNER]. I transfer that pair to the Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "yea."

The roll call was concluded.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If he were present, I should vote "yea."

Mr. CRAWFORD (after having voted in the affirmative). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS], who is absent. Not knowing how he would vote, I will withdraw my vote. If I were at liberty to vote I should vote "yea."

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I inquire if that Senator has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. BRANDEGEE. Then I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. BRIGGS (after having voted in the affirmative). I understand that the senior Senator from West Virginia [Mr. WATSON] has not voted. I therefore withdraw my vote. I have a general pair with that Senator.

Mr. CURTIS. I desire to announce that I am paired with the Senator from Nevada [Mr. NEWLANDS]. Were I at liberty to vote, I should vote "yea."

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is detained from the Chamber on account of illness. I therefore withhold my vote on this question and all others this evening.

Mr. CRANE (after having voted in the affirmative). In the absence of the junior Senator from Maine [Mr. GARDNER], with whom I am paired, I withdraw my vote.

Mr. McCUMBER. I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I will transfer that pair to the junior Senator from New Mexico [Mr. FALL], understanding that he has not voted, and vote "yea."

Mr. JOHNSTON of Alabama. I desire to announce the pairs of several Senators who are absent.

The Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON].

The Senator from Texas [Mr. CULBERSON] is paired with the Senator from Delaware [Mr. DU PONT].

The Senator from Indiana [Mr. KERN] is paired with the Senator from Tennessee [Mr. SANDERS].

The Senator from Nevada [Mr. NEWLANDS] is paired with the Senator from Kansas [Mr. CURTIS].

The Senator from Montana [Mr. MYERS] is paired with the Senator from Connecticut [Mr. MCLEAN].

The Senator from Oklahoma [Mr. OWEN] is paired with the Senator from South Dakota [Mr. GAMBLE].

The Senator from Ohio [Mr. POMERENE] is paired with the Senator from Michigan [Mr. TOWNSEND].

The Senator from Missouri [Mr. REED] is paired with the Senator from Michigan [Mr. SMITH].

The Senator from Maryland [Mr. SMITH] is paired with the Senator from New Hampshire [Mr. BURNHAM].

The Senator from South Carolina [Mr. SMITH] is paired with the Senator from Delaware [Mr. RICHARDSON].

The Senator from Missouri [Mr. STONE] is paired with the Senator from Wyoming [Mr. CLARK].

The Senator from Virginia [Mr. SWANSON] is paired with the Senator from Nebraska [Mr. BROWN].

The Secretary recapitulated the vote.

Mr. CLARK of Wyoming. I desire to announce the pair of my colleague [Mr. WARREN] with the Senator from Louisiana [Mr. FOSTER]. My colleague is absent from the Chamber on public business.

Mr. SANDERS (after having voted in the affirmative). Owing to a pair with the junior Senator from Indiana [Mr. KERN], I withdraw my vote.

Mr. TOWNSEND (after having voted in the affirmative). I have just been informed that I was paired with the junior Senator from Ohio [Mr. POMERENE]. I was not aware of that fact, but I am willing to abide the judgment of the Senator from Alabama as to that. There was some talk about my being paired until the 1st of July, so I withdraw my vote.

The PRESIDENT pro tempore. The Chair will state that less than a quorum of Senators has voted upon this amendment, but in order to give an opportunity to secure a quorum, if it is so desired, the Chair will not announce the result.

Mr. GALLINGER. I suggest that the vote ought to be announced and then the names of absentees called.

The result was announced—yeas 35, nays 0, as follows:

YEAS—35.

Ashurst	Clarke, Ark.	Lodge	Poindexter
Bacon	Cullom	Lorimer	Simmons
Borah	Cummins	McCumber	Smith, Ariz.
Bradley	Gronna	Nelson	Smoot
Bryan	Guggenheim	Oliver	Sutherland
Catron	Johnston, Ala.	Overman	Thornton
Chamberlain	Jones	Page	Wetmore
Chilton	Kenyon	Paynter	Works
Clapp	La Follette	Perkins	

NOT VOTING—59.

Bailey	Dillingham	Lippitt	Sanders
Bankhead	Dixon	McLean	Shively
Bourne	du Pont	Martin, Va.	Smith, Ga.
Brandegee	Fall	Martine, N. J.	Smith, Md.
Briggs	Fletcher	Myers	Smith, Mich.
Bristow	Foster	Newlands	Smith, S. C.
Brown	Gallinger	O'Gorman	Stephenson
Burnham	Gamble	Owen	Stone
Burton	Gardner	Penrose	Swanson
Clark, Wyo.	Gore	Percy	Tillman
Crane	Heyburn	Pomerene	Townsend
Crawford	Hitchcock	Rayner	Warren
Culberson	Johnson, Me.	Reed	Watson
Curtis	Kern	Richardson	Williams
Davis	Lea	Root	

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

The PRESIDENT pro tempore. The Senator from Massachusetts makes the point that there is no quorum present. The Secretary will call the roll of the Senate.

Mr. McCUMBER. Before that is done, I am satisfied from the vote that my pair would vote in the same way as I would vote. Therefore I will let my vote stand without the announcement of the pair. I transferred it to the junior Senator from New Mexico [Mr. FALL], who has since returned to the Chamber, and that will give him an opportunity to vote.

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

Ashurst	Clarke, Ark.	Johnston, Ala.	Penrose
Bacon	Crane	Jones	Perkins
Borah	Crawford	Kenyon	Poindexter
Bradley	Cullom	La Follette	Sanders
Brandegee	Cummins	Lippitt	Simmons
Briggs	Curtis	Lodge	Smith, Ariz.
Bryan	Dillingham	Lorimer	Smith, Ga.
Burnham	Fall	McCumber	Smoot
Catron	Fletcher	Nelson	Sutherland
Chamberlain	Gallinger	Oliver	Thornton
Chilton	Gronna	Overman	Townsend
Clapp	Guggenheim	Page	Wetmore
Clark, Wyo.	Heyburn	Paynter	Works

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

Mr. SIMMONS. Mr. President, while the roll call has disclosed a quorum, it is apparent that on a vote there is no quorum present. I move that the Senate do now adjourn.

The motion was agreed to; and (at 8 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 3, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 2, 1912.*

The House met at 12 o'clock noon, and was called to order by the Clerk of the House, Hon. South Trimble.

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

Holy, holy, Lord God Almighty, Maker of heaven and earth, let Thy blessing descend in all fullness upon us that our thoughts may harmonize with Thy thoughts, that our judgments may be in consonance with Thy judgment, and our acts conform to Thy will, that we may be the instruments in Thy hands for the furtherance of the plans which Thou hast ordained. In the spirit of the Lord Jesus Christ. Amen.

The Clerk read the following communication:

JULY 2, 1912.

Hon. SOUTH TRIMBLE,
Clerk House of Representatives:

I hereby appoint and designate Hon. T. W. SIMS, of Tennessee, to act as Speaker and preside over the House to-day.

CHAMP CLARK, *Speaker.*

Mr. SIMS took the chair as Speaker pro tempore amid applause.

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

EXTENSION OF REMARKS.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to make some corrections and extensions in remarks I made on the 24th, for the permanent RECORD.

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The SPEAKER pro tempore. Without objection, the corrections will be made.

There was no objection.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take up for present consideration the Army appropriation bill and consider it in the House as in Committee of the Whole House on the state of the Union; that general debate upon the bill be confined to two hours, one hour of which to be controlled by the gentleman from Illinois [Mr. PRINCE] and the other hour by myself, and at the end of that time the previous question shall be considered as ordered and final vote be taken upon the bill.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that the military appropriation bill be taken up and considered in the House as in the Committee of the Whole House on the state of the Union and that two hours of general debate be had, one half to be controlled by the gentleman from Illinois [Mr. PRINCE] and the other half by the gentleman from Virginia [Mr. HAY], and at the end of the two hours the previous question shall be considered as ordered and the bill voted on as a whole. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Speaker, I ask unanimous consent that the Clerk report the bill by title.

The Clerk read as follows:

A bill (H. R. 25531) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

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

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I suppose the bill ought to be read at some time. I am not sure, under the unanimous-consent agreement, it would be read.

Mr. UNDERWOOD. I will state to the gentleman from Illinois, the bill has been read in the House several times; it is exactly the bill which passed the House, the identical bill.

Mr. MANN. That is the statement of the gentleman from Alabama, which I have no doubt is accurate, but the only way to test that is to have the bill read in the House. This is a new bill.

Mr. GARNER. In order to obviate the difficulty if the gentleman from Illinois merely wants to print the bill, why not have unanimous consent to print the bill at this point?

Mr. MANN. Oh, I think every bill ought to be read at some time. I do not care which reading of the bill it is, but I take it the second reading would be dispensed with under the order, probably.

Mr. HAY. Mr. Speaker, if the bill is to be read, it might as well be read now as any other time.

The SPEAKER pro tempore. The gentleman withdraws the request?

Mr. HAY. Yes.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 25531) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1913.

Contingencies of the Army: For all contingent expenses of the Army not otherwise provided for, and embracing all branches of the military service, including the office of the Chief of Staff, to be expended under the immediate orders of the Secretary of War, $25,000.

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Army War College: For expenses of the Army War College, being for the purchase of the necessary stationery, office, toilet, and desk furniture, textbooks, books of reference, scientific and professional papers and periodicals, printing and binding, maps, police utensils, employment of temporary, technical, or special services, and for all other absolutely necessary expenses, including $25 per month additional to regular compensation to chief clerk of division for superintendence of the War College Building, $9,000.

Contingencies military information section, General Staff Corps: For contingent expenses of the military information section, General Staff Corps, including the purchase of law books, professional books of reference, professional and technical periodicals and newspapers, and of the military attachés at the United States embassies and legations abroad; and of the branch office of the military information section at Manila, to be expended under the direction of the Secretary of War, $10,000: *Provided*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

United States service schools: To provide means for the theoretical and practical instruction at the Staff College (including the Army School of the Line, Army Field Engineer School, and the Army Signal School) at Fort Leavenworth, Kans., the Mounted Service School at Fort Riley, Kans., and the School of Fire for Field Artillery at Fort Sill, Okla., by the purchase of textbooks, books of reference, scientific and professional papers, the purchase of modern instruments and material for theoretical and practical instruction, and for all other absolutely necessary expenses, to be allotted in such proportions as may, in the opinion of the Secretary of War, be for the best interests of the military service, $30,000.

THE ADJUTANT GENERAL'S DEPARTMENT.

Contingencies, headquarters of military departments: For contingent expenses at the headquarters of the several military divisions and departments, including the Staff Corps serving thereat, being for the purchase of the necessary articles of office, toilet, and desk furniture, binding, maps, technical books of reference, professional and technical newspapers and periodicals, and police utensils, to be allotted by the Secretary of War, and to be expended in the discretion of the several military division and department commanders, $7,500.

UNDER THE CHIEF OF COAST ARTILLERY.

Coast Artillery School, Fort Monroe, Va.: For incidental expenses of the school, including chemicals, stationery, hardware; cost of special instruction of officers detailed as instructors; extra-duty pay to soldiers necessarily employed for periods not less than 10 days as artificers on work in addition to and not strictly in line with their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; office furniture and fixtures, machinery, and unforeseen expenses, $10,000.

For purchase of engines, generators, motors, machines, measuring instruments, special apparatus and materials for the division of the enlisted specialists, $7,000.

For purchase of special apparatus and materials and for experimental purposes for the department of artillery, $3,000.

For purchase of generating, measuring, and mine apparatus, and materials for use in instruction of artillery troops in their special duties in connection with the loading and planting of submarine mines, $5,500.

For purchase and binding of professional books of recent date treating of military and scientific subjects for library and for use of school, $2,500.

Provided, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

OFFICE OF THE CHIEF SIGNAL OFFICER.

Signal Service of the Army: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons and aeroplanes, including their maintenance and repair; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; fire control and direction apparatus and material for field artillery; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, $375,000: *Provided, however*, That not more than $75,000 of said amount shall be used for the purchase, maintenance, operation, and repair of airplanes and other aerial machines.

Washington-Alaska military cable and telegraph system: For defraying the cost of such extension and betterments of the Washington-Alaska military cable and telegraph system as may be approved by the Secretary of War, to be available until the close of the fiscal year 1914, from the receipts of the Washington-Alaska military cable and telegraph system that have been covered into the Treasury of the United States, the extent of such extensions and the cost thereof to be reported to Congress by the Secretary of War, $50,000.

Annunciator buzzer systems at target ranges: For the installation of annunciator buzzer systems at such target ranges as the Secretary of War may determine, $10,000.

PAY OF OFFICERS OF THE LINE.

For pay of officers of the line, $6,893,908.

For additional pay to officers for length of service, to be paid with their current monthly pay, $1,524,120. That no money appropriated by this act shall be paid to any officer for any period during which he shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned, unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law.

PAY OF ENLISTED MEN.

For pay of enlisted men of all grades, including recruits, $15,832,000: *Provided*, That no part of the appropriation in this act for the pay of officers and enlisted men shall be paid to any officer or enlisted man in active service for any period of time lost by him on account of diseases which are the result of his own intemperate use of drugs or alcoholic liquors or other misconduct.

For additional pay for length of service, $1,535,000: *Provided*, That on and after the 1st day of July, 1912, there shall be 10 regiments of Cavalry, and no more, in the United States Army, and that the officers who shall be rendered supernumerary by this reduction in the number of Cavalry regiments shall be retained in service, and shall be assigned to vacancies in their respective grades as such vacancies shall occur in the Cavalry, or, in the discretion of the President, to such vacancies in their respective grades as shall occur in any other arm of the service: *Provided further*, That all officers of Cavalry made surplus by such reduction shall be transferred proportionately to the Infantry, Field Artillery, Coast Artillery, Cavalry, according to their relative commissioned personnel strength; and that the officers so transferred shall take rank in the branch to which transferred according to length of commissioned service: *And provided further*, That no officer shall be reduced in grade; and the Secretary of War is directed to carry out the provisions of this act.

CORPS OF ENGINEERS.

For pay of enlisted men, $477,840.

Additional pay for length of service, $65,000.

ORDNANCE DEPARTMENT.

For pay of enlisted men, $221,436.

Additional pay for length of service, $105,500.

QUARTERMASTER'S DEPARTMENT.

For pay of 200 post quartermaster sergeants, at $45 per month each, $108,000.

Additional pay for length of service, $38,000.

SUBSISTENCE DEPARTMENT.

For pay of 207 post commissary sergeants, at $45 per month each, $111,780.

Additional pay for length of service, $45,000.

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Mr. McCUMBER. Mr. President——

Mr. CURTIS. If the Senator will yield, I made a point of order against that amendment yesterday.

Mr. McCUMBER. I was going to ask the Senator to withhold his point of order, at least until we can perfect the amendment. Then I should like to discuss the point of order. I think properly, at least, we can perfect the amendment first.

Mr. CURTIS. I shall very gladly do that, Mr. President, if by doing it I do not waive the right to make the point of order. In my judgment, if a point of order is not made when an amendment is first presented, and it is permitted to be amended and discussed, the point is waived. I may be wrong in that.

The PRESIDING OFFICER. The Chair would hold that the point of order could be made at any stage of the consideration of the matter.

Mr. CURTIS. If the Chair will hold that, I have no objection. I want to make the point of order against the whole of the amendment, and I should like to state the grounds now.

First, it is in violation of section 1 of Rule XVI, in that it adds a new item of appropriation, whch is not intended to carry out the provisions of any existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during this session.

Second, it is in violation of section 3 of Rule XVI, in that it proposes general legislation in an appropriation bill.

Mr. McCUMBER. Mr. President, I am somewhat acquainted with this particular case and with the litigation that has grown out of it. I do not intend to go into the details of the case, but I do wish to present to the Senate enough of it to enable the Senate to clearly understand not only the merits of the matter, but also the parliamentary question as to whether or not it is proper upon an appropriation bill.

When the Colville Indian Reservation was opened it was opened pursuant to an agreement entered into between the United States and the Colville Indians. It was a treaty or agreement made between the United States and those Indians. Whatever right may exist for payment of funds that shall be appropriated in this bill or otherwise must depend upon a treaty stipulation and relate to that treaty stipulation.

We agreed to pay those Indians a certain sum for the cession of their rights to about one-half of the reservation.

Congress neglected, year after year, to perform its duty. There is no question about that. It was necessary, in order to bring the matter clearly before Congress and to get Congress to take some action toward performing its part of the agreement, that the Indians should employ counsel. That counsel performed his duties. Without the aid of the counsel, in my opinion, upon both the facts and the law in the case, the matter never would have been decided. So, whatever of counsel fees shall be provided in this bill, I for one am in a position to declare from my knowledge of the case that the fees have been honestly earned, and that without those services the Colville Indians would not have had the appropriation.

The counsel who first entered into the agreement with the Indians to demand from the United States the fulfillment of its obligation made a contract with those Indians for the payment to him of 15 per cent upon the amount recovered. That was not an excessive charge. The claimant in this case, Mr. Gordon, was one of the original attorneys, or, perhaps I might say, the original attorney. This contract lapsed by reason of the time specified in which the relief was to be obtained. Afterwards another contract was made, which, as I remember, provided for a fee of 10 per cent, but in which contract Mr. Gordon retained an interest, and other attorneys were introduced into the case.

Mr. CURTIS. May I interrupt the Senator there?

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

Mr. McCUMBER. Certainly.

Mr. CURTIS. I simply wished to say that, as I understand, that contract was not approved.

Mr. McCUMBER. This contract had expired, at all events, whether it was approved or not. But notwithstanding the expiration of the contract, the services of the attorneys were continued before the department and before the Committee on Indian Affairs, with the consent and at the request of the tribe. Therefore, the services having been performed at the request of the Indians and they having received the benefit of the services, they are in equity estopped from denying the right of the counsel to a reasonable compensation. That was the view taken by the committee a few years ago. The matter was submitted to the Court of Claims as to the right of the Indians to recover the amount to which they were entitled, and the value of the services of the counsel rendered upon a quantum meruit.

Remember that the amount they contracted to pay in the first instance was 15 per cent. In the second instance, I think, it was 10 per cent. Part of the services, and most of them, perhaps, were performed under the original contract calling for a fee of 15 per cent.

Mr. BACON. Mr. President——

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

Mr. McCUMBER. Certainly.

Mr. BACON. If the Senator will permit me a moment, the fact is that the original contract with the Indians was for 15 per cent. It was submitted to the Interior Department for approval, and the department, while approving the contract in all other particulars, cut down the fee to 10 per cent.

Mr. McCUMBER. Yes; I knew that was substantially correct. The second understanding was, at least, that it was to be 10 per cent.

When the matter was finally submitted to the Court of Claims that court, as I remember, allowed $1,500,000 as the basis of the claim. Ten per cent upon that would be $150,000. So if even the whole $150,000 had been paid out of that sum to the attorneys it would not have been unjust to the Indians, considering the character of the litigation. But the court awarded as compensation to the attorneys, as I remember, $60,000, which was divided among most of the attorneys who had taken part in the trial of the action and in producing the evidence and presenting the facts before Congress year after year.

Inasmuch as $60,000 was awarded, and that was the limit of the amount allowed for the services of other attorneys, having some knowledge on my own part of the services rendered by the several attorneys, and by this particular attorney who instituted the action in the first instance and has been connected with it all the time, he having received no sum whatever so far for his services, it seems to me that upon a quantum meruit basis he ought to be allowed a reasonable sum. Considering the entire sum received by all, I think $45,000 is more than he should receive.

For that reason, Mr. President, I am going to move to strike out the words "forty-five thousand" and insert in lieu thereof the words "twenty-five thousand." That leaves the matter still open as to another $14,000, which is still in litigation, and the litigation concerning which, as I am credibly informed, has cost this claimant nearly the full amount of about $14,000.

Mr. OVERMAN. Mr. President——

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

Mr. McCUMBER. Certainly.

Mr. OVERMAN. My sympathies have always been with Mr. Gordon, and I want to see him paid; but why was it that he did not receive part of this $60,000?

Mr. McCUMBER. As I remember, $14,000 was awarded as Mr. Gordon's share. Other attorneys interested in the case, directly and indirectly, as was brought out before the committee, brought suits against him, and have tied up this money by injunction or otherwise. The defense of these suits, as I understand, including the costs in the original case, has cost him just about the amount of money involved.

Mr. OVERMAN. There is $14,000, then, that is held up pending litigation, as I understand?

Mr. McCUMBER. Yes. But, as I say, the proposed payment of $25,000 and this $14,000, most of which has been used up in litigation, I think would be a fair compensation for him, on the basis of the allowances made by the Court of Claims to other attorneys for their services in the case.

Just one word, Mr. President, on the point of order.

Mr. SMITH of Georgia. Will the Senator yield to me for a moment?

Mr. McCUMBER. I yield.

Mr. SMITH of Georgia. Is not this really the trouble about the $14,000: Mr. Gordon had the assistance of additional counsel besides those paid by the action of the Court of Claims, and they claim additional sums from him for their services that are not provided for? They claim that this $14,000, or most of it, should go to them, in addition to what went to the other lawyers? That is about the status of the matter, as I understand.

Mr. McCUMBER. I think that is not wholly correct, Mr. President. An action was brought, not by the principal attorney in the case, but by some other attorneys, against Mr. Gordon, and this $14,000 has been tied up.

Mr. SMITH of Georgia. I do not think I made myself clear. My suggestion was this: Is it not true that lawyers not men-

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tioned in the decision of the Court of Claims, and in addition to them, claimed that they had also done some work for Mr. Gordon in connection with the matter, and that out of his $14,000 he must pay them, and that it will take a large part of that sum to pay them?

Mr. McCUMBER. That is correct, Mr. President, as I understand.

Now, a word on the other subject:

The United States agreed to pay the Colville Indians for the cession of certain of their lands. The lands were ceded to the United States in consideration of that agreement. That agreement was, in effect, a treaty, and such a treaty as is referred to in the rules. The payment that is authorized by this bill is a payment of money that grew out of that treaty.

I do not understand that in appropriating to carry out the provisions of a treaty which requires us to pay certain sums of money we are going outside of the rule when we provide how that money shall be distributed. That is the only difference between a certain portion of this money being paid to counsel and the principal being paid to the Indians themselves that is not wholly in accord with the original agreement.

This question was brought up some years ago under a treaty in which it was attempted, by an amendment which I offered, to distribute in a certain manner the money which was to be paid pursuant to a treaty. A point of order was raised, similar to the point raised by the Senator from Kansas. The Chair held—Mr. Frye then being in the chair—that under the rule, after making an appropriation, the Senate could provide for its distribution in any manner it saw fit without such provision constituting new legislation, and that the only question there involved was whether the original appropriation of itself constituted new or independent legislation.

Mr. BACON. Mr. President, I want to say one word further in regard to the point of order.

The same point of order was made by the Senator from Kansas when this bill was before the Senate two years ago. It was then sustained by the Chair, the Vice President being in the chair at the time. I want to call attention to the ground upon which the ruling was made, to show that it does not apply to the present case.

The ruling made by the Vice President was that it was general legislation, because the amendment provided that the amount should be immediately available. The contention on the part of the friends of the amendment was that it was a payment of a fee due out of a particular fund which belonged to the parties from whom the fee was charged to be due, and that it was therefore strictly germane.

The Vice President conceded that, but here is his ruling. I will read first the remarks made by me and then the reply. The Vice President said:

The VICE PRESIDENT. The point of order is sustained.

Mr. BACON. I would beg permission of the Chair to make a suggestion in reference to a point of order previously ruled upon.

The VICE PRESIDENT. The Chair will be very glad to hear the Senator.

Mr. BACON. If this were a simple claim against the Indians for that much money, independent of this particular fund, I think the ruling of the Chair would certainly be correct; but this in a claim upon this particular fund and not a general claim against the Indians. This is what would be recognized in a court as a lien on a fund. It relates to the particular fund which is being appropriated. I think there is a distinction between that and an effort which might be made to collect some other debt against the Indians and asking that it be paid out of this fund.

Here is a fund which Congress is appropriating, and this is a part of the particular transaction which brings about this appropriation. Therefore I can not see how it can come under the terms of the rule. The object of the rule, which says that general legislation shall not be permitted, is that independent matter shall not be engrafted upon an appropriation bill. This is not an independent matter; it is a matter which directly relates to and is connected with the provision making the appropriation.

To that the Vice President made this reply:

The VICE PRESIDENT. The point which the Chair made was that this is a bill providing appropriations for the Indian Department during a fiscal year. The amendment provides for another appropriation——

Mr. DAVIS interjected:

Distinct from this.

The Vice President continuing said:

For payment at a different time, which makes it a legislative provision in the opinion of the Chair.

Mr. BACON. I presume it is because I am not entirely familiar with this Indian legislation that I do not understand the exact statement the Chair makes.

The VICE PRESIDENT. Here is a provision which, under certain circumstances, might be considered purely as a limitation upon the appropriation being provided for, but the amendment makes provision that the appropriation shall be immediately available, which takes it out of the fiscal year for which we are making the appropriation.

Mr. BACON. I did not know of that, Mr. President, or I would have suggested to the author of the amendment that that ought to have been stricken out. That puts an entirely new phase on it. I did not know that that was in the mind of the Chair.

Now, Mr. President, that was the ground upon which the ruling was based, that when the amendment provided that the fund should be immediately available it took it out of that appropriation bill and provided for general legislation, making it a charge upon an altogether different appropriation bill.

Now, that is not in this amendment. Here is a particular fund, the balance of $100,000 coming to these Indians. It is in the nature, as I said upon that former occasion, of a lien upon that particular fund. It does not come out of the Treasury of the United States. It does not fall in any measure or in any manner within the spirit or purpose of the rule, which is to protect the Treasury of the United States against a particular appropriation being ingrafted upon a general appropriation bill, thus tending in its effect to take out of the Treasury of the United States money which has not been properly estimated for, and so forth.

The PRESIDING OFFICER. The hour of 2 o'clock having arrrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. BACON. I think, Mr. President, that that clearly differentiates it, and the statement of the Vice President——

Mr. SIMMONS. Mr. President, I am willing that the unfinished business shall be laid aside until the Senator finishes his remarks, if he desires. Otherwise I should like to go on with the unfinished business.

Mr. BACON. I have no desire to finish my remarks unless the matter is going to be acted upon. If the appropriation bill is going to be laid aside, I would prefer to wait until it is taken up again.

Mr. CLAPP. I think the better plan would be now to take up the tariff measure and vote on it and get it out of the way, and then the Senator from Georgia will have such time as he desires.

Mr. BACON. Very well; I am willing that that course should be pursued.

ADJOURNMENT TO FRIDAY.

Mr. NELSON. I move that when the Senate adjourns to-day it adjourn to meet on the 5th of July.

The PRESIDING OFFICER. The Senator from Minnesota moves that when the Senate adjourns to-day it be to meet on Friday, the 5th day of July.

The motion was agreed to.

THE CHEMICAL SCHEDULE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SIMMONS and Mr. SMOOT suggested the absence of a quorum.

The PRESIDING OFFICER. The roll will be called.

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

Ashurst	Crawford	Kenyon	Reed
Bacon	Cullom	Lea	Root
Bailey	Cummins	Lippitt	Shively
Bourne	Curtis	Lodge	Simmons
Bradley	Dillingham	Lorimer	Smith, Ariz.
Brandegee	du Pont	McCumber	Smith, Ga.
Briggs	Fall	Martin, Va.	Smith, Md.
Bristow	Fletcher	Martine, N. J.	Smith, S. C.
Brown	Gallinger	Nelson	Smoot
Bryan	Gardner	Newlands	Thornton
Burnham	Gronna	Oliver	Tillman
Catron	Guggenheim	Overman	Townsend
Chamberlain	Heyburn	Page	Wetmore
Clapp	Johnson, Me.	Paynter	Works
Clark, Wyo.	Johnston, Ala.	Perkins	
Clarke, Ark.	Jones	Rayner	

Mr. THORNTON. I wish to announce the unavoidable absence of my colleague [Mr. FOSTER] on account of illness.

Mr. JONES. I wish to state that my colleague [Mr. POINDEXTER] is detained from the Chamber by reason of public business.

The PRESIDING OFFICER. Sixty-two Senators have answered to their names. A quorum of the Senate is present. The pending amendment will be stated.

The SECRETARY. The pending amendment is the amendment offered by the Senator from North Carolina [Mr. SIMMONS]. On page 3 it proposes to strike out lines 3 and 4, which read as follows:

Alizarin, natural or artificial, and dyes derived from alizarin or from anthracene, 10 per cent ad valorem.

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The PRESIDING OFFICER. The yeas and nays were ordered and taken on the amendment, and no quorum appeared. The roll will be again called on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I have a general pair with the Senator from Montana [Mr. DIXON], and in his absence I withhold my vote.

Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I do not see him on the floor, and therefore I withhold my vote. I would vote "yea" if I were at liberty to vote.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I see that he is not present, and therefore I withhold my vote. I should vote "yea" if I were at liberty to vote.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. CRAWFORD (when his named was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. Not knowing how he would vote, I withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I therefore withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I withhold my vote.

Mr. FLETCHER (when his name was called). I am paired with the senior Senator from Ohio [Mr. BURTON]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote. I vote "yea."

Mr. THORNTON (when Mr. FOSTER's name was called). I announce the unavoidable absence of my colleague [Mr. FOSTER] an account of illness, and furthermore that he is paired with the senior Senator from Wyoming [Mr. WARREN]. I make this announcement for the day.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senate from Alabama [Mr. BANKHEAD]. In his absence I withhold my vote.

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND]. If he were present I should vote "yea."

Mr. REED (when his name was called). On this vote I have a pair with the Senator from Michigan [Mr. SMITH]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Senate. As stated by the Senator from Missouri, he is paired with that Senator. If the senior Senator from Michigan were present, he would vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. RICHARDSON]. In his absence I withhold my vote. Were he present I would vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] is unavoidably detained from the Senate. He has a general pair with the senior Senator from Maryland [Mr. RAYNER]. If my colleague were here, he would vote "yea."

The roll call was concluded.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "yea."

Mr. DILLINGHAM (after having voted in the affirmative). I observe that the senior Senator from South Carolina [Mr. TILLMAN] has not voted, and as I have a pair with him I withdraw my vote.

Mr. CRAWFORD. I desire to state that my colleague [Mr. GAMBLE] is unavoidably absent. He has a general pair with the Senator from Oklahoma [Mr. OWEN].

Mr. ASHURST. I wish to state that the Senator from Montana [Mr. MYERS] is unavoidably detained, and he is paired with the Senator from Connecticut [Mr. MCLEAN].

Mr. OLIVER. I desire to announce that my colleague [Mr. PENROSE] is temporarily detained from the session of the Senate. He is paired with the Senator from Mississippi [Mr. WILLIAMS]. If my colleague were present, he would vote "yea."

Mr. CULLOM. I think I will take the liberty of voting. I vote "yea."

Mr. RAYNER. I vote "yea."

The result was announced—yeas 58, nays 0, as follows:

YEAS—58.

Ashurst	Cullom	Lippitt	Root
Bacon	Cummins	Lodge	Sanders
Borah	Curtis	Lorimer	Shively
Bourne	Fall	Martin, Va.	Simmons
Bradley	Fletcher	Martine, N. J.	Smith, Ariz.
Briggs	Gallinger	Nelson	Smith, Ga.
Bristow	Gardner	Oliver	Smith, Md.
Brown	Gronna	Overman	Smoot
Bryan	Guggenheim	Page	Swanson
Burnham	Johnson, Me.	Paynter	Thornton
Catron	Johnston, Ala.	Perkins	Townsend
Chamberlain	Jones	Poindexter	Wetmore
Clapp	Kenyon	Pomerene	Works
Clarke, Ark.	Kern	Rayner	
Crane	Lea	Reed	

NOT VOTING—36.

Bailey	Dillingham	McCumber	Smith, Mich.
Bankhead	Dixon	McLean	Smith, S. C.
Brandegee	du Pont	Myers	Stephenson
Burton	Foster	Newlands	Stone
Chilton	Gamble	O'Gorman	Sutherland
Clark, Wyo.	Gore	Owen	Tillman
Crawford	Heyburn	Penrose	Warren
Culberson	Hitchcock	Percy	Watson
Davis	La Follette	Richardson	Williams

So Mr. SIMMONS's amendment was agreed to.

Mr. SIMMONS. I offer the following amendment: On page 10, lines 9 and 10, I move to strike out the words "gum copal, one-half of 1 per cent per pound."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from North Carolina.

The amendment was agreed to.

Mr. SIMMONS. On page 10, line 13, I move to strike out the words "gum kauri and damar."

The amendment was agreed to.

Mr. SIMMONS. On page 10, line 16, I move to strike out the word "indigo."

The amendment was agreed to.

Mr. SIMMONS. On page 12, line 25, I move to strike out the words "and soya-bean oil."

The amendment was agreed to.

Mr. SIMMONS. On page 13, line 9, I move to strike out the words "Chinese-nut oil."

The amendment was agreed to.

Mr. SIMMONS. On page 17, line 21, I move to strike out the word "twenty-five" and substitute in lieu thereof the word "fifteen."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 17, line 21, strike out the word "twenty-five" and in lieu insert "fifteen," so that if amended it will read:

Varnishes, including so-called gold size or japan, and enamel paints made with varnish, 15 per cent ad valorem.

Mr. SMOOT. Mr. President, I hope the Senate will not agree to that amendment. It proposes to reduce the rate on varnishes, not only on plain varnishes but on gold size or japan varnishes and enamel paints made with varnish. The rate in the bill as passed by the House is 25 per cent, and now it is proposed that it shall be reduced to 15 per cent. I hope the Senate will not agree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from North Carolina. [Putting the question.] The noes appear to have it.

Mr. SIMMONS. I ask for the yeas and nays.

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

Mr. BAILEY (when his name was called). I again announce my pair with the Senator from Montana [Mr. DIXON]. To avoid the trouble of repeating it I will ask that this announcement may stand for the day. I also desire to couple with the announcement the statement that if I were at liberty to vote I would vote generally with my party associates.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "nay." I make this announcement for the day of the transfer of my pair.

Mr. CLARK of Wyoming (when his name was called). I again announce my pair with the senior Senator from Missouri [Mr. STONE]. I will let this announcement stand for the day.

Mr. FLETCHER (when his name was called). I am paired with the senior Senator from Ohio [Mr. BURTON]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote. I vote "yea."

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANK-

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HEAD]. In his absence I will withhold my vote. Were he present and were I permitted to vote I would vote "nay."

Mr. REED (when his name was called). I repeat the announcement of my pair with the Senator from Michigan [Mr. SMITH] and the transfer of that pair to the Senator from Nebraska [Mr. HITCHCOCK]. I will let this announcement of the transfer stand for the day. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON], and I therefore withhold my vote. If I were at liberty to vote, I would vote "yea." I will let this announcement stand for the day.

The roll call was concluded.

Mr. CULLOM (after having voted in the affirmative). It may be possible that the Senator with whom I am paired may differ from me on this question, and I therefore withdraw my vote.

Mr. DU PONT (after having voted in the negative). As I observe that the senior Senator from Texas [Mr. CULBERSON], with whom I have a general pair, is not present, I withdraw my vote.

Mr. McCUMBER (after having voted in the negative). I will ask if the senior Senator from Mississippi [Mr. PERCY] has voted?

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

Mr. McCUMBER. I have a general pair with him, and I will therefore withdraw my vote.

Mr. WILLIAMS (after having voted in the affirmative). I wish to ask if the Senator from Pennsylvania [Mr. PENROSE] has voted upon this roll call?

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

Mr. WILLIAMS. Then I withdraw my vote, because I am paired with the senior Senator from Pennsylvania.

Mr. RAYNER (after having voted in the affirmative). I withdraw my vote. I am paired with the junior Senator from Utah [Mr. SUTHERLAND].

The result was announced—yeas 29, nays 29, as follows:

YEAS—29.

Ashurst	Gardner	Overman	Smith, Ga.
Bacon	Johnson, Me.	Paynter	Smith, Md.
Bristow	Johnston, Ala.	Poindexter	Swanson
Bryan	Kern	Pomerene	Thornton
Chamberlain	Lea	Reed	Tillman
Clarke, Ark.	Martin, Va.	Shively	
Crawford	Martine, N. J.	Simmons	
Fletcher	Newlands	Smith, Ariz.	

NAYS—29.

Bourne	Cummins	Lippitt	Sanders
Bradley	Curtis	Lodge	Smoot
Briggs	Dillingham	Lorimer	Townsend
Brown	Fall	Nelson	Wetmore
Burnham	Gallinger	Oliver	Works
Catron	Gronna	Page	
Clapp	Guggenheim	Perkins	
Crane	Jones	Root	

NOT VOTING—36.

Bailey	Davis	La Follette	Richardson
Bankhead	Dixon	McCumber	Smith, Mich.
Borah	du Pont	McLean	Smith, S. C.
Brandegee	Foster	Myers	Stephenson
Burton	Gamble	O'Gorman	Stone
Chilton	Gore	Owen	Sutherland
Clark, Wyo.	Heyburn	Penrose	Warren
Culberson	Hitchcock	Percy	Watson
Cullom	Kenyon	Rayner	Williams

So Mr. SIMMONS's amendment was rejected.

Mr. SIMMONS. I move, on page 10, line 10, to strike out the words "gum resin."

The PRESIDING OFFICER. The Chair would suggest to the Senator from North Carolina that the words "10 per centum ad valorem" should also be stricken out.

Mr. SIMMONS. The Chair is right.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 10, line 10, it is proposed to strike out the words "gum resin, 10 per centum ad valorem."

The amendment was agreed to.

Mr. SIMMONS. On page 8, line 6, I move to amend by striking out after the words "or condition by" the word "peeling."

The amendment was agreed to.

Mr. SIMMONS. On page 22, line 14, I move to amend, after the words "or condition by," by striking out the word "peeling."

The amendment was agreed to.

Mr. SIMMONS. On page 12, in line 19, after the word "soaps," I move to amend by striking out the words "containing castor oil, any of the foregoing in whatever form," and by inserting in lieu thereof the words "all of the foregoing made from or containing castor oil in whatever form, 20 per centum ad valorem," to be followed by a comma.

The amendment was agreed to.

Mr. SIMMONS. On page 21, line 19, I move to amend by inserting after the word "gray" the words "carbide of."

The amendment was agreed to.

Mr. SIMMONS. On page 21, after paragraph 78, I move to amend by inserting a new paragraph, as follows:

Alizarin and indigo, natural or artificial, and dyes derived from alizarin or from anthracene.

The amendment was agreed to.

Mr. SIMMONS. On page 22, line 2, I move to amend by inserting after the words "known as" and before the word "naphthalin" the words "anthracene and anthracene oil," to be followed by a comma.

The amendment was agreed to.

Mr. SIMMONS. On page 22, after paragraph 88, I move to amend by inserting as a new paragraph the following:

Gums, copal, kauri, damar, and resin.

The amendment was agreed to.

Mr. SIMMONS. On page 22, line 25, after the word "petroleum," I move to insert "soya-bean oil and Chinese nut oil."

The amendment was agreed to.

Mr. SIMMONS. Mr. President, I have no further amendments to offer.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. SIMMONS. On that question I ask for the yeas and nays.

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

Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. Not seeing him on the floor, I withhold my vote. I will make no further announcement of the pair during the day. I desire to say that if the Senator from New York were present and I were at liberty to vote, I should vote "nay."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote. If allowed to vote, I should vote "nay."

Mr. CRAWFORD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. If he were present and I were at liberty to vote, I should vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is not in the Chamber, and I therefore withhold my vote. Were he present, I should vote "nay."

Mr. FLETCHER (when his name was called). I am paired with the senior Senator from Ohio [Mr. BURTON], but I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote. I vote "yea."

Mr. CRAWFORD (when Mr. GAMBLE's name was called). My colleague [Mr. GAMBLE] is unavoidably absent. He has a general pair with the Senator from Oklahoma [Mr. OWEN]. If my colleague were present, he would vote "nay."

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. He is absent, and I therefore withhold my vote. If he were present and I were at liberty to vote, I should vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I am compelled to withhold my vote. Were I at liberty to vote, I should vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the Senate. He is paired with the junior Senator from Missouri [Mr. REED]. If present, the senior Senator from Michigan would vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have already made a statement in reference to my pair, and will let that stand for the remainder of the day.

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent on business of the Senate. He is paired with the senior Senator from Louisiana [Mr. FOSTER]. If present and at liberty to vote, my colleague would vote "nay."

The roll call was concluded.

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Mr. DILLINGHAM (after having voted in the negative). I observe that the senior Senator from South Carolina [Mr. TILLMAN] has not voted. As I have a general pair with him, I withdraw my vote.

Mr. RAYNER. I am paired with the Senator from Utah [Mr. SUTHERLAND]. If he were present and I were at liberty to vote, I should vote "yea."

Mr. MARTINE of New Jersey. I have been requested to announce the pair existing between the Senator from West Virginia [Mr. CHILTON] and the Senator from Illinois [Mr. CULLOM].

The result was announced—yeas 27, nays 32, as follows:

YEAS—27.

Ashurst	Johnson, Me.	Overman	Smith, Ariz.
Bacon	Johnston, Ala.	Paynter	Smith, Ga.
Bryan	Kern	Poindexter	Smith, Md.
Chamberlain	Lea	Pomerene	Swanson
Clarke, Ark.	Martin, Va.	Reed	Thornton
Fletcher	Martine, N. J.	Shively	Williams
Gardner	Newlands	Simmons	

NAYS—32.

Borah	Clapp	Jones	Penrose
Bourne	Crane	Kenyon	Perkins
Bradley	Cummins	Lippitt	Root
Briggs	Curtis	Lodge	Sanders
Bristow	Fall	Lorimer	Smoot
Brown	Gallinger	Nelson	Townsend
Burnham	Gronna	Oliver	Wetmore
Catron	Guggenheim	Page	Works

NOT VOTING—35.

Bailey	Davis	La Follette	Smith, Mich.
Bankhead	Dillingham	McCumber	Smith, S. C.
Brandegee	Dixon	McLean	Stephenson
Burton	du Pont	Myers	Stone
Chilton	Foster	O'Gorman	Sutherland
Clark, Wyo.	Gamble	Owen	Tillman
Crawford	Gore	Percy	Warren
Culberson	Heyburn	Rayner	Watson
Cullom	Hitchcock	Richardson	

So the Senate refused to pass the bill.

COTTON FUTURES.

Mr. SMITH of South Carolina. Mr. President, during my absence, having been called away a week or two ago because of illness in my family, the bill (S. 4654) to regulate contracts for the future delivery of cotton, being Calendar No. 670, was placed under Rule IX. I ask unanimous consent that it be restored to the calendar under Rule VIII.

Mr. THORNTON. Mr. President, I shall object to that, on account of the wishes of the Senator from Mississippi, who had the bill placed on the calendar under Rule IX. I would rather not have it taken up in his absence.

Mr. SMITH of South Carolina. It is not a question of taking up the bill. I merely ask unanimous consent that it be restored to the calendar under Rule VIII.

Mr. THORNTON. I object to anything being done with it in the absence of the Senator referred to.

Mr. SMITH of South Carolina. Then, Mr. President, I move that the bill be restored to its place on the calendar under Rule VIII. It is a bill introduced by me and favorably reported by the Committee on Agriculture and Forestry. During the time of my unavoidable absence the bill was taken from the calendar under Rule VIII and placed on the calendar under Rule IX. I move that it be restored to its place under Rule VIII.

The motion was agreed to.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I ask the Senate to resume the consideration of House bill 20728, the Indian appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20728) 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, 1913.

The PRESIDING OFFICER. The pending amendment is, on page 68, line 18 to line 5, inclusive, on page 69. The Senator from Kansas [Mr. CURTIS] made the point of order against the amendment.

Mr. CURTIS. I desire to know whether the Senator from Georgia [Mr. BACON] has completed his remarks on the point of order. I understood he had not done so.

The PRESIDING OFFICER. If the Senator will permit the Chair, the Chair recalls the fact that the Senator from North Dakota [Mr. MCCUMBER] offered an amendment to the paragraph. Does the Senator from Georgia desire to proceed now, or will he allow the amendment offered by the Senator from North Dakota to be acted on?

Mr. BACON. I am perfectly willing to have the amendment acted upon first.

Mr. LODGE. The point of order must be first considered.

The PRESIDING OFFICER. The point of order relates to the paragraph. This is an amendment to the text of the bill.

Mr. MCCUMBER. It was agreed that that should be the course.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. On page 68, line 25, it is proposed to strike out the word "forty-five," before the word "thousand," and in lieu thereof to insert the word "twenty-five," so that, if amended, it will read:

That the Secretary of the Treasury is hereby authorized and directed to pay, out of the sum of $1,500,000 set aside and held in the Treasury of the United States for the use and benefit of the Colville Indians under the provisions of an act approved June 21, 1906 (34 Stat. L., p. 337), the sum of $25,000 to Hugh H. Gordon for his individual services in behalf of said Indians, which sum of $25,000 is hereby appropriated for said Gordon's exclusive use and benefit out of any money in the Treasury not otherwise appropriated, and the same shall be charged against the funds set aside for the benefit of said Indians.

The amendment to the amendment was agreed to.

Mr. CURTIS. Mr. President, it seems to me the Senators who have argued the point of order have overlooked two things. In the first place, the amendment is not to a provision in the bill. It is a separate and distinct item. The amendment against which I made the point of order some two years ago was an amendment to an item in the bill. But it seems to me that whether that is true or not, the material point in this case is the fact that this amendment seeks to amend an act of Congress.

In 1906 this claim was before Congress. The Senate at that time placed an item in the Indian appropriation bill; and I desire to call the Chair's attention to that item, because this amendment repeals that act of Congress and sets aside the decision of the Court of Claims.

The item was as follows:

The act of June 21, 1906, supra, in addition to setting aside the $1,500,000 for the use and benefit of the Colville Indians, contained the further provision that "jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render final judgment in the name of Butler & Vale (Marion Butler and Josiah M. Vale), attorneys and counselors at law, of the city of Washington, D. C., for the amount of compensation which shall be paid to the attorneys who have performed services as counsel on behalf of said Indians in the prosecution of the claim of said Indians for payment for said land, and in determining the amount of compensation for such services the court may consider all contracts or agreements heretofore entered into by said Indians with attorneys who have represented them in the prosecution of said claim, and also all services rendered by said attorneys for said Indians in the matter of said claim * * *; and the Secretary of the Treasury is hereby authorized and directed to pay the sum of money so awarded by said court to the said attorneys (Butler & Vale) upon the rendition of final judgment, out of the said sum herein set apart or appropriated for the benefit of said Indians, and payment of said judgment shall be in full compensation to all attorneys who have rendered services to said Indians in the matter of their said claim, the same to be apportioned among said attorneys by said Butler & Vale as agreed among themselves: *Provided*, That before any money is paid to any attorney having an agreement with Butler & Vale as to the distribution of said fees, each of the same shall execute and deliver to the Secretary of the Interior a satisfaction and discharge of all claims and demands for services rendered said Indians in the matter of their said claim."

In accordance with this provision of law a petition was filed in the Court of Claims, the case being docketed as No. 29526, Butler & Vale (Marion Butler and Josiah M. Vale) *v.* The United States and the Indians residing on the Colville Reservation. A decision was rendered by the court on May 25, 1908 (43 C. C., 497), and a decree entered in favor of claimants in the aggregate sum of $60,000, apportioned as follows:

Benjamin Miller, administrator of the estate of Levi Maish, deceased, $6,000.
Hugh H. Gordon, $14,000.
Marion Butler, $20,000.
Josiah M. Vale, $10,000.
Daniel B. Henderson, $5,000.
Herbert J. May, $3,000.
Frederick C. Robertson, $2,000.

The Court of Claims construed the act of June 21, 1906, supra, as limiting the court to a judgment on the basis of a quantum meruit. Booth, J., in delivering the opinion of the court, said:

"In view of the facts and circumstances surrounding the enactment of the jurisdiction statute here questioned, we can not hold otherwise than that Congress intended to reward claimants, if entitled to reward, upon the basis of a quantum meruit."

This amendment repeals that act of Congress. It sets aside that decision of the Court of Claims. It is clearly general legislation, attempted to be placed upon the Indian appropriation bill. It seems to me that the bare statement of the fact that it does repeal this former act of Congress, and that that must of necessity be done in order to give these people any money whatever, is sufficient to make it subject to the point of order. It is general legislation, because it repeals a general act of Congress.

The PRESIDING OFFICER. Does any other Senator desire to be heard on the point of order? Upon carefully examining the proposed amendment, the Chair finds in it nothing that is apparently deserving of consideration, except the fact that it is a private claim. The question, in the mind of the Chair, is

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whether or not, under the rules of the Senate, a private claim of this nature may be placed upon an appropriation bill.

Mr. BACON. Mr. President, as I did not have anything to say on that point, I should like to say one word in that connection, if I may do so without intruding too far upon the time of the Senate or of the Chair.

The rule that has been invoked refers to private claims against the Government. This is not a claim against the Government. Here is a fund that belongs to the Indians, and it is the last of the fund. It is a fund which has been recovered under the contract for which this fee is claimed. It seems to me the rule with reference to a private claim has no application whatever so far as it would bar this item from the right to be put upon an appropriation bill. It has no relation to a claim against the Government.

Mr. McCUMBER. Mr. President——

Mr. BACON. If the Senator will pardon me a moment, I will say just one word. This is a claim against a specific fund. When that fund is once paid out this claim never can be thereafter enforced against it. It is not like a claim against the Government, which, if denied in one place, may be asserted and maintained and recovered in another. It is here or nowhere. It is about to be paid out. The money is already in the Treasury to the credit of these Indians.

Mr. McCUMBER. Mr. President, I want to call the Chair's attention to the fact—probably it has been already brought to its attention—that exactly the same question was passed upon on March 23, 1904.

The PRESIDING OFFICER. The Chair has not yet concluded its statement, but will be glad to hear from any Senator who wishes to enlighten the Chair.

Mr. McCUMBER. I will call attention to the particular point of order then made:

The Indian appropriation bill being under consideration, on page 53, after line 9, the committee reported the following amendment:

"For payment to J. Hale Sypher, to be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation, $50,000, which said sum the Secretary is hereby authorized and directed to pay immediately to J. Hale Sypher upon execution by him of a receipt in full of all claims against the Choctaw Nation for his services and expenses as attorney of said nation under contract entered into on the 7th day of November, A. D. 1891, between said J. Hale Sypher and the said Choctaw Nation.

Mr. Kean raised a point of order that it was a private claim and not in order.

The PRESIDENT pro tempore (Mr. Frye). The Chair calls the attention of the Senate to the item on page 53 of this bill, beginning in line 10 and ending with line 19, for payment to J. Hale Sypher of $50,000. The point of order was made by the Senator from New Jersey [Mr. Kean]. The Chair is of opinion that the private claim, under Rule XVI barred from appropriation bills, must necessarily be a claim against the Government of the United States which would take money from the United States Treasury. This item is not such a claim. It is neither against the Government nor does it take Government money from the Treasury. In the opinion of the Chair the committee having full jurisdiction of the subject had a right to report this item favorably and thus make it in order. So the Chair overrules the point of order raised by the Senator from New Jersey.

Mr. CURTIS. But, Mr. President, that item in the appropriation bill thus passed upon did not attempt to repeal a former act of Congress, nor did it attempt to set aside a finding of the Court of Claims. That is what this amendment does.

The PRESIDING OFFICER. The Chair was about to remark when interrupted that it is of opinion that this is not general legislation. The Chair would agree with the Vice President in the ruling he made when the point of order was made against this identical claim—that it became general legislation only for the reason that the words "to be immediately available" were inserted in the amendment.

The Chair is familiar with the ruling of the late Senator Frye, which has been read by the Senator from North Dakota, and has likewise observed that as long ago as February 13, 1855, in the Thirty-third Congress, this identical question arose in the Senate and was ruled upon. It arose on an amendment providing for the payment to Richard W. Thompson, as attorney for the Menominee Indians, of an amount for services, in conformity with a memorial of said Indians. Mr. Badger, in the chair, decided it in order because it was not a claim against the Government, but payable from the annuities of the Indians, although a private claim.

Mr. CURTIS. But, Mr. President, does the Chair hold that we can, on an Indian appropriation bill, or any other, repeal a general act of Congress, and that an amendment of that kind will be in order if a point is made? Does the Chair hold that Congress can set aside the judgment of a court without the item becoming general legislation?

The PRESIDING OFFICER. The Chair does not think the amendment repeals an act of Congress, and does not take that matter into consideration at all. The Chair is of opinion that it is competent for the Senate to pass upon the validity of this claim upon precisely the ground that was determined by the late President pro tempore of the Senate, Mr. Frye, and by Mr. Badger as long ago as in the Thirty-third Congress. The Chair is inclined to overrule the point of order, but will be glad to have it further discussed.

Mr. CLARKE of Arkansas. Mr. President, I desire to hear from the Senator from North Carolina [Mr. OVERMAN], who has knowledge of the history of this claim, as to the reasons which take it beyond the rule established by the precedents which have been read before the Senate. My understanding is that this whole matter was once before under discussion in this body, and the Congress of the United States solved the difficulty then presented by referring the whole matter to the Court of Claims for adjudication, both as to the liability and the extent thereof. The Court of Claims found in behalf of the claimants for $63,000. That sum was accepted by the claimants, including this particular claimant.

Mr. OVERMAN. When the appropriation of the money was made they received it in full, and it was provided that they should receive that much in full of all claims and demands.

Mr. CLARKE of Arkansas. That being the case, it seems to me the entire proceeding was novated into that judgment, and that precluded and estopped everybody who attempted to assert any right under that transaction. It seems to me it then required an affirmative act of Congress to create a liability when the court and the action of the parties themselves decided that no liability existed and that nobody ought to pay any more on account of that particular transaction.

If that is the case—and I understand from the Senator from North Carolina that while rather an imperfect statement of it, it is not an incorrect one so far as it goes—it would not be a claim to be dealt with.

The PRESIDING OFFICER. The Chair will state that the Chair did not understand that particular fact in this case.

Mr. CLARKE of Arkansas. I was sure the Chair did not.

The PRESIDING OFFICER. It had not been stated to the Chair.

Mr. OVERMAN. The recollection of the Senator from Kansas fully agrees with mine about that. I very well remember the debate upon this claim on the floor of the Senate some four or five years ago. It was then understood that we would leave to the Court of Claims the question as to what amount should be allowed upon the idea of the quantum meruit. The court allowed some $63,000. Then, of course, there had to be an appropriation to pay the $63,000. As I understand, in conference it was provided that this $63,000 should be paid, provided it was accepted in full of all claims and demands. They did so receive it, and $14,000 was allowed to this claimant. Now he comes here and asks for $45,000 more. If it is granted, what is to hinder any other attorney engaged there from coming to Congress hereafter and asking for forty or fifty or a hundred thousand dollars more, on the ground that the Court of Claims erred, after he had agreed to go into the Court of Claims and have the amount allowed upon a quantum meruit?

This matter has been here three times before, has been voted down by the Senate, and now it comes up here again. This money is in the Treasury. I remember it was said that the Senator from North Dakota wanted to leave $93,000 there, the disposition of it to be determined hereafter. But why is this money left there when we provided for the disposition of this fund some two years ago?

I sympathize with Mr. Gordon because this $14,000 is in litigation. It is true that it is not a claim against the Government. But the Government is the guardian of these poor Indians, and they are its wards, and I think they ought to be treated just like anybody else.

Mr. NELSON. Mr. President, I think—and I say it with all due respect—that the Chair misapprehended the point of order. I observed—and I am not saying it by way of criticism—that while the Senator from Kansas [Mr. CURTIS] was reading from the document to which he referred, the Chair was reading from the bill. I think if the Chair had heard what the Senator from Kansas read on that point it would have made a different ruling on the point of order. I therefore ask that the Senator from Kansas will again read what he read before.

The PRESIDING OFFICER. Before that is done, the Chair will venture to ask the Senator from North Carolina whether this claimant accepted a sum of money and receipted for it?

Mr. OVERMAN. No, Mr. President. I understand that the $14,000 mentioned has been in litigation. An injunction has been issued, and there is litigation over that money right now. That was his part of the award.

Mr. CURTIS. The litigation has held up the payment of the amount.

Mr. OVERMAN. The court said he was entitled to the $14,000, but the injunction held up its payment, and other lawyers are suing for it.

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Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. RICHARDSON, Mr. DICKSON of Mississippi, and Mr. WOOD of New Jersey managers at the 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 President pro tempore:

S. 4445. An act concerning unrigged vessels.

H. R. 21259. An act to allow an exchange of certain lands in the Harney National Forest; and

H. R. 24227. An act to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public-building acts, and for other purposes," approved March 4, 1909.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted by Local Union No. 21, United Garment Workers of America, of Chicago, Ill., praying for the passage of the so-called injunction limitation bill, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented a petition of members of the Young People's Christian Union of Chanute, Kans., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. JONES. I present telegrams in the nature of petitions from members of the Alaska Steamship Co., the Associated Chambers of Commerce of the Pacific Coast, and the Shipowners' Association of the Pacific Coast, favoring the adoption of a proposed amendment to the sundry civil appropriation bill, which was submitted by me on the 13th instant, to appropriate $115,000 to establish a light and fog signal at or near Cape St. Elias, Alaska. I move that the telegrams be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. GARDNER presented petitions of Northern Light Grange, Patrons of Husbandry, of Monroe; of Weavers' Local Union No. 703, of Brunswick; and of sundry citizens of Portland, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

Mr. TILLMAN presented a petition of the congregation of the Methodist Episcopal Church South, of St. Matthews, S. C., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

Mr. WETMORE presented a petition of Local Union No. 534, Brotherhood of Painters, Decorators, and Paperhangers of America, of Newport, R. I., praying for the passage of the so-called injunction limitation bill, which was referred to the Committee on the Judiciary.

Mr. GRONNA presented a memorial of Local Division No. 453, Order of Railway Conductors, of Enderlin, N. Dak., remonstrating against the passage of the so-called employers' liability and workmen's compensation bill, which was ordered to lie on the table.

Mr. JONES presented resolutions adopted by Stevens Post, No. 1, Grand Army of the Republic, Department of Washington, of Seattle, Wash., expressing confidence in the integrity and faithfulness of C. H. Hanford, United States district judge for the western district of Washington, which were referred to the Committee on the Judiciary.

He also presented a petition of the faculty of the University of Washington, Seattle, Wash., and a petition of the faculty of the University of Washington (summer school), Seattle, Wash., praying for the establishment of a department of public health, which were ordered to lie on the table.

THE SPONGE INDUSTRY.

Mr. FLETCHER, from the Committee on Fisheries, to which was referred the bill (S. 6385) to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and Straits of Florida; the landing, delivering, curing, selling, or disposing of the same; providing means of enforcement of same; and for other purposes, reported it with amendments and submitted a report (No. 904) thereon.

EUGENE PRINCE.

Mr. LODGE. From the Committee on Immigration I report back favorably, with an amendment striking out the preamble, the joint resolution (H. J. Res. 220) to grant American citizenship to Eugene Prince. I ask for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. JOHNSTON of Alabama. I ask the Senator from Massachusetts why it is necessary to pass the joint resolution.

Mr. LODGE. I will be very glad to tell the Senator and tell the Senate. It is a very strange case. I never heard of one like it.

This young man's grandfather went to Russia as the representative of a large firm in Boston and established himself there. His son, John Henry Prince, was born there and remained an American citizen, but has resided in Russia ever since. He is the agent for the Niles Tool Works and the Bethlehem Steel Works. His son, the subject of the joint resolution, was born in Russia. Our statute, section 1993, provides that—

> All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

His father has never resided in the United States. Therefore he can not take by descent. He is not a Russian subject. He therefore can not be naturalized, for he has no allegiance to renounce. He could have become a Russian subject and then come here and renounced his allegiance, but he declined to swear allegiance to the Czar. He can not even get a passport to leave the country. It had to be arranged by our ambassador there with the knowledge of the Russian state department, and he was allowed to come out on a letter which they gave him.

Mr. JOHNSTON of Alabama. He is a man without a country now, of course.

Mr. LODGE. The House report, which I shall ask to have printed in the RECORD, says that Eugene Prince is a citizen of no country on earth. I may add that his family have been settled in the town of Wenham, Mass., since 1643. So he may fairly be described as American stock.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The committee recommend that the preamble shall be stricken out. It will be so ordered, without objection.

Mr. LODGE. I ask that the House report may be printed in the RECORD.

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

[House Report No. 856, Sixty-second Congress, second session.]

Mr. SABATH, from the Committee on Immigration and Naturalization, submitted the following report, to accompany House joint resolution 220:

The Committee on Immigration and Naturalization, to which was referred House joint resolution (H. J. Res. 220) to grant American citizenship to Eugene Prince, reports the same without amendment and recommends that it be passed.

Eugene Prince is a citizen of no country on earth. His father is an American citizen residing in Russia; but under section 1993, Revised Statutes of the United States, American citizenship has not descended to Eugene Prince. On the other hand, as will be seen from the subjoined letters of the State Department and of the American ambassador at St. Petersburg, under Russian law Eugene Prince is not a Russian subject.

Prince is at present employed in Chicago, Ill., by the International Harvester Co. He is 22 years of age. It is impossible for him satisfactorily to meet the legal requirements of naturalization in the United States, as he has no allegiance to renounce.

The young man's history is as follows:

He comes of a family who settled in Essex County, Mass., in 1643. His relatives are residents of Wenham, Salem, Andover, and Cambridge, Mass.

As a young man his grandfather, George Henry Prince, left Salem, Mass., and went to St. Petersburg, Russia, to represent the firm of Messrs. W. Ropes & Co., of Boston, Mass., exporters of petroleum. Subsequently he became a partner of the firm, dying in Finland in 1900. George H. Prince's fifth child, John Henry Prince (father of Eugene Prince), was born in Russia and never resided in the United States, retaining, however, his American citizenship and acting as agent for various American firms, such as the Niles Tool Works, of Hamilton, Ohio, the Bethlehem Steel Works, etc. John Henry Prince is now about 49 years old. He is carried on the Russian records as an American citizen doing business in St. Petersburg under an annual permit of residence known as a "billet de sejour." Under the Russian law his offspring are also held to be American citizens.

Eugene Prince, the beneficiary under H. J. Res. 220, son of John Henry Prince, was born January 22, 1890. On completing his studies he became a clerk in the office of the International Harvester Co. at Moscow, Russia. As he approached the age of 21 years he determined to return to America and take up his residence, but soon found that there was difficulty about his citizenship and consequently about his passport for leaving Russia.

Under section 1993, Revised Statutes of the United States, American citizenship does not descend to the children of an American citizen who has never resided in the United States. Consequently, as John Henry Prince has never resided in this country, our diplomatic and consular officers in Russia could not recognize his son, Eugene Prince, as an American citizen and therefore could issue him no passport.

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On the other hand, Russian law does not recognize Eugene Prince as a subject of the Czar, and therefore he could not get a passport as a Russian.

It appears that when an American resident in Russia desires to leave that country he must arm himself with a permit from the Russian Government allowing him to pass the border. This permit is only issued upon the presentation of his American passport. As Eugene Prince could present no American passport he could get no Russian permit to cross the border. Ambassador Rockhill and various consular officers interested themselves in the matter and affairs were finally adjusted temporarily through the good offices of Ambassador Guild. The Russian Government issued to Eugene Prince a special permit in the form of a letter, and then by the American consul he was passed over the border and put on the steamship at Libau, Russia.

Some time in 1911 Prince arrived in this country. After a visit to his relatives in Wenham, Mass., he entered the Chicago offices of the International Harvester Co., and at the same time made declaration of his intention to become an American citizen, should it prove impossible to obtain special legislation in his behalf. It now appears that this declaration does not and can not conform with the terms of the law. Unless this resolution is passed, Prince will be in a deplorable situation, without standing as a citizen of any country and without the possibility of returning to Russia because he can secure no passport either as an American citizen or as a subject of the Czar. And yet his chief value to his employers obviously arises from the fact that his knowledge of the Russian tongue and of Russian business methods makes him a most acceptable agent to send to Russia from time to time to straighten out difficulties and to help in the introduction of new lines of goods. Unless his way is open for free entrance into Russia and free exit from Russia his services to his employers will be of little or no value. He must probably content himself with a very inferior situation.

It is true that Eugene Prince could to some extent have solved the difficulty before leaving Russia had he been willing to take the necessary steps to obtain Russian citizenship. The opportunity was open to him under Russian law to swear allegiance to the Czar, to have himself received into a "class" so called, to pay certain fees and conform to some formalities. In this way he could have become a Russian subject and could have obtained a passport as such whenever he should desire to revisit Russia. Naturally enough, however, he had no desire to swear allegiance to the Czar, and then proceed at once to the United States for the purpose of renouncing that very allegiance. His convenience would have best been served by adopting Russian citizenship. He has passed the age for military service and no embarrassing obligations would have fallen to his lot. Nevertheless, it was and is repugnant to his sentiments to abandon his desire to be recognized as a citizen of the United States in view of his descent and in view of his training and sympathies and in view of the fact that until recently he always supposed that his American citizenship was an unquestioned fact.

—

MARCH 12, 1912.

Hon. JOHN L. BURNETT,
House of Representatives.

SIR: With reference to your letters of February 10 and 17, 1912, concerning House joint resolution 220, providing for the citizenship of Eugene Prince, who was born in Russia of an American father who had never resided in this country, you are informed that this case has been informally and unofficially referred to a member of the Russian embassy, who confirms the conclusion already reached by the department that Mr. Prince did not acquire Russian nationality by the fact of his birth within the territory of Russia, the Russian law of nationality being based upon the jus sanguinis and not upon the jus soli. While it is believed that this information can be relied upon for the purpose you have in view, yet, if you so desire, the department will seek to obtain from the appropriate Russian authorities an official statement of the law applicable in this case. I venture the suggestion, however, that to obtain such a statement would not improbably require considerable time.

I have the honor to be, sir, your obedient servant,

HUNTINGTON WILSON,
Acting Secretary of State.

—

ST. PETERSBURG, *May 3, 1912.*

The honorable the SECRETARY OF STATE, *Washington.*

SIR: Referring to the department's unnumbered instructions of April 13 last, relative to the citizenship of Eugene Prince, I have the honor to report that under Russian law Mr. Prince can not be considered a Russian subject.

In determining the nationality of a native Russian in foreign lands the Russian law only considers the question of whether such individual obtained permission from his Government to renounce his allegiance thereto and to assume a foreign citizenship, or, if born in a foreign country, whether his parents were Russian subjects. Under this theory the Russian law applies the same test to foreigners who may be born or who reside in Russia.

Thus Mr. Prince, whose grandfather and father were Americans, is also considered an American, even though born in Russia. He had the opportunity of becoming a Russian subject at any time after five years' continuous residence, but did not do so.

I have the honor to be, sir, your obedient servant,

CURTIS GUILD.

—

[Section 1993, Revised Statutes of the United States.]

All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

BILLS INTRODUCED.

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

By Mr. SANDERS:

A bill (S. 7252) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911 (with accompanying papers); to the Committee on the Judiciary.

By Mr. BURTON:

A bill (S. 7253) granting an increase of pension to Lucy E. Richards; to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 7254) for the relief of Nicholas Redmond and certain other Army officers and their heirs and legal representatives; to the Committee on Claims.

By Mr. GARDNER:

A bill (S. 7255) to remove the charge of desertion from the record of James L. Pierce (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 7256) granting a pension to Mary J. D. Arkett (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 7257) granting an increase of pension to Jennie E. Engle (with accompanying papers); and

A bill (S. 7258) granting an increase of pension to Margaret Staton, including Earnest M. Staton; to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 7259) granting a pension to Cornelia Coleman Bragg; to the Committee on Pensions.

By Mr. GORE (for Mr. OWEN):

A bill (S. 7260) providing for the sale of the remaining portion of the Choctaw and Chickasaw unallotted and segregated lands; to the Committee on Indian Affairs.

By Mr. BRADLEY:

A bill (S. 7261) granting an increase of pension to William L. Brown (with accompanying paper); to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25069).

Mr. JONES submitted an amendment proposing to appropriate $50,000 for the establishment in Alaska of a fisheries experiment station, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Fisheries and ordered to be printed.

He also submitted an amendment proposing to appropriate $35,000 for the improvement of the Government road in the Mount Rainier National Park, 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. CULLOM submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

Mr. CATRON submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to lie on the table and be printed.

Mr. MARTINE of New Jersey submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to be printed and, with the accompanying paper, to lie on the table.

Mr. CRANE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was ordered to be printed and, with the accompanying paper, to lie on the table.

IRRIGATION AND RECLAMATION (S. DOC. NO. 869).

Mr. WORKS. Mr. President, I have here a paper on irrigation and reclamation by Francis G. Tracy, of New Mexico. It is a very interesting and instructive presentation of the question, containing valuable information in the way of statistics relating to the Reclamation Service and various other things. I should like to have it printed as a public document.

The PRESIDENT pro tempore. The Senator from California asks that the paper which he has described be printed as a public document. Is there objection? The Chair hears none, and it is so ordered.

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have read the official statement in the House of Commons that——

Mr. JOHNSTON of Alabama. Mr. President——

Mr. POINDEXTER. Just one moment—and the notice served upon Germany by England that for every ship laid down by Germany England would lay down two; so that whatever our program may be and whatever contingent difficulties we may have in the enforcement of our foreign policy, we will be confronted by those fleets, regardless of the program which we may adopt here.

Mr. JOHNSTON of Alabama. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Alabama?

Mr. POINDEXTER. I yield.

Mr. JOHNSTON of Alabama. I should like to ask the Senator from Washington if he thinks we can ever equal England in its armament and its fleet? How much money would we have to pay out to do so? Would it not be over $2,000,000,000 if she just stood still?

Mr. POINDEXTER. If we should undertake to do that, Mr. President, we would have to pay out $216,000,000 a year for our naval estimates.

Mr. JOHNSTON of Alabama. For 20 years?

Mr. POINDEXTER. Well, for the present rate of increase or for the present equipment. What period of time would be required to overtake England in armament is a matter dependent, of course, upon various circumstances that can not be calculated here.

Mr. JOHNSTON of Alabama. The Senator's idea is not that we can ever accomplish the result of having as large a fleet as England at all, is it?

Mr. POINDEXTER. I do not think we ought to have any such object in view. I do not think that it is necessary.

Mr. JOHNSTON of Alabama. But if we had the idea, we could not do it.

Mr. POINDEXTER. My idea is that if we wanted to do it we could do it.

Mr. JOHNSTON of Alabama. We could not do it at all.

Mr. POINDEXTER. We could afford to do it, and there is nothing in the world that I can see and nothing that the Senator has so far pointed out which would prevent this Nation from building a fleet as great as that of England. I do not contend that we ought to do that; that is not involved in this proposition; but I do say, in answer to the Senator's question, that, if the necessity arose for it, we have the wealth, the resources, and the ability to build a fleet equal to that of England.

Mr. JOHNSTON of Alabama. I think the Senator will admit that England has as great ability and as great resources as we have for building battleships.

Mr. POINDEXTER. No; I do not admit that at all.

Mr. JOHNSTON of Alabama. Well, we differ widely.

Mr. POINDEXTER. The resources incident to the construction of battleships consist of natural resources and accumulated wealth, and I insist that this country has more resources than has the Empire of Great Britain; but that is a mere academic discussion.

We have undertaken to assert, Mr. President, since we have become a nation of importance, what has come to be known as the Monroe doctrine. That doctrine is not accepted as a part of international law by the great nations of Europe. The only way we can maintain it is by the possession of a sufficient military force. For every ship we build we are relieved to that extent of the necessity of maintaining an army.

It is only commonplace to refer to the wars in which we have already been engaged, and to call attention to the fact that we have been successful in those wars, including the great Civil War, because of our Navy. In the great Civil War the Federal Union was successful because it commanded the seas and the Confederate States possessed no navy. So it was in the Revolutionary War. The services of John Paul Jones, together with the services rendered to us by the French fleet, were responsible to a large extent for the success of the American Army and the American Nation in the war for independence. So it has been throughout our history.

Mr. JOHNSTON of Alabama. I want to ask the Senator how our Navy in the Revolutionary War compared with the English Navy. We had only a few ships then.

Mr. POINDEXTER. It compared very favorably in point of brilliant service. It compared favorably enough for us to threaten the city of London, to gain victories off the coast of the islands of Great Britain, and to threaten the commerce of England.

Mr. SWANSON. If the Senator will permit me, I will suggest that it was the French fleet in Chesapeake Bay that compelled the surrender of the British forces at Yorktown. If the French fleet had not been in American waters at that time to maintain the naval supremacy of our cause, the results of the Revolutionary War would have been vastly different.

Mr. POINDEXTER. I have not the slightest doubt of the accuracy of the statement of the Senator from Virginia. But I say it is only commonplace to cite the fact that not only in our own experience, but in that of England itself, and that of all the great nations of the world, their success and their greatness have been due to their navy, to their command of the sea. That was the case with the Empire of Rome. England never would have survived the attacks of Napoleon if it had not been for the superiority of her fleet, the superiority of her admirals, her command of the sea.

We can not blind ourselves to the fact that we are facing the contingency, at least, of foreign difficulty, not only in the Atlantic but in the Pacific. The danger is constantly increasing; the possibility of those difficulties is becoming more acute year by year as the pressure of population and the struggle for existence become more acute in the great nations bordering upon those oceans. We are compelled to be prepared to defend ourselves. The moment we cease to maintain an armament, that moment we become a prey to the necessities and to the ambitions of the nations which rival us upon the Atlantic and upon the Pacific.

We have had practical experience already with Japan and with England and with Germany—I hope the incidents will not be repeated, but they are matters of recent history—when we were able to maintain the honor of the United States, not through diplomacy, not through negotiations, but because our diplomacy was backed up by an adequate fleet. The only way we can continue to maintain the honor of this country, so long as the program of military armament by other nations is continued, is to continue to be able to use force when it is necessary.

I am in favor of peace, as we all are. If the Senator from Alabama could institute a negotiation which would result in the simultaneous cessation of warship building by Japan and Germany and England and the United States, he would render a great service not only to his own country but to mankind. But for the United States to undertake to stop the extension of its Navy, without consideration of what the other nations are going to do, would be, in my judgment, perfect folly.

Mr. HEYBURN. Mr. President, there is another phase of this matter which ought to be mentioned. When we provide for the building of two battleships we are merely providing a market for at least $20,000,000 of American material and American labor. If we were going to buy these ships in a foreign market, ships constructed out of foreign material by foreign labor, that would be a different proposition. But we are merely going to make occupation for American citizens by giving them a chance to construct these ships. Nothing is lost in the way of money expended, because it is merely an interchange or an exchange. It is creating an opportunity to do business.

One of the wisest provisions in regard to the construction of these ships is that they must be constructed of home material by home labor, and that goes far to justify the expenditure of these large sums of money. It is not an expenditure in one sense of the word, but it is employing our own resources and making opportunities for men.

I have never hesitated to vote liberal appropriations for the construction of ships for the Navy, not because I thirst for war or strife, but because I regard their construction as a guaranty against war and as a guaranty of protection to our people and their property. The responsibility of founding this Nation rested upon those who did that great act, but the responsibility of maintaining it rests upon each succeeding generation that follows.

There should be no cessation, no period when this Government should not be expending the money which it collects in tolls from foreign peoples and nations to protect us against the aggression of those peoples. We take in every year at our customhouses enough money to build 30 battleships. We make the foreign manufacturers and producers of dutiable articles build our Navy out of only a small portion of the money we collect from them. So my conscience does not trouble me in regard to the expenditure of money for this purpose.

Think how much more desirable it is to keep an enemy out of the country than it is to take care of him after he gets into the country. We do not want foreign soldiers landed upon American soil. When they are once landed we are confronted with a very different proposition. The Navy of the country is,

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and should be, primarily intended to protect our people against the invasion of foreign foes, and it has always met the necessity.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment offered by the Senator from Alabama to the committee amendment.

Mr. JOHNSTON of Alabama. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LODGE. Mr. President, I understand a vote for the amendment is a vote for one battleship, while a vote against the amendment is a vote for two?

The PRESIDENT pro tempore. The Senator is correct, at least in the first part of his statement.

Mr. MYERS. Will the Chair have the amendment read, in order that we may see in what form it is?

The PRESIDENT pro tempore. The Secretary will report the amendment.

The SECRETARY. On page 79, in the proposed committee amendment, it is proposed, before the word "first-class," in line 3, to strike out "two" and insert "one"; also, on the same line, to strike out the word "battleships" and insert the singular, "battleship"; also, on lines 3 and 8, to strike out the word "each," so that, if amended, it will read:

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed one first-class battleship, carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not to exceed $7,425,000.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I am paired with the junior Senator from New York [Mr. O'GORMAN]. Not seeing him on the floor I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER], but I am assured that he would vote as I intend to, and, therefore, I take the liberty of voting. I vote "nay."

Mr. CRAWFORD (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. DAVIS]. I transfer it to the junior Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "nay."

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Nebraska [Mr. HITCHCOCK] and therefore withhold my vote.

Mr. THORNTON (when Mr. FOSTER's name was called). I wish to announce that my colleague [Mr. FOSTER] is necessarily detained from the Chamber on account of sickness. He is paired with the junior Senator from Wyoming [Mr. WARREN]. I am also authorized by my colleague to say that, if present, he would vote for two battleships.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not know how he would vote if he were present, and in his absence I withhold my vote. I will say that if he were present and I were at liberty to vote, I should vote "nay."

Mr. WETMORE (when Mr. LIPPITT's name was called). My colleague [Mr. LIPPITT] is unavoidably absent. He has a general pair, I understand, with the Senator from Tennessee [Mr. LEA]. If my colleague were present, he would vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I withhold my vote.

Mr. MYERS (when his name was called). On this and other matters for the time being I am paired with the Senator from Connecticut [Mr. MCLEAN]. It is my information and understanding that if he were here he would vote "nay" on this amendment, while if at liberty to vote I should vote "yea." But, on account of being paired, I refrain from voting.

Mr. OVERMAN (when his name was called). On this amendment I am paired with the junior Senator from West Virginia [Mr. CHILTON]. He favors two battleships; I favor one. He would vote "nay" if present, and I should vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON], and in his absence I withhold my vote.

Mr. SMOOT (when Mr. SUTHERLAND'S name was called). My colleague [Mr. SUTHERLAND] is unavoidably detained from the Chamber. He has a general pair with the senior Senator from Maryland [Mr. RAYNER]. If my colleague were present, he would vote "nay."

Mr. WARREN (when his name was called). On this question I am paired with the senior Senator from Louisiana [Mr. FOSTER], and withhold my vote.

The roll call was concluded.

Mr. CRAWFORD. I desire to announce that my colleague [Mr. GAMBLE] is unavoidably absent. He has a general pair with the Senator from Oklahoma [Mr. OWEN].

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the Chamber, and I understand he is paired with the junior Senator from Missouri [Mr. REED].

Mr. REED (after having voted in the affirmative). I had risen to my feet to say that I voted inadvertently, without noting the absence of the Senator from Michigan [Mr. SMITH]. I transfer my pair with the Senator from Michigan to the Senator from Nebraska [Mr. HITCHCOCK], and will allow my vote to stand. I am just informed that the Senator from Nebraska is paired, and under the circumstances I withdraw my vote.

Mr. WARREN. My colleague [Mr. CLARK] is at home ill. He has a general pair, I believe, with the senior Senator from Missouri [Mr. STONE].

Mr. BRANDEGEE. I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Illinois [Mr. LORIMER], and will vote. I vote "nay."

Mr. STONE. I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I do not know how he would vote, and therefore I withhold my vote.

Mr. HEYBURN. I transfer my pair with the senior Senator from Alabama [Mr. BANKHEAD] to the junior Senator from Pennsylvania [Mr. OLIVER], and will vote. I vote "nay."

Mr. CLAPP. I desire to state that the senior Senator from Montana [Mr. DIXON] is unavoidably absent. He is paired with the junior Senator from Texas [Mr. BAILEY]. If the senior Senator from Montana were present, he would vote "nay."

Mr. CULBERSON. In view of my general pair with the Senator from Delaware [Mr. DU PONT], who is absent, I withhold my vote.

The result was announced—yeas 12, nays 43, as follows:

YEAS—12.

Bacon	Clapp	Johnston, Ala.	Smith, Ariz.
Bristow	Fletcher	Kern	Tillman
Burton	Gronna	Pomerene	Williams

NAYS—43.

Ashurst	Cullom	Lodge	Simmons
Bourne	Cummins	Martin, Va.	Smith, Ga.
Bradley	Dillingham	Martine, N. J.	Smith, Md.
Brandegee	Fall	Nelson	Smoot
Bryan	Gallinger	Page	Swanson
Burnham	Gardner	Paynter	Thornton
Catron	Guggenheim	Penrose	Townsend
Chamberlain	Heyburn	Perkins	Watson
Clarke, Ark.	Johnson, Me.	Poindexter	Wetmore
Crane	Jones	Root	Works
Crawford	Kenyon	Sanders	

NOT VOTING—39.

Bailey	Dixon	McCumber	Reed
Bankhead	du Pont	McLean	Richardson
Borah	Foster	Myers	Shively
Briggs	Gamble	Newlands	Smith, Mich.
Brown	Gore	O'Gorman	Smith, S. C.
Chilton	Hitchcock	Oliver	Stephenson
Clark, Wyo.	La Follette	Overman	Stone
Culberson	Lea	Owen	Sutherland
Curtis	Lippitt	Percy	Warren
Davis	Lorimer	Rayner	

So the amendment of Mr. JOHNSTON of Alabama to the amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment proposed by the committee.

The amendment was agreed to.

Mr. ASHURST. I have an amendment to propose. I was on my feet when the question was put, although possibly I did not present the matter quickly enough. I want to propose an amendment to that section.

The PRESIDENT pro tempore. The Chair will consider it, if there be no objection.

Mr. ASHURST. I offer the following amendment——

Mr. LODGE. The amendments of the committee have not yet been completed.

The PRESIDENT pro tempore. Does the Chair understand the Senator from Arizona to say that he wishes to amend the amendment just adopted? That can not be done without a reconsideration of the vote.

Mr. ASHURST. I then offer it as an independent amendment, Mr. President.

The PRESIDENT pro tempore. The Senate is now considering the committee amendments, and unless it is an amendment to a pending amendment, the Senator will have to withhold it for the present.

Mr. ASHURST. Very well; I will do so.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 79, line 11, after the words "navy yards," to insert

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naturally spring up where millions of men are assembled together and the strong are led to prey upon the weak; and in any State where there is a large city under our scheme of government there may be expected corrupt politics. The only exception, if it be an exception, is in Massachusetts. I never have believed that Boston exercised the corrupting influence upon the Massachusetts Legislature that New York City does on New York, or Philadelphia does on Pennsylvania; and I attribute New England's exemption from corruption in politics to the large size of the State Legislatures. It is much easier by use of money or other corrupt instrumentalities to debauch a small legislature than a large one; and then, too, our "Yankee" friends, while they always seem willing and anxious, under the forms of the law, to put their hands in other men's pockets, are always very careful to guard their own. The corporations in New England I have sometimes thought controlled the legislatures enough to send their attorneys here, but in my 18 years of service I do not believe there has ever, in my time, been a Senator from New England who was corrupt.

I know that my vote in this case before has given great umbrage to a large number of my constituents in South Carolina, because the newspapers there have a fellow feeling for the great Chicago dailies, and have howled about LORIMER'S corruption until they believe him to be corrupt, and the people knowing nothing about the record and the evidence in the case have imbibed the same idea.

Two men are now canvassing the State for my seat and the primary comes off on the 27th of August; but if I knew my vote would cause my defeat, I would still cast it in his favor. Since I was stricken with paralysis, 30 months ago, I have thought often and seriously about death and the hereafter. That I am here at all is in some respects a miracle, and I know I must go hence and meet the Great Judge face to face very soon. Knowing that, I can not do otherwise than vote as my conscience dictates, and I believe this man is innocent of the charges brought against him.

If he be driven from the Senate, as seems probable now, I hope he will consecrate his life and great talents—for we all recognize what a phenomenal orator he is—to the purification of politics in his native city and the uplift of his fellow citizens in Illinois to the realization of their duty and their danger. But whether he is expelled or not, he ought to do this, and I believe if he does bravely fight for a purer and better government in Illinois, God will strengthen his arm and he will return to the Senate vindicated by the people of that great State. I know, for I have been all over it, that there are many millions of the native American stock there, men as high and patriotic as those in any other State, and they ought to assert their manhood and prove their patriotism.

The PRESIDENT pro tempore. The resolution upon which the Senate is about to vote will be read from the desk.

The SECRETARY. Senate resolution 315, by Mr. LEA:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

The PRESIDENT pro tempore. Senators who are in favor of the resolution will, when their names are called, answer "yea" and those opposed will answer "nay." The roll will be called.

The Secretary proceeded to call the roll.

Mr. JOHNSTON of Alabama (when Mr. BANKHEAD'S name was called). My colleague [Mr. BANKHEAD] is necessarily absent. He is paired with the Senator from West Virginia [Mr. CHILTON]. If my colleague were present, he would vote "nay"; the Senator from West Virginia would vote "yea."

Mr. RICHARDSON (when Mr. DU PONT'S name was called). My colleague [Mr. DU PONT] is absent, indisposed. He has a general pair, I understand, with the senior Senator from Texas [Mr. CULBERSON]. If my colleague were present and voting, he would vote "nay."

The PRESIDENT pro tempore (when Mr. GALLINGER'S name was called). The occupant of the chair is paired with the Senator from Arkansas [Mr. DAVIS]. He transfers that pair to the Senator from Idaho [Mr. HEYBURN], and votes "nay." The Chair has been requested by the Senator from Idaho to state that if he had the privilege of voting, he would vote "nay," and that the Senator from Arkansas would vote "yea." The Senator from Idaho is detained from the Senate by serious illness, and he requested that this statement be made.

Mr. GAMBLE (when his name was called). Mr. President, during my recent absence from the city a pair was arranged between the senior Senator from Oklahoma [Mr. OWEN] and myself. I do not regard it as binding in this particular case. I am, however, anxious to protect him, and I transfer that pair to the junior Senator from Wyoming [Mr. WARREN] and vote. I vote "nay."

Mr. MYERS (when his name was called). During his absence from the Senate I have a pair with the Senator from Connecticut [Mr. MCLEAN]. I am, however, authorized to state that, if the Senator from Connecticut were present, he would vote on this question in the same way that I shall vote. I am therefore released from my pair with him on this question and shall vote. I vote "yea."

Mr. GORE (when Mr. OWEN'S name was called). My colleague [Mr. OWEN] is necessarily absent from the Senate. If present, he would vote "yea."

Mr. CLARK of Wyoming (when Mr. WARREN'S name was called). My colleague [Mr. WARREN] has been called from the city by serious illness in his family.

The roll call was concluded.

Mr. CULBERSON (after having voted in the affirmative). In view of my general pair with the Senator from Delaware [Mr. DU PONT], who has not voted, I withdraw my vote.

Mr. MCCUMBER. It is perhaps proper for me to state that I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I have a letter from that Senator relieving me from that pair. I, however, would not have considered the pair as binding in a case of this kind.

The roll call resulted—yeas 55, nays 28, as follows:

YEAS—55.

Ashurst	Cummins	Martin, Va.	Shively
Bacon	Curtis	Martine, N. J.	Simmons
Borah	Dixon	Myers	Smith, Ariz.
Bourne	Fall	Nelson	Smith, Ga.
Briggs	Gardner	Newlands	Smith, Mich.
Bristow	Gore	O'Gorman	Smith, S. C.
Brown	Gronna	Overman	Stone
Bryan	Hitchcock	Page	Sutherland
Burton	Johnson, Me.	Poindexter	Swanson
Chamberlain	Kenyon	Pomerene	Townsend
Clapp	Kern	Rayner	Watson
Clarke, Ark.	La Follette	Reed	Williams
Crawford	Lea	Root	Works
Cullom	Lodge	Sanders	

NAYS—28.

Bailey	Dillingham	Jones	Richardson
Bradley	Fletcher	Lippitt	Smith, Md.
Brandegee	Foster	McCumber	Smoot
Burnham	Gallinger	Oliver	Stephenson
Catron	Gamble	Paynter	Thornton
Clark, Wyo.	Guggenheim	Penrose	Tillman
Crane	Johnston, Ala.	Perkins	Wetmore

NOT VOTING—11.

Bankhead	Davis	Lorimer	Percy
Chilton	du Pont	McLean	Warren
Culberson	Heyburn	Owen	

The PRESIDENT pro tempore. On the resolution submitted by the Senator from Tennessee [Mr. LEA] the yeas are 55 and the nays are 28. The resolution is agreed to.

SENATOR FROM NEVADA.

Mr. NEWLANDS. Mr. President, I rise to a question of privilege. The Hon. W. A. MASSEY, recently appointed by the governor of Nevada to fill the vacancy in the Senate created by the death of the late Senator Nixon, is present and desires to take the oath of office.

The PRESIDENT pro tempore. The Senator elect will present himself at the desk and take the oath of office.

Mr. MASSEY was escorted to the desk by Mr. NEWLANDS, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

MANUFACTURE OF COTTON GOODS (H. DOC. NO. 872).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent J. M. Hause containing the result of his investigation of the English methods of dyeing, finishing, and marketing of cotton goods, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills, which had heretofore been signed by the Speaker of the House of Representatives:

S. 23. An act to authorize the extension of Underwood Street NW.;

S. 5271. An act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases;

H. R. 17937. An act authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvements or economy in manufacturing processes or plant; and

H. R. 20684. An act providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation, in the State of Idaho.

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PETITIONS AND MEMORIALS.

Mr. CRANE presented the petition of Rev. F. W. Hazen, of Falmouth, Mass., and the petition of Rev. H. L. Kilborn, of Kingsborn, Mass., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were referred to the Committee on the Judiciary.

Mr. SANDERS presented a petition of the National Anti-Third Term League, praying for the enactment of legislation submitting to the legislatures of the States a joint resolution prohibiting the election to the office of President or Vice President of the same person for more than two terms of four years each and eight years in all, and remonstrating against the proposed single term of six years, which was ordered to lie on the table.

Mr. PENROSE presented a memorial of members of the Lithuanian Societies of Wilkes-Barre, Pa., remonstrating against the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BROWN, from the Committee on Patents, to which was referred the bill (S. 6896) to reopen and extend certain letters patent granted to Richard B. Painton; to insert certain claims in said letters patent dated May 9, 1899, reported it without amendment and submitted a report (No. 905) thereon.

He also, from the same committee, to which was referred the bill (H. R. 24224) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, reported it without amendment and submitted a report (No. 906) thereon.

Mr. ROOT, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 95) providing for a monument to commemorate the services and sacrifices of the women of the country to the cause of the Union during the Civil War, reported it with amendments and submitted a report (No. 908) thereon.

Mr. WILLIAMS, from the Committee on Military Affairs, to which was referred the bill (S. 5262) to correct the military record of Capt. Sylvester G. Parker, reported it with amendments and submitted a report (No. 909) thereon.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (H. R. 17483) amending section 1998 of the Revised Statutes of the United States, and to authorize the President in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service, reported it with amendments and submitted a report (No. 910) thereon.

Mr. SANDERS, 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:

S. 1168. A bill for the relief of Christopher C. McCamment (Rept. No. 911); and

S. 1169. A bill for the relief of John Vankirk (Rept. No. 912).

Mr. SUTHERLAND. I submit the report of the Commission to Investigate the Title of the United States to Lands in the District of Columbia. I ask that the report (No. 907) be printed and that it be referred to the Committee on Public Buildings and Grounds.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims, reported it with amendments and submitted a report (No. 913) thereon.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (H. R. 7672) for the relief of Mary J. Manning, reported it without amendment and submitted a report (No. 914) thereon.

He also, from the same committee, to which was referred the bill (S. 259) for the relief of the First National Bank of Cottonwood, Idaho, 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. RAYNER:

A bill (S. 7266) for the relief of Mary E. E. Cheseldine (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 7267) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Evan Urner Rinehart; to the Committee on Naval Affairs.

A bill (S. 7268) for the relief of the estate of Thomas Loker, deceased; to the Committee on Claims.

By Mr. BANKHEAD:

A bill (S. 7269) for the relief of the Mobile Marine Dock Co.; to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 7270) granting an increase of pension to George W. Jones;

A bill (S. 7271) granting an increase of pension to William White; and

A bill (S. 7272) granting an increase of pension to Joseph Troyer; to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 7273) opening certain lands in the Colorado River Indian Reservation in Arizona to settlement under the provisions of the Carey Act; to the Committee on Indian Affairs.

By Mr. SANDERS:

A bill (S. 7274) to amend an act entitled "An act to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases," approved August 8, 1890; to the Committee on Interstate Commerce.

By Mr. BOURNE:

A bill (S. 7275) for the relief of Mary J. McLaughlin; to the Committee on Military Affairs.

A bill (S. 7276) granting an increase of pension to Martha Dye (with accompanying paper); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 7277) for the relief of the estate of George Lloyd Raley; to the Committee on Claims.

A bill (S. 7278) providing that the pay of officers of the Navy commence from the date they take rank as stated in their commissions; to the Committee on Naval Affairs.

By Mr. PENROSE:

A bill (S. 7279) granting an increase of pension to Henry M. Palm; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BAILEY submitted an amendment proposing to appropriate $25,000 to construct and maintain a fish-cultural station in Uvalde County, Tex., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. STEPHENSON submitted an amendment authorizing the Secretary of the Treasury to adjust the accounts of the clerks of the United States courts for the western district of Wisconsin, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

OMNIBUS CLAIMS BILL.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 19115) making appropriation for payment of certain claims in accordance with the findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, which was ordered to lie on the table and be printed.

DONATION OF CANNON.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc., which was referred to the Committee on Military Affairs and ordered to be printed.

ESTATE OF WILLARD WARNER, DECEASED.

Mr. SANDERS submitted the following resolution (S. Res. 354), which was read and referred to the Committee on Privileges and Elections:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to the estate of Willard Warner, deceased, formerly a Senator from the State of Alabama, the sum of $6,543.38, due him as a Senator of the United States in the Fortieth Congress, from the 4th of March, 1867, to June 24, 1868, to be paid from the miscellaneous items of the contingent fund of the Senate.

THE "TITANIC" DISASTER.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 355), which was read and referred to the Committee on Printing:

Resolved, That 500 additional copies of Senate Document No. 726, Sixty-second Congress, second session, be printed for the use of the Senate folding room.

ADA ANDREWS.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 356), which was read and referred to the Committee on Printing:

Resolved, That 18,000 additional copies of Senate Document No. 806, Sixty-second Congress, second session, be printed for the use of the Senate folding room.

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MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 7015) to provide American registry for the steamer *Damara*.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 606. An act for the relief of John Treffeisen;

H. R. 5135. An act for the relief of John J. Troxell;

H. R. 5763. An act for the relief of William K. Harvey, alias William K. Hall;

H. R. 11627. An act to correct the military record of Barkley S. Denison;

H. R. 20339. An act for the relief of Joseph W. McCall;

H. R. 20362. An act granting a pension to Catherine Wise;

H. R. 21315. An act for the relief of Robert Ross;

H. R. 21524. An act for the relief of Frederick H. Ferris;

H. R. 22591. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 25598. An act granting a pension to Cornelia Bragg; and

H. R. 25713. 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 and dependent relatives of such soldiers and sailors.

The message further announced that the House had passed the following resolution (H. Res. 628):

Resolved, That a message be sent to the Senate to inform them that this House has impeached, for high crimes and misdemeanors, Robert W. Archbald, circuit judge of the United States and designated as a judge of the United States Commerce Court, and that the House adopted articles of impeachment against said Robert W. Archbald, judge as aforesaid, which the managers on the part of the House have been directed to carry to the Senate, and that HENRY D. CLAYTON, of Alabama; EDWIN Y. WEBB, of North Carolina; JOHN C. FLOYD, of Arkansas; JOHN W. DAVIS, of West Virginia; JOHN A. STERLING, of Illinois; PAUL HOWLAND, of Ohio; and GEORGE W. NORRIS, of Nebraska, Members of this House, have been appointed such managers.

IMPEACHMENT OF ROBERT W. ARCHBALD.

Mr. BACON. Mr. President, I now submit to the Senate an order, which I ask the Senate to make, and for which I ask present consideration.

The PRESIDENT pro tempore (Mr. GALLINGER). The Senator from Georgia submits an order, for which he asks present consideration. The order will be read.

The Secretary read as follows:

Ordered, That the Secretary inform the House of Representatives that the Senate is ready to receive the managers appointed by the House for the purpose of exhibiting articles of impeachment against Robert W. Archbald, circuit judge of the United States and designated as a judge of the United States Commerce Court, agreeably to the notice communicated to the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the order? The Chair hears none, and, without objection, the order is agreed to.

THE PANAMA CANAL.

Mr. BRANDEGEE. I move that the Senate proceed to the consideration of House bill 21969, known as the Panama Canal bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Connecticut. The bill will be stated by its title.

Mr. McCUMBER, Mr. SIMMONS, and Mr. REED addressed the Chair.

The PRESIDENT pro tempore. The Chair will suggest that the motion is not debatable.

Mr. McCUMBER. I rise to a parliamentary question, as to whether or not that motion makes the Panama Canal bill the unfinished business.

The PRESIDENT pro tempore. It will if the motion is agreed to.

Mr. McCUMBER. Mr. President, I object.

The PRESIDENT pro tempore. The Senator from North Dakota can not object. The question is upon the motion.

Mr. REED. I ask for a roll call on the motion.

Mr. SIMMONS. Mr. President, I desire to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. SIMMONS. Is it in order to move to substitute another bill for the bill named by the Senator from Connecticut?

The PRESIDENT pro tempore. It is not under the rules of the Senate.

Mr. SIMMONS. Mr. President, it is my desire to substitute for the bill moved by the Senator from Connecticut, the wool tariff bill; and so I hope the motion to take up the Panama Canal bill will be voted down.

The PRESIDENT pro tempore. The question is on the motion made by the Senator from Connecticut [Mr. BRANDEGEE] that the Senate proceed to the consideration of House bill 21969, known as the Panama Canal bill.

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

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

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I therefore withhold my vote.

Mr. CULBERSON (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I therefore withhold my vote.

Mr. FOSTER (when his name was called). I have a general pair with the Senator from Wyoming [Mr. WARREN], who is absent. I therefore withhold my vote.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN]. On this question the pair holds good. Therefore I refrain from voting. If at liberty to vote, I should vote "nay."

Mr. BROWN (after having voted in the affirmative and when Mr. OWEN's name was called). I have a general pair with the Senator from Oklahoma [Mr. OWEN]. He is absent from the Senate Chamber, and I therefore withdraw my vote.

The roll call was concluded.

Mr. CURTIS (after having voted in the affirmative). I am paired with the junior Senator from Arkansas [Mr. DAVIS], and therefore withdraw my vote.

Mr. BAILEY. I did not answer to my name when it was called because I was not certain whether the Senator from Montana [Mr. DIXON], with whom I have a pair, was in the Chamber. I desire now to inquire whether or not he has voted.

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. BAILEY. Then, I withhold my vote.

Mr. JOHNSTON of Alabama. My colleague [Mr. BANKHEAD] is necessarily absent. He is paired with the Senator from Idaho [Mr. HEYBURN].

Mr. BRADLEY (after having voted in the affirmative). I voted without observing the absence of the Senator from Maryland [Mr. RAYNER], with whom I have a pair. I therefore withdraw my vote.

Mr. CLARK of Wyoming. I desire to announce the necessary absence of my colleague [Mr. WARREN] because of serious illness in his family. He has a general pair with the Senator from Louisiana [Mr. FOSTER].

Mr. MYERS. I rise to inquire if the Senator from Florida [Mr. FLETCHER] is recorded as having voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. MYERS. Then, I transfer my pair with the Senator from Connecticut [Mr. McLEAN] to the Senator from Florida [Mr. FLETCHER] and will vote. I vote "nay."

Mr. WATSON. I desire to announce that my colleague [Mr. CHILTON] is absent from the Chamber on account of personal illness. He is, however, paired with the Senator from Illinois [Mr. CULLOM].

The result was announced—yeas 40, nays 34, as follows:

YEAS—40.

Borah	Crane	Kenyon	Richardson
Bourne	Crawford	La Follette	Root
Brandegee	Cummins	Lippitt	Sanders
Briggs	Dillingham	Lodge	Smith, Mich.
Bristow	Fall	Nelson	Smoot
Burnham	Gallinger	Oliver	Stephenson
Burton	Gamble	Page	Sutherland
Catron	Gronna	Penrose	Townsend
Clapp	Guggenheim	Perkins	Wetmore
Clark, Wyo.	Jones	Poindexter	Works

NAYS—34.

Ashurst	Johnston, Ala.	Overman	Smith, S. C.
Bacon	Kern	Paynter	Stone
Bryan	Lea	Pomerene	Swanson
Chamberlain	McCumber	Reed	Thornton
Clarke, Ark.	Martin, Va.	Shively	Tillman
Gardner	Martine, N. J.	Simmons	Watson
Gore	Myers	Smith, Ariz.	Williams
Hitchcock	Newlands	Smith, Ga.	
Johnson, Me.	O'Gorman	Smith, Md.	

NOT VOTING—20.

Bailey	Culberson	du Pont	McLean
Bankhead	Cullom	Fletcher	Owen
Bradley	Curtis	Foster	Percy
Brown	Davis	Heyburn	Rayner
Chilton	Dixon	Massey	Warren

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So Mr. BRANDEGEE's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, which had been reported from the Committee on Interoceanic Canals with amendments.

Mr. BRANDEGEE. Mr. President, I had intended to ask that the bill be read this afternoon and then laid aside, but I find quite a disposition among Senators to hold an executive session, which is said to be necessary, and therefore I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and that order is made.

Mr. BRANDEGEE. I ask unanimous consent to have inserted in the RECORD, without reading, a communication from the Secretary of State transmitting a résumé of a note received from the British Government in relation to the Panama Canal tolls.

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

The communication is as follows:

DEPARTMENT OF STATE,
Washington, July 12, 1912.

The Hon. FRANK B. BRANDEGEE,
Chairman Committee on Interoceanic Canals,
United States Senate.

SIR: I have the honor to bring to the knowledge of your committee the fact that a communication dated the 8th instant, just received from the British chargé d'affaires, indicates that the attention of the British Government having been called to various proposals from time to time made for the relieving of American shipping from the payment of tolls on vessels passing through the Panama Canal, that Government has studied carefully those proposals and the arguments in support of them, with a view to the bearing thereon of the provisions of the treaty between the United States and Great Britain of November 18, 1901. The communication sums up the proposals mentioned as (1) one to exempt all American shipping from tolls, (2) one to refund to all American ships tolls which they might pay, (3) one to exempt from the payment of tolls American ships engaged in the coastwise trade, and (4) one to repay to the last-named class of American ships tolls which they might pay.

The communication indicates it to be the opinion of His Britannic Majesty's Government that to exempt all American shipping from the payment of tolls would involve an infraction of the treaty, and indicates further the opinion that there would be no difference in principle between charging tolls only thereafter to refund them and remitting such tolls altogether. The opinion is expressed that the method of charging but refunding tolls, while perhaps complying with the letter of the treaty, would still contravene its spirit. The communication admits that there is nothing in the Hay-Pauncefote treaty to prevent the United States from subsidizing its shipping, but claims that there is a great distinction between a general subsidy either to shipping at large or to shipping engaged in any given trade and a subsidy calculated particularly with reference to the amount of use of the canal by the subsidized lines or vessels. Such a subsidy, if granted, would not, in the opinion of His Britannic Majesty's Government, be in accordance with the obligations of the treaty.

With respect to the proposal that exemption shall be given to vessels engaged in the coastwise trade, the communication states that it may be that no objection could be taken if the trade should be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for American vessels, would be benefited by this exemption; but that it appears to His Britannic Majesty's Government that it would be impossible to frame regulations which would prevent the exemption from resulting in a preference to American shipping and consequently in an infraction of the treaty. I have the honor to be, sir,

Your obedient servant,

P. C. KNOX.

Mr. BACON subsequently said: While the Senator from Connecticut [Mr. BRANDEGEE] is on the floor I should like to make an inquiry of him. There was so much noise at the time that I really could not hear anything that was said. I desire to know what was the paper that the Senator had put in the RECORD.

Mr. BRANDEGEE. The document I asked to have printed in the RECORD was a communication from the Secretary of State giving the views of the State Department as to the contentions of the British foreign office concerning the right of the American Government to exempt its vessels from tolls in the Panama Canal. I thought it would be convenient for Senators to have it in the RECORD, and I therefore asked to have it inserted in the RECORD.

Mr. BACON. I may be mistaken, Mr. President, but I do not think that is the usual way in which the Senate is informed as to the attitude of foreign nations upon diplomatic questions which may arise.

Mr. BRANDEGEE. I do not think it is, Mr. President, and it was not so intended. The communication was addressed by the Secretary of State to the chairman of the Committee on Interoceanic Canals for the information of the committee. I thought it might also interest other Senators, and therefore I asked that it be inserted in the RECORD.

Mr. BACON. I think this is a matter of some little importance. I can very well understand that the Secretary of State might make an informal communication to the committee in order to give it information which might be of service to it in its deliberations on the question as to what it would recommend to the Senate. But it seems to me the communication of that information to the Senate is an altogether different matter. I do not think it ought to come to the Senate by indirection. It seems to me that while it might be free from criticism if it were limited to a communication to a committee, it would not be free from criticism if it were a communication intended to reach the Senate. This method does bring to the Senate and puts the Senate upon official notice of a very grave matter, a grave international matter, which it seems to me should come to the Senate in another way.

Mr. BRANDEGEE. Of course, the Secretary of State is not responsible for the way in which this matter has come to the Senate.

Mr. BACON. I understand that.

Mr. BRANDEGEE. I did not offer it to the Senate because the Secretary had requested me to do so. I asked that it might be printed in the RECORD because the committee to which it was sent had already reported the bill, and I thought the information contained in the correspondence would be of some interest to the Senate. Therefore I asked unanimous consent that it be inserted in the RECORD, as I have understood that communications from the departments concerning all matters of legislation are almost daily inserted in the RECORD.

If any Senator objects to its being printed in the RECORD, I have done what I thought was my duty; and it will go out on a single objection if it is not proper.

Mr. BACON. I am not going to object; but I was unwilling that the matter should pass in that way and grow into what might be considered a precedent for the future as to the manner in which the Senate should be informed of grave international matters. I disclaim any purpose to criticize the Secretary, because the Senator himself says the Secretary did not send the matter to the committee for the purpose of its being submitted to the Senate.

Therefore I am not criticizing the Secretary in the matter. But I think the practice, if it should be followed hereafter, would be a very objectionable one. For that reason I wanted to voice this much of a criticism, if such it may be termed, of bringing to the attention of the Senate a matter of very grave international importance except in the most formal way that the Constitution contemplates such matters shall be brought to the attention of the Senate.

Mr. SIMMONS. Mr. President, having been a member of the Committee on Interoceanic Canals ever since I came to the Senate, I desire to make an inquiry of the chairman of that committee with reference to his purpose as to taking up the canal bill for actual discussion by the Senate. Is it his purpose to press the matter on Monday, or to defer it to a later date?

Mr. BRANDEGEE. Owing to the fact that it is now in the position of the unfinished business, I suppose it will automatically come up each day, two hours after the convening of the Senate. If any Senator is then ready to proceed with it, it will be held there, unless it is displaced by appropriation bills or other privileged matter.

Mr. SIMMONS. Then it is the purpose of the Senator to ask the Senate to proceed to its actual consideration on Monday?

Mr. BRANDEGEE. Yes; that is my purpose, unless it is displaced. The bill should be read. I think there will be no great hurry about its final disposition; but I think we ought at least to start with it. I think very early in the reading of the bill there will be discovered something that will furnish all the debate necessary to occupy whatever time the Senate has to devote to it.

Mr. SIMMONS. I had hoped that the Senator would not desire to press the canal bill on Monday and Tuesday, but that we might take the wool bill at that time and dispose of it.

SEVERAL SENATORS. Oh, no.

ALLOTTEES OF THE FIVE CIVILIZED TRIBES.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," which were to strike out all after the enacting clause and insert:

That conveyances of inherited allotments by full-blood Indian heirs members of the Five Civilized Tribes in Oklahoma made subsequent to May 27, 1908, in cases of allottees dying prior to May 27, 1908, shall have the same effect as if the allottee had died subsequent to May 27, 1908, and shall not require the approval of the Secretary of the Interior; and to amend the title so as to read: "An act relating to inherited estates in the Five Civilized Tribes in Oklahoma."

Mr. GORE. I move that the Senate concur in the substitute amendment of the House of Representatives, with certain amendments, which I shall offer. I send one to the desk.

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Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. Certainly.

Mr. WORKS. I should like to ask the Senator from Washington if he knew, either by anything that was said by the President or otherwise, whether the President was for or against Mr. Lorimer at that time?

Mr. JONES. I did not. The President did not indicate to me what his views were or as to whether he had any views.

Mr. WORKS. And the Senator had no knowledge from any other source?

Mr. JONES. I did not.

Mr. WORKS. According to the statement of the President himself, he was trying to "line up" Senators, and they, in their innocence, were not aware of it.

Mr. BAILEY. But he did line up all with whom he talked, his way.

Mr. JONES. I desire to suggest that possibly the President may have gone farther with some than he did with me, because I have stated all that occurred with reference to my conversation with him in regard to this matter.

I desire simply to say further, Mr. President, that when this resolution was first presented I felt like voting for it; in fact, I said to some Members of the Senate that I expected to vote for it; but, on reflection, I am inclined to think that the best course for the Senate and for Senators to take is to show by their action that they do not propose to be influenced by attempts of the Executive to influence them in any of these matters; that it will not impress the country with our opposition to Executive interference by simply passing a resolution condemning the President for trying to influence us; but, if by our action as Senators and as a Senate we show to the country that we are not influenced by Executive interference, there will not be very much Executive interference or attempts at interference upon the part of the Executive.

Mr. BAILEY. Will the Senator permit me to say that it is not enough for a man to show by his conduct that he is not improperly influenced? He owes it to his self-respect to say that he resents every effort to improperly influence him. Our courts would fall into universal contempt if our judges would allow men to come to their chambers in an effort to influence their judgments without regard to the law or the evidence, and then throw their cloaks about them and say, "I did not send the man to jail, although he insulted me and offered me a bribe; but I showed him that I was above it." That is not sufficient.

Mr. JONES. I desire to say to the Senator from Texas that if I had thought the President of the United States had tried to influence me either for or against Senator Lorimer, I would have resented it; but I did not then, and I do not now, consider that he tried to do so, unless possibly the matter is viewed in connection with the letter which the Senator has read, because, as I have stated to the Senator from California, I did not know what the views of the President were in regard to the case and he did not indicate them to me one way or the other. He did not ask me for my views or anything of the sort, but simply, as I was going out, suggested that I look into the matter very carefully.

I will say, in line with some suggestion, I think, made by the Senator from Idaho, that there was an impression at the time the committee made its report—the report being very nearly unanimous—that the Senate might pass upon the matter without any particular discussion. I remember hearing it said that it was the usual custom of the Senate in election cases of this kind, where the report was unanimous, as a matter of course to accept the report, and while this report was not unanimous, it was so nearly so that some suggested that it might pass in the same way. I am not so sure but that possibly the President had heard something of that sort, and that he probably thought it was a matter of so much importance that the Senate ought not to pass upon it in that way.

While, of course, he ought to assume that we would do our duty, yet I did not consider it improper for the President, in an important matter of that kind, simply to express the hope that we look into the matter very carefully.

Mr. BAILEY. Well, the Senator's excuse for the President makes it apparent that the President was trying to influence the action of the Senate in a matter committed exclusively to the Senate.

Mr. JONES. I did not say that the President was acting from those motives. I say, while that is possibly the reason he made the suggestion to me——

Mr. BAILEY. He said so in his speech.

Mr. JONES. As I have said, I condemned the President in my speech the other day because of the statement made in that letter, and I have no excuse for the President acting along the line suggested in that letter.

Mr. BAILEY. Does the Senator believe that the Senate of the United States, with this letter of the President before it in the most formal way, because the President not only used it in a public speech, but the Senate itself has made that speech a public document—yet with all of this in its archives showing that the President not only sent for Senators and tried to talk to Senators about this matter, but that he also wrote a letter in which he said he was trying to "line up" Senators; that he "wanted to win"; and that he was afraid the Senate would not do its duty with reference to the report—with that kind of information a part of the records of the Senate, does the Senator think the Senate of the United States can preserve the respect of the people and pass it sub silentio?

Mr. JONES. As I have stated, I should vote for the resolution as originally introduced by the Senator from Texas, but as modified I am not inclined to support it.

Mr. BAILEY. I think the Senator is right, because we have nowhere in our records, whatever we may have floating through the air and in our minds as rumors, any proof that the President has ever attempted to interfere with the functions of the Senate except in this particular case, and I am absolutely certain we ought to confine it to this particular case.

But I yielded because I thought it was so vital that the Senate declare its resentment against Executive influence that I yielded in the hope that we might get a practically unanimous vote. However, I want to say to the Republican stalwarts or the Republican regulars, as the President calls them, that if they are not willing to do that, then we will see if we can not pass the resolution as originally introduced.

Mr. JONES. Mr. President, as I said before, I would much rather vote for the resolution as originally proposed than with the amendments which have been suggested. I am firmly of the opinion that really the best way for us to assert ourselves in this matter is to show not only as individual Senators, but as a Senate, that we are not going to allow Executive interference, rather than by passing resolutions and then going on just as we have been doing in the past.

Mr. WORKS. Mr. President, I am in favor of the pending resolution because it declares a correct and vital principle. It does not matter very much to me whether it reflects upon somebody or not, because if it does so it can only reflect upon the President, because he has violated that principle.

Senators whose names have been mentioned in connection with this matter say unqualifiedly that they have not been influenced; that they did not even realize that the President was attempting to influence their action; but the President must be judged by what he himself has said. His letter shows exactly what his purpose was. He says in so many words that he was attempting to line up the Senators, the Members of this body, against Mr. Lorimer, and that he was attempting by that means to win.

Now why should we hesitate with respect to this matter in passing this resolution because it may reflect upon the President when we consider what he himself has said with respect to it? This is an extreme case just because it was not ordinary legislation. It was a matter which was within the exclusive jurisdiction of the Senate, a matter over which the President had no control, with which he had no right to deal in any way whatever.

Therefore when we reach that point in the administration of the affairs of this Government where the President of the United States openly confesses that he has attempted to influence the Senate of the United States with respect to a vital matter of that kind, I think it is about time the Senate should take action if it does amount to a rebuke of the President of the United States.

Mr. CUMMINS. I move to amend the resolution by striking out the words "within the exclusive jurisdiction of the Senate" and inserting "relating solely to the duties of Senators."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. It is proposed to strike out the words "within the exclusive jurisdiction of the Senate," and in lieu thereof to insert "relating solely to the duties of Senators."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Iowa. [Putting the question.] The Chair is in doubt. The Chair will again put the question.

Mr. BAILEY. Let the amendment be again reported.

The PRESIDENT pro tempore. The amendment will again be stated.

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The SECRETARY. It is proposed to strike out the words within the exclusive jurisdiction of the Senate" and in lieu thereof to insert "relating solely to the duties of Senators," so that if amended the resolution will read:

Resolved, That any attempt on the part of a President of the United States to exercise the powers and influence of his great office for the purpose of controlling the vote of any Senator upon a question involving the right to a seat in the Senate or any other matter relating solely to the duties of Senators would violate the spirit, if not the letter, of the Constitution, and invade the rights of the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the resolution of the Senator from Texas as amended. [Putting the question.] The Chair is in doubt.

Mr. BURTON. Let us have the yeas and nays.

Mr. TOWNSEND. I call for the yeas and nays.

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

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the senior Senator from Rhode Island [Mr. WETMORE]. I do not see him in the Chamber, and therefore withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON], and therefore withhold my vote.

Mr. MARTINE of New Jersey (when the name of Mr. CURTIS was called). I have been requested to announce that the Senator from Kansas [Mr. CURTIS] is paired with the Senator from Arkansas [Mr. DAVIS].

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is unavoidably absent from the Chamber. He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. PAYNTER (when his name was called). Owing to a general pair which I have with the Senator from Colorado [Mr. GUGGENHEIM], I withhold my vote. If he were present, I would vote "yea."

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

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is unavoidably absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present he would vote "nay."

Mr. SANDERS (when his name was called). I have a pair with the junior Senator from Indiana [Mr. KERN]. If I were at liberty, I should vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer the pair to the Senator from Oklahoma [Mr. GORE] and will vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], who is detained from the city. I therefore withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. If he were here and I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. HEYBURN. I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I see he is not present, and I therefore withhold my vote. Were I at liberty I would vote "nay."

Mr. BRADLEY. I am paired with the senior Senator from Maryland [Mr. RAYNER] and therefore withhold my vote.

Mr. HITCHCOCK. I desire to announce that my colleague [Mr. BROWN] is paired with the senior Senator from Oklahoma [Mr. OWEN].

Mr. MARTIN of Virginia. The Senator from West Virginia [Mr. WATSON] is paired with the Senator from New Jersey [Mr. BRIGGS]. If the Senator from West Virginia were present, he would vote "yea."

Mr. BAILEY. Notwithstanding my pair with the Senator from Montana [Mr. DIXON], I have voted; and I desire the RECORD to show that I did that in accordance with an understanding with him on this particular question.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber. If he were present I do not know how he would vote on this question.

Mr. OLIVER. The Senator from Rhode Island [Mr. LIPPITT] is unavoidably detained from the Chamber. If he were present and at liberty to vote he would vote "nay." He is paired with the senior Senator from Tennessee [Mr. LEA.]

The result was announced—yeas 35, nays 23, as follows:

YEAS—35.

Ashurst	Fletcher	Newlands	Smith, Ga.
Bacon	Gallinger	O'Gorman	Smith, Md.
Bailey	Gardner	Overman	Smith, S. C.
Bourne	Hitchcock	Percy	Stone
Bryan	Johnson, Me.	Pomerene	Swanson
Chamberlain	Johnston, Ala.	Reed	Thornton
Clapp	McCumber	Shively	Tillman
Culberson	Martin, Va.	Simmons	Works
Fall	Martine, N. J.	Smith, Ariz.	

NAYS—23.

Borah	Crawford	McLean	Root
Brandegee	Cummins	Massey	Smith, Mich.
Bristow	du Pont	Nelson	Smoot
Burnham	Gronna	Oliver	Sutherland
Burton	Jones	Page	Townsend
Catron	Kenyon	Perkins	

NOT VOTING—36.

Bankhead	Curtis	Kern	Poindexter
Bradley	Davis	La Follette	Rayner
Briggs	Dillingham	Lea	Richardson
Brown	Dixon	Lippitt	Sanders
Chilton	Foster	Lodge	Stephenson
Clark, Wyo.	Gamble	Myers	Warren
Clarke, Ark.	Gore	Owen	Watson
Crane	Guggenheim	Paynter	Wetmore
Cullom	Heyburn	Penrose	Williams

So Mr. BAILEY's resolution as amended was agreed to.

HOUR OF MEETING TO-MORROW.

Mr. SMOOT. I move that when the Senate adjourns to-day it adjourn to meet to-morrow morning at 11 o'clock.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I wish to give notice that I shall ask the Senate to take up House bill 25069, the sundry civil appropriation bill, immediately after the routine business in the morning.

IMPEACHMENT OF ROBERT W. ARCHBALD.

Mr. CLARK of Wyoming. Mr. President, yesterday, in what seemed to be the orderly course of procedure, I introduced a resolution providing for the appointment of a special committee to which should be referred the message and resolution from the House of Representatives in regard to the impeachment proceedings. There was no debate upon the subject at the time; it went through evidently without consideration; but afterwards a difference of opinion developed in the Chamber, some thinking that a committee of that sort was entirely unnecessary and others believing that the time of appointment was inopportune. Therefore, in order that the matter may be before the Senate again, I move a reconsideration of the vote by which the resolution was carried.

Mr. SMITH of Georgia. Mr. President, Senators perhaps are not familiar with the necessity for such a committee, or yesterday did not fully realize the questions that will come up from time to time as we go on that ought to be looked after and planned and resolutions drawn. It would be a great economy of time if this committee should be left in existence. I hope the Senate will retain it.

Mr. ROOT. Mr. President, I wish to join in the hope that the committee may be allowed to stand as originally ordered by the Senate.

The PRESIDENT pro tempore. The question is on the motion to reconsider the vote by which the Senate yesterday adopted the resolution submitted by the Senator from Wyoming [Mr. CLARK].

The motion to reconsider was not agreed to.

TARIFF DUTIES ON WOOL.

Mr. SIMMONS. Mr. President, I desire to give notice that to-morrow after the routine morning business, if I can get recognition from the Chair, I shall move to take up House bill 22195, to reduce the duties on wool and manufactures of wool.

EXECUTIVE SESSION.

Mr. CULLOM. 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 seven minutes spent in executive session, the doors were reopened and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 17, 1912, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 16, 1912.

UNITED STATES MARSHAL.

Secundino Romero, of New Mexico, to be United States marshal for the district of New Mexico, under the provisions of section 13 of the act approved June 20, 1910. Mr. Romero's nomination is to succeed Creighton M. Foraker, resigned.

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The Senate, by unanimous consent, proceeded to consider the resolution.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Michigan to the fact that the resolution authorizes an expenditure of money. Is it intended that it shall be taken from the contingent fund?

Mr. SMITH of Michigan. Yes.

The PRESIDENT pro tempore. The Senate will act upon the amendments reported by the Senator from Michigan and then the resolution will necessarily go to the Committee to Audit and Control the Contingent Expenses of the Senate. The amendments will be stated.

The SECRETARY. After the word "associations" insert the word "or." After the word "corporations" strike out "or other interests in" and insert "domiciled in or owing allegiance to," and in line 7, to strike out "and" and insert "or," and in line 15, after the word "sit," to insert "wherever necessary," so as to make the resolution read:

Resolved, That the Committee on Foreign Relations or a subcommittee thereof is hereby authorized and directed to inquire, investigate, ascertain, and report whether any persons, associations, or corporations, domiciled in or owing allegiance to the United States have heretofore been or are now engaged in fomenting, inciting, encouraging, or financing rebellion, insurrection, or other flagrant disorder in Cuba or Mexico against the lawful, organized Governments of those countries.

Resolved further, That said committee or a subcommittee thereof is hereby empowered to summon witnesses, to send for persons and papers, to administer oaths, and to take and secure whatever testimony and evidence may be required to ascertain and report upon the matters aforesaid; and said committee or a subcommittee thereof is hereby authorized for the purposes aforesaid to sit wherever necessary and act as well when Congress is not in session as when in session.

Resolved further, That the said committee is hereby directed to report the result of its said investigation and inquiry to the Senate during the first month of the next session of Congress; and the expenses incurred by such investigation and inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

The amendments were agreed to.

The PRESIDENT pro tempore. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

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

By Mr. GARDNER:

A bill (S. 7317) to provide increased quarantine facilities at the port of Portland, Me.; to the Committee on Commerce.

By Mr. MYERS:

A bill (S. 7318) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes (with accompanying paper); to the Committee on Public Lands.

By Mr. WORKS:

A bill (S. 7319) to authorize the sale and issuance of patent for certain land to H. W. O'Melveny; to the Committee on Public Lands.

By Mr. CHAMBERLAIN:

A bill (S. 7320) granting an increase of pension to Israel Wood (with accompanying papers); and

A bill (S. 7321) granting an increase of pension to Luther Thompson (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 7322) for the relief of the estate of Oliver D. Greene; and

A bill (S. 7323) for the relief of Bernard G. Dingler and others, lately laborers employed by the United States military authorities under the Quartermaster's Department at San Francisco, Cal.; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 7324) granting a pension to Adam Lang; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7325) for the extension of H Street east from Eighteenth Street north to Oklahoma Avenue (with accompanying paper);

A bill (S. 7326) for the extension of Maryland Avenue east of Fifteenth Street to M Street NE.; and

A bill (S. 7327) for the extension of Eighteenth Street east from Benning Road to K Street north; to the Committee on the District of Columbia.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25069).

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate $39,000 for completing the reestablishment of the light and fog-signal station marking Thimble Shoal, Chesapeake Bay, Va., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. OLIVER submitted an amendment proposing to appropriate $13,000 for installing mechanical stokers and otherwise improving the boiler plant at Frankford Arsenal, Philadelphia, Pa., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

H. R. 56. An act to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations, was read twice by its title and referred to the Committee on the Judiciary.

H. R. 22913. An act to create a department of labor was read twice by its title and referred to the Committee on Education and Labor.

H. R. 25741. An act amending section 3392 of the Revised Statutes of the United States as amended by section 32 of the act of August 5, 1909, was read twice by its title and referred to the Committee on Finance.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I move that the Senate proceed to the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. SIMMONS. Mr. President, is it in order to move a substitute for that motion?

The PRESIDENT pro tempore. It is not in order under the rules of the Senate.

Mr. SIMMONS. Then I ask for the yeas and nays on the motion.

The PRESIDENT pro tempore. The Senator from Wyoming moves that the Senate proceed to the consideration of the sundry civil appropriation bill, and, on that motion, the Senator from North Carolina demands the yeas and nays.

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

Mr. WETMORE (when his name was called). I desire to ask whether the senior Senator from Arkansas [Mr. CLARKE] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. WETMORE. I have a general pair with that Senator, and, in his absence, withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. CULBERSON (after having voted in the negative). As my pair, the Senator from Delaware [Mr. DU PONT] has not voted, I withdraw my vote.

Mr. BAILEY. I again announce my pair with the Senator from Montana [Mr. DIXON], and therefore withhold my vote. I further desire the RECORD to show that this announcement is to stand until the Senator from Montana finds it possible to return to the Senate.

Mr. LIPPITT. I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from Michigan [Mr. TOWNSEND], and will vote. I vote "yea."

Mr. HEYBURN. I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I inquire if he has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. HEYBURN. Then I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE], and will vote. I vote "yea."

Mr. BURNHAM (after having voted in the affirmative). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. As he has not voted, I withdraw my vote.

Mr. WETMORE. I have already announced my pair with the senior Senator from Arkansas [Mr. CLARKE], but I transfer that pair to the Senator from New Mexico [Mr. CATRON], and will vote. I vote "yea."

Mr. BRADLEY. I am paired with the senior Senator from Maryland [Mr. RAYNER], and therefore withhold my vote.

Mr. SHIVELY. I wish to announce that my colleague [Mr. KERN] is unavoidably absent from the city on important business. He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. CHAMBERLAIN. I desire to announce for the day that the Senator from Oklahoma [Mr. OWEN] is paired with the Senator from Nebraska [Mr. BROWN].

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Mr. SMITH of South Carolina (after having voted in the negative). When my name was called I inadvertently voted. I am paired with the junior Senator from Delaware [Mr. RICHARDSON], but I transfer that pair to the Senator from Oklahoma [Mr. GORE] and will allow my vote to stand.

Mr. MARTINE of New Jersey. I desire to announce the pair of the Senator from Arkansas [Mr. DAVIS] with the Senator from Kansas [Mr. CURTIS]. I make this announcement for the day.

Mr. BRIGGS (after having voted in the affirmative). I desire to inquire if the senior Senator from West Virginia [Mr. WATSON] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia, but I will transfer that pair to the Senator from New Mexico [Mr. FALL] and allow my vote to stand.

The result was announced—yeas 35, nays 28, as follows:

YEAS—35.

Borah	Crawford	Lippitt	Root
Bourne	Cummins	Lodge	Smith, Mich.
Brandegee	Dillingham	McCumber	Smoot
Briggs	Gallinger	McLean	Stephenson
Bristow	Gronna	Massey	Sutherland
Burton	Guggenheim	Nelson	Warren
Clapp	Heyburn	Oliver	Wetmore
Clark, Wyo.	Jones	Page	Works
Crane	Kenyon	Perkins	

NAYS—28.

Ashurst	Johnson, Me.	Overman	Smith, Ariz.
Bacon	Johnston, Ala.	Paynter	Smith, Ga.
Bryan	Martin, Va.	Percy	Smith, S. C.
Chamberlain	Martine, N. J.	Pomerene	Stone
Fletcher	Myers	Reed	Swanson
Gardner	Newlands	Shively	Thornton
Hitchcock	O'Gorman	Simmons	Tillman

NOT VOTING—31.

Bailey	Culberson	Gamble	Rayner
Bankhead	Cullom	Gore	Richardson
Bradley	Curtis	Kern	Sanders
Brown	Davis	La Follette	Smith, Md.
Burnham	Dixon	Lea	Townsend
Catron	du Pont	Owen	Watson
Chilton	Fall	Penrose	Williams
Clarke, Ark.	Foster	Poindexter	

So Mr. WARREN's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. STONE. Mr. President, I desire to ask a parliamentary question.

The PRESIDENT pro tempore. The Senator from Missouri will state it.

Mr. STONE. I wish to inquire whether the action of the Senate in taking up the appropriation bill at this stage will have the effect of displacing the unfinished business that would come up at 1 o'clock?

Mr. WARREN. It will not.

The PRESIDENT pro tempore. In the opinion of the Chair, it does not interfere with the unfinished business, which will come up automatically at 1 o'clock under the rule.

Mr. WARREN. I ask unanimous consent that the formal first reading of the bill be dispensed with and that it be read for amendment, the committee amendments to be first considered.

Mr. CUMMINS and Mr. SIMMONS addressed the Chair.

The PRESIDENT pro tempore. The Chair will state the request. The Senator from Wyoming asks unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendment, the committee amendments to be first considered. Is there objection?

Mr. SIMMONS. I object.

The PRESIDENT pro tempore. The Senator from North Carolina objects.

Mr. WARREN. The Secretary, then, may proceed with the reading of the bill.

Mr. LODGE. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LODGE. As the bill will be read formally now, it will not have to be read again for amendments?

The PRESIDENT pro tempore. The Chair would concur in that view.

Mr. BACON. We on this side could not hear the colloquy, Mr. President.

Mr. SIMMONS. We could not understand what was said.

Mr. LODGE. I said that if the bill was read formally it would not have to be read again for amendments.

The PRESIDENT pro tempore. It would not.

Mr. LODGE. There is no question about that.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with.

Mr. HEYBURN. Mr. President, I do not understand that this is one of the readings required, so that it may be dispensed with or any other action may be taken in regard to it. The third reading of the bill comes after the bill goes into the Senate, and not as in Committee of the Whole. It has been read twice in the Senate, and it is entirely within the province of the Senate——

Mr. LODGE. My point was that having the bill read formally does not delay it.

Mr. HEYBURN. Not at all. I merely want the RECORD to show that we are not acting under a misconception as to the reading of the bill.

PURCHASE OF MONTICELLO.

Mr. CUMMINS. I rise to ask unanimous consent for the present consideration of Senate joint resolution 92, which was before the Senate yesterday morning.

Mr. WARREN. Mr. President, the Senator is not going about it in just the right way to ask the unanimous consent of the Senate to displace the appropriation bill. He should first ask me to yield. So far as I am concerned, if the joint resolution will only take a moment or two and no debate will be involved, if I have the privilege of doing so, I will yield for the purpose of its consideration.

Mr. CUMMINS. It will take no time, I am sure.

Mr. LODGE. What is the joint resolution?

Mr. CUMMINS. Just a moment. I intend to offer a concurrent resolution to take the place of the joint resolution, which will remove every objection that has been or could be suggested to it, I think. It is a resolution which provides for the appointment of five Senators and, if the House of Representatives concur, five Members of the House to inquire as to the wisdom and the cost of acquiring for the United States the home of Thomas Jefferson.

The only objection made yesterday morning was that the preamble seemed to commit Congress to the very purpose for which the inquiry is sought. In the concurrent resolution which I shall submit I have omitted the preamble entirely, and if it is agreed to I shall move to indefinitely postpone the joint resolution.

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Iowa?

Mr. WARREN. I can not yield unless the matter can be disposed of without any extended debate, because it is only a short time until another matter will come up.

Mr. CUMMINS. I assure the Senator from Wyoming that if it leads to any considerable debate I will do just as I did yesterday morning—withdraw it, because I do not intend that it shall interfere with the progress of the appropriation bill.

Mr. LODGE. Mr. President, I was not here yesterday when this matter came up, but it seems to me that it will necessarily involve some discussion, for it is apparently a scheme to take the property of somebody who does not want to sell it, as I understand. I should like to know a little more about it than I know now before I enter upon the scheme.

Mr. CUMMINS. Senators sit here and see resolutions of this sort—resolutions of inquiry—pass daily. Of course, if there is objection to-day, that is the end of it for the present.

Mr. LODGE. I do not object.

Mr. CUMMINS. But, if there is objection now, I intend to press it to a conclusion at some other time.

Mr. LODGE. I do not object, but there will necessarily be some debate.

Mr. CUMMINS. Oh, a great deal of debate if the committee was called upon to report either way, but no debate, it seems to me, based simply upon the appointment of a committee to inform the Senate and the House. There is no objection, I believe, Mr. President.

The PRESIDENT pro tempore. Is there objection?

Mr. WARREN. Reserving the right to object, if the concurrent resolution leads to debate, I do not object.

The PRESIDENT pro tempore. The Chair lays before the Senate the joint resolution indicated by the Senator from Iowa, which will be read by title.

The SECRETARY. A joint resolution (S. J. Res. 92) providing for the purchase of the home of Thomas Jefferson, at Monticello, Va.

Mr. CUMMINS. I offer the concurrent resolution which I send to the desk.

The Secretary read the concurrent resolution (S. Con. Res. 24), as follows:

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate be, and is hereby, authorized to ap-

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BILLS INTRODUCED.

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

By Mr. CULBERSON:

A bill (S. 7328) granting an increase of pension to Charlotte R. Wynne (with accompanying paper); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 7329) for the relief of Job S. Beals; to the Committee on Claims.

A bill (S. 7330) for the relief of James Boyle, alias James Black; to the Committee on Military Affairs.

A bill (S. 7331) granting a pension to James Murphy; to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 7332) granting a pension to R. H. Catlett (with accompanying paper); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 7333) granting an increase of pension to George W. Cook; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 7334) for the relief of Elijah Watts (with accompanying paper); to the Committee on Military Affairs.

By Mr. FLETCHER:

A bill (S. 7335) for the relief of James D. Butler (with accompanying paper); to the Committee on Claims.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL (H. R. 25069).

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate $10,000 for additional cost of the post-office building at Albany, Oreg., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and to be printed.

Mr. SMITH of Michigan submitted an amendment providing that all persons employed in or under the Bureau of Lighthouses upon work relating to the establishment of changes in aids to navigation shall have had at least three years' actual service afloat in the handling and piloting of vessels, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying paper, ordered to lie on the table.

He also submitted an amendment providing that retired officers of the Navy shall be eligible for appointment as lighthouse inspectors, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying paper, ordered to lie on the table.

Mr. POMERENE. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill, which I ask to have printed and lie on the table, and for the information of the Senate I ask that it be printed in the RECORD.

There being no objection, the amendment was ordered to be printed, to lie on the table, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. POMERENE to the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913.

On page 101, after line 5, insert the following:

"PENSION BUREAU.

"Three hundred thousand dollars, or so much thereof as may be necessary to employ, temporarily, extra clerks by the Commissioner of Pensions to aid him in the work incident to the adjudication of pension claims filed under the act entitled 'An act granting a service pension to certain defined veterans of the Civil War and the War with Mexico,' approved May 11, 1912, at salaries not to exceed $1,200 each; and in order to facilitate said work the Commissioner of Pensions is authorized to employ clerks heretofore employed in other departments of the Government service, or others who may be sufficiently skilled to do the required work, without complying with the requirements of the civil-service laws: *Provided, however,* That none of said extra clerks shall continue in the service beyond the fiscal year of this appropriation without further legislation, or, by reason of said employment alone, be eligible for transfer to the service in other departments, or be continued longer than may be necessary to do the work hereby provided for."

Mr. SHIVELY. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill, which I ask to have printed, printed in the RECORD, and that it lie on the table.

There being no objection, the amendment was ordered to be printed, to lie on the table, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. SHIVELY to the bill (H. R. 25069) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, viz:

On page 98, after line 5, insert the following:

"*Provided,* That no allowance or disallowance heretofore made shall preclude an officer or enlisted man of the United States or Volunteer Army, or his next of kin or personal representative, from applying for and receiving any pay and allowances which may be due him under a decision of the Supreme Court of the United States or under a decision of the Court of Claims where no appeal is taken therefrom: *And provided further,* That in the settlement of claims for pay and allowances on account of services of commissioned officers in the volunteers or militia during the Civil War the accounting officers of the Treasury shall credit as service in the Army of the United States within the meaning of the Army pay laws all service rendered from date of enrollment to date of muster as of the grade stated opposite the officer's name on the muster rolls: *And provided further,* That in cases where such officer was duly promoted and appointed to fill a vacancy due to a casualty of the service at any time during the Civil War his pay shall be held to commence from the date his predecessor's pay ceased, provided it be shown by the records or other satisfactory evidence that service was rendered by such officer for which no payment has been made, or that service was rendered in a higher grade than paid for, and that such officer was present with his command during the time for which pay is claimed, or, if absent, that such absence was caused by disability or capture by the enemy; all payments made as of any lower grade to be deducted, and all laws in conflict herewith are hereby repealed."

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (H. R. 23349) providing for publicity of contributions and expenditures for the purpose of influencing or securing the nomination of candidates for the offices of President and Vice President of the United States, which was referred to the Committee on the Judiciary and ordered to be printed.

WITHDRAWAL OF PAPERS—JOSEPHUS EWING.

On motion of Mr. GUGGENHEIM, it was

Ordered, That the papers accompanying S. 5297, Sixty-second Congress, second session, granting an increase of pension to Josephus Ewing, be withdrawn from the files of the Senate, no adverse report having been made thereon.

WITHDRAWAL OF PAPERS—GEORGE MILLHOLLAND.

On motion of Mr. SHIVELY, it was

Ordered, That the papers accompanying the bill granting an increase of pension to George Millholland, S. 538, Sixty-second Congress, first session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

WITHDRAWAL OF PAPERS—EMMA D. M'MANUS.

On motion of Mr. SHIVELY, it was

Ordered, That the papers accompanying the bill granting an increase of pension to Emma D. McManus, S. 3078, Sixty-second Congress, first session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

METROPOLITAN COACH CO.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of vehicles of the Metropolitan Coach Co.

Mr. JONES. I move that the Senate disagree to the amendments of the House of Representatives, ask a conference with the House on the disagreeing votes, and the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. JONES, Mr. KENYON, and Mr. PAYNTER conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The PRESIDENT pro tempore. Is there further morning business?

Mr. SIMMONS and Mr. WARREN addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Carolina.

Mr. SIMMONS. I ask that the Senate proceed——

The PRESIDENT pro tempore. The morning business has not yet closed.

Mr. SIMMONS. I thought the Chair announced that the morning business was concluded.

The PRESIDENT pro tempore. Are there concurrent or other resolutions?

[Mr. MARTIN of Virginia submitted a report from the Committee on Claims and one from the Committee on Commerce, which appear under their appropriate heading.]

The PRESIDENT pro tempore. Is there further morning business?

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. If not, the morning business is closed.

Mr. SIMMONS. Mr. President——

Mr. WARREN. I move to take up House bill 25069, the sundry civil appropriation bill.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent to proceed to the consideration of House bill 25069, the sundry civil appropriation bill. Is there objection?

Mr. SIMMONS. Mr. President, I object.

Mr. WARREN. I move, then, that the bill be taken up.

Mr. SIMMONS. Mr. President——

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The PRESIDENT pro tempore. The Chair will state the motion. The Senator from Wyoming moves that the Senate proceed to the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes. The question is on agreeing to the motion of the Senator from Wyoming.

Mr. SIMMONS. On that I ask for the yeas and nays. I wish to call up the wool bill.

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

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. I do not see that Senator in the Chamber, and I therefore withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I do not know how he would vote. If he were present I would vote "yea."

Mr. THORNTON (when Mr. FOSTER's name was called). I wish to announce the absence of my colleague [Mr. FOSTER] on account of illness. He is paired with the Senator from Wyoming [Mr. WARREN]. I make this announcement for the day.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I do not see him in the Chamber. I will therefore withhold my vote.

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN], and will therefore not vote.

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Indiana [Mr. SHIVELY], and will vote. I vote "nay."

The roll call was concluded.

Mr. LIPPITT. I have a pair with the senior Senator from Tennessee [Mr. LEA]. If he were here and I were at liberty to vote, I should vote "yea."

Mr. WETMORE (after having voted in the affirmative). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I voted inadvertently, not noticing his absence, and therefore I will withdraw my vote.

Mr. CULLOM. I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the Senator from New York [Mr. ROOT], and will vote. I vote "yea."

Mr. HEYBURN. I have a general pair with the Senator from Alabama [Mr. BANKHEAD]. I transfer that pair to the Senator from Massachusetts [Mr. CRANE], and will vote. I vote "yea."

Mr. BRADLEY. I desire to transfer my pair with the Senator from Maryland [Mr. RAYNER] to the senior Senator from Washington [Mr. JONES] and vote. I vote "yea."

Mr. BRANDEGEE (after having voted in the affirmative). When I voted I did not notice the absence from the floor of the junior Senator from New York [Mr. O'GORMAN]. I am paired with that Senator, and therefore withdraw my vote.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. As he has not voted, I withhold my vote.

Mr. MARTINE of New Jersey. I am requested to announce the pair existing between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS]. I desire this announcement to stand for the day.

Mr. CHAMBERLAIN. I desire to announce that the Senator from Oklahoma [Mr. OWEN] is paired with the Senator from Nebraska [Mr. BROWN]. I make this announcement for the day.

The result was announced—yeas 37, nays 27, as follows:

YEAS—37.

Borah	Cummins	La Follette	Smith, Mich.
Bourne	Dillingham	Lodge	Smoot
Bradley	du Pont	McCumber	Stephenson
Bristow	Fall	McLean	Sutherland
Burton	Gallinger	Massey	Townsend
Catron	Gamble	Nelson	Warren
Clapp	Gronna	Oliver	Works
Clark, Wyo.	Guggenheim	Page	
Crawford	Heyburn	Perkins	
Cullom	Kenyon	Poindexter	

NAYS—27.

Ashurst	Hitchcock	Overman	Smith, Ga.
Bacon	Johnson, Me.	Paynter	Stone
Bryan	Johnston, Ala.	Percy	Swanson
Chamberlain	Martin, Va.	Pomerene	Thornton
Culberson	Martine, N. J.	Reed	Tillman
Fletcher	Myers	Simmons	Williams
Gardner	Newlands	Smith, Ariz.	

NOT VOTING—30.

Bailey	Crane	Lea	Sanders
Bankhead	Curtis	Lippitt	Shively
Brandegee	Davis	O'Gorman	Smith, Md.
Briggs	Dixon	Owen	Smith, S. C.
Brown	Foster	Penrose	Watson
Burnham	Gore	Rayner	Wetmore
Chilton	Jones	Richardson	
Clarke, Ark.	Kern	Root	

So Mr. WARREN's motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. WARREN. Mr. President, if I have kept a right account, the reading of the bill on yesterday proceeded to the top of page 74. I inquire if that is correct?

The PRESIDENT pro tempore. The Chair is so informed. The Secretary will resume the reading of the bill at that point.

Mr. WARREN. Mr. President, this bill contains 200 pages and carries appropriations aggregating $115,000,000, or about that amount. I now ask unanimous consent that the Senate proceed with the consideration of the remainder of the bill without the formal reading and that the amendments of the committee may be considered as we proceed.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the further formal reading of the bill may be dispensed with.

Mr. SIMMONS. I object.

The PRESIDENT pro tempore. The Senator from North Carolina objects. The Secretary will resume the reading of the bill at the point reached on yesterday.

The Secretary resumed the reading of the bill, beginning with line 1, page 74, and continued down to the end of line 16, on page 91.

Mr. REED. I have been trying to follow the reading of the bill, but it is so rapid and so informal that I can not understand it well enough to follow the text. I should like to inquire where the clerk is reading.

The PRESIDENT pro tempore. The clerk has reached page 91, line 17, the Chair is informed.

Mr. REED. I should like to have the bill read so that I can follow the reading.

The reading of the bill was resumed and continued to line 21, on page 106, the last paragraph read proposing to appropriate $20,000 for the opening of Indian reservations.

Mr. HEYBURN. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HEYBURN. At what stage will an amendment be appropriate to the portion of the bill just read?

The PRESIDENT pro tempore. The Chair would suggest that after the reading of the bill has been completed, the reading proceeding for the purpose of information to the Senate, that presumably the committee amendments will first be considered, and then amendments from the floor will be in order.

Mr. HEYBURN. As in Committee of the Whole?

The PRESIDENT pro tempore. As in Committee of the Whole.

Mr. HEYBURN. I merely wanted the RECORD at this point to show that the inquiry was made and answered by the Chair.

Mr. REED. Mr. President, the Chair states that presumably the committee amendments will first be considered. Does the Chair mean to say by that that there has been any agreement or arrangement to that effect?

The PRESIDENT pro tempore. Not so far as the Chair is concerned. The Chair simply states what is the usual custom of the Senate.

Mr. REED. My reason for the inquiry was the remark of the Senator that he was making the inquiry now in order that there might be a record; and I would not want to have it go by common consent that that is to be the method. I think it may become important in the consideration of this bill whether we are to proceed that way or not.

The PRESIDENT pro tempore. The Chair will state to the Senator that no agreement has been made nor has any suggestion been made to the Chair.

Mr. REED. So, it is clear.

Mr. HEYBURN. It may be proper for me to state that I made the inquiry in view of the fact that the chairman of the committee renewed his request this morning with reference to the consideration of committee amendments and asked for unanimous consent; and I thought it right that this proceeding should contain some record of the fact that we were proceeding under that order or rule of business.

The PRESIDENT pro tempore. The reading will continue.

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The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the committee, on page 57, to insert the matter embraced in lines 4 to 8, inclusive.

Mr. OVERMAN. On that I call for the yeas and nays.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. The Senator from North Carolina asks for the yeas and nays. Is there a second?

Mr. BACON. Mr. President, I understand the Senator from Kansas addressed the Chair, and it would seem that the call for the yeas and nays should be deferred until he got through.

The PRESIDING OFFICER. The present occupant of the chair thinks that when a Senator asks for the yeas and nays it is proper to put the request.

Mr. BACON. I will not stop to discuss that now; but I do think that it is an improper practice, for the reason that the yeas and nays might be called upon a matter which would remain before the Senate for two or three weeks, and the purpose of the Constitution in requiring the yeas and nays is that those who are present and are going to vote on the question shall, at the demand of one-fifth of those who are present and going to vote, be required to go on record.

The PRESIDING OFFICER. In the opinion of the Chair, when a Senator asks for the yeas and nays, the first thing to be done is to determine whether there is a second to the request.

Mr. OVERMAN. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. OVERMAN. I do not understand that a call for the yeas and nays prevents any Senator from speaking thereafter.

The PRESIDING OFFICER. Not in the least. The question is, Is there a second to the demand for the yeas and nays?

The yeas and nays were ordered.

Mr. BRISTOW. I should like to inquire why the money that is to be expended for a railroad in the Philippine Islands should not be paid out of the Philippine treasury instead of out of the United States Treasury.

Mr. WARREN. That will probably be the ultimate outcome; but, under the relations between the two, that could not be done now, because for the present the railroad will be in the exclusive ownership of the United States and for its exclusive use.

I want to say to the Senator and to all Senators who were not in the Chamber when this matter was being discussed, that this is a matter of building what you might call a switch track from the sea, where the freight is received, to the military posts that are on Lake Lanao. This is restricted to an expenditure of $200,000. We have statements that have been almost years in preparation from the best engineers of the Army which state it can be built inside of $200,000. We are now expending from $150,000 a year to two hundred and odd thousand dollars a year for hauling freight over that road. So it is a matter of economy, and the road will pay for itself inside of two years.

Mr. BRISTOW. It seems to me that expenditures for permanent improvements in the Philippine Islands ought to be paid for out of the Philippine treasury.

Mr. WARREN. It must come from there ultimately, but there is no way now by which it can be handled in that manner. It would be like an emplacement for fortifications. Everyone contemplates that those fortifications, when we turn them over to the Philippine Government, will be paid for by that Government, but now they are paid for by the United States, as the Senator knows.

Mr. HITCHCOCK. I should like to ask what is to become of this railroad? Is it to be open for public travel or simply for the use of the Government?

Mr. WARREN. That is getting a little ahead of what we are now contemplating. As the Senator knows, the United States Government and the Philippine Government have their arrangements, and, in my judgment, they have conducted business very well in the last few years. The building of this road and its present use would be exclusively, we will say, by the United States. But I have no doubt when the road is opened it would be the same as any other highway or railroad—there will be arrangements made by its management under which the civil government of the Philippines will undoubtedly participate.

For instance, this very section of country in which it is proposed to build this road is presided over by a brigadier general of the United States Army as the departmental commander. The same officer is civil governor of Mindanao. There seems to be no difficulty in the management there; and that will take care of itself, of course.

Mr. HITCHCOCK. I think it is a very serious matter for us to enter upon a system of Government-owned railroads in the Philippine Islands, and upon that question Congress has distinctly spoken that it would not enter upon such a policy.

Mr. WARREN. The Senator, I think, was not in the Senate Chamber when I stated that the Philippines were proceeding to get railroads in other ways, as the Senators know, through the guaranty of bonds, and so forth. But this proposed road is of the nature of those short stub or spur railroads that are owned now by the Army and Navy, which extend from the sea to the warehouses or to a camp or a post, as the case may be.

Mr. HITCHCOCK. It strikes me that that is a considerable railroad.

Mr. WARREN. It will cost $200,000.

Mr. HITCHCOCK. It is to be 20 miles in length, I understand, and there now being a law which provides for the construction of railroads in the Philippine Islands by permitting the Philippine Government to guarantee the interest upon the bonds, suggests to me that where there is any legitimate need for a railroad and any profitable use for a railroad, it will be built.

Mr. WARREN. Do you think they would build a railroad for the Government between a loading point and a post?

Mr. HITCHCOCK. If the Government is now expending, as the Senator says, over $100,000 a year in freight transportation, and the road could be built for $200,000 by private capital, and could secure from the Government $100,000 a year for the transportation of freight, I believe private enterprise would build it, particularly as the bonds would be guaranteed by the Philippine Government.

Mr. WARREN. I wish I had the faith that the Senator has with regard to how easily capital can be had for those remote regions in those remote islands.

Mr. HITCHCOCK. I believe I express the strong sentiment of this country against having the Government make permanent investments of this character, unless a better showing is made as to the need for them.

Mr. REED. Mr. President, may I ask a question for information? I was unavoidably out of the Chamber when the Senator made his explanation and when this question was discussed. For my own information I want to ask whether the railroad is to be a part of our defense system—our military system—in the Philippine Islands?

Mr. WARREN. In the sense that it is a means of transportation from the sea to our troops; yes.

Mr. REED. Is this intended to be a permanent post, or is it simply a post that is maintained there to keep the peace in the islands until such time as we shall relinquish our control?

Mr. WARREN. It is a permanent post. It is in the Moro country, where, as I presume the Senator knows, there are different tribes, and where in early times there were all kinds of differences and all kinds of government. They had war between themselves, one upon another. It was the most dangerous country we had to enter when we took the islands. Our work there has been perhaps the most successful of our work anywhere in bringing about relative peace and turning the inhabitants into various lines of industry. It is purely a matter of economy.

As I stated before, surely the chairman of the committee has no more interest in the matter than any other Senator. But at present we are bound to spend not $100,000, as the Senator from Nebraska states, but from $150,000 to $200,000 a year for freight to this post. At one time it was over $200,000 a year. The lowest offer they have now for the next year or two is $20 a ton, and the lowest estimate they can make is 7,500 tons a year, which would be an even $150,000 for the wagon transportation over this route.

If by the expenditure of $200,000 we can at once almost obliterate that charge and bring it down to a mere nominal one, it seems to me good economy, whatever may become of the road after the Government has finished using it for the part of the Army located there.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER (Mr. OLIVER in the chair). Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. LODGE. I thought the Senator had finished. I did not know the Senator had the floor.

Mr. REED. Has there been any estimate or request in reference to this matter from the War Department?

Mr. WARREN. The Senator, I think, was out during my statement.

Mr. REED. I was out. I am sorry to take the time of the Senate.

Mr. WARREN. In the first place, these estimates were made as early as 1904 or 1905. When the so-called Taft party went to the islands the local authorities were so anxious about the matter that they arranged a trip, and a number of Senators and Members—myself included—went across that country on horseback and examined it thoroughly and spent a night at Lake

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Lanao. The estimates then called for between $700,000 and $800,000. The War Department asked then that we build the road. But it seemed too much, and in my service on the Military Affairs Committee and also on the Committee on Appropriations I was not then ready to take up the enterprise.

But later on, I think during the last year, the War Department has had another estimate made by what it believes to be one of the most capable men in the service, one of the Army engineers.

The estimates for this road have been made annually ever since 1905, I think. The War Department has not only an estimate made, but in its evidence before the committee, through its head and bureau chief, it insisted that if we wanted economical management we should provide this railroad.

Mr. REED. Just one further question. Generally the internal improvements of the islands are now being taken care of by the islands themselves, are they not, our Government guaranteeing the bonds?

Mr. WARREN. Certain of them are; yes.

Mr. REED. If this proposed road is for the maintenance of the peace of the islands and is also in the nature of a permanent improvement, why should it not be paid for by the government of the islands, instead of by this Government?

Mr. WARREN. This is a matter of a different nature. As I say, it is for the exclusive use of the Government at present and may be said to be for the purpose of controlling the very people that would be taxed if the road were paid for by local taxation.

Mr. LODGE. Mr. President, I only wanted to say a single word in regard to the nature of the proposed road. It is a road which is proposed to be built in t
island of Mindanao is the great i
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Moros, who are Mohammedans in
and more or less dangerous people, under the government of their own datos or sultans.

The prospect of the road having any commercial value—which I recognize under present conditions would be almost a crime—is so slight that I think it need not be regarded. The island is largely a tropical wilderness. It is absolutely necessary to maintain a military post there. This is a mere means of communication for the safety of the military post, and for the cheap transportation of supplies thereto.

Having had familiarity for a good many years with Philippine matters, I simply wanted to emphasize the point that this is a matter that in no way concerns the commercial development of the islands, in which the other railroad system is involved.

Mr. REED. Mr. President, if I may, I should like to ask the Senator a question. The Senator appears to be very well posted upon the character of this island, as he is upon all questions upon which he speaks.

Mr. LODGE. I was for 15 years chairman of the Committee on the Philippines, and therefore picked up some knowledge of the islands.

Mr. REED. If the island is inhabited by barbarians and savages, and has no commercial possibilities, I should like to inquire why we are maintaining an Army post there, and why we should build railroads. Why do we not get out and turn it over to these Mohammedans?

Mr. LODGE. I did not say it had no commercial possibilities; far from it. I think very likely it has considerable commercial possibilities, now that we have established and maintained peace there. It is part of the archipelago. It is necessary, in the interest of all the islands, to have good order preserved there, which now is preserved there, and which undoubtedly is leading to some commercial development. I was speaking of the general condition of the island.

Mr. HITCHCOCK. I should like to ask the Senator a question. It has been stated that practically the only business of this railroad will be for military purposes.

Mr. LODGE. So I understand.

Mr. HITCHCOCK. The Senator from Wyoming has stated that the number of tons carried over the road annually will be 7,000 tons. Figuring 20 tons to the car, that is 350 carloads a year. Is the Senator in favor of building a railroad to carry less than 1 carload a day?

Mr. LODGE. Mr. President, I am in favor of building the railroad as an adjunct to a military post. My point, which seems to have escaped the Senator from Nebraska, was that this was not a commercial enterprise. It is a matter of military protection. I thought the Senator from Nebraska was haunted by the idea that in the remote future somebody might make some money out of it, and I wanted to disabuse his mind of the idea that there was any possibility of such a crime as that being contemplated. I do not think anybody is going to make any money out of it. It is a matter of military protection.

Mr. BACON. I should like to make an inquiry of the Senator if for any reason we should have occasion to abandon that post, or that island, either, does the Senator think we could dispose of the road at an advantageous price?

Mr. LODGE. Why, certainly, because it would be of governmental value. Nobody with any commercial sense would build a road there. It is proposed to be built for the protection of the military post and for military purposes, and it would be valuable to any Government which took over the islands.

Mr. WARREN. Will the Senator from Massachusetts yield to me for a moment?

Mr. LODGE. Certainly.

Mr. WARREN. That country was considered important enough, both as to government and as to future development, for the Spanish nation to maintain communication through it. In fact, they carried through it to the lake, on mules and horses, at great expense, the materials for two steamboats, and constructed them on the lake. When we had our differences with Spain we captured and sunk those boats. Since then we have raised them, and they are now plying on the lake. It is not a country that is incapable of development, because it has great natural resources. But if peace is to be maintained there, and one tribe is to be kept from annihilating another, there must be some strong hand of government there.

Mr. OVERMAN. Mr. President, going back to page 57, one amendment agreed to there reads as follows:

Keithley-Overton Railroad, Philippine Islands: For the construction and equipment of a railroad from Camp Overton to Camp Keithley, Mindanao, P. I., provided that the total cost of same shall not exceed $200,000, $50,000.

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Mr. LODGE. No doubt something may be said for that view.

Mr. WARREN. The Senator from Missouri seems to be more bloodthirsty than he was before he went to Baltimore.

Mr. REED. Oh, no, Mr. President. I am just trying to qualify myself for association with some of the gentlemen who did not go to Chicago.

Mr. WARREN. That is useless.

Mr. FLETCHER. I understood the chairman of the committee to state that in 1904 the War Department estimated that the expenditure required here was about $800,000. If we have had a saving of $600,000 since 1904, may we not get some further advantage if we postpone the matter another year or two?

Mr. WARREN. That is begging the question. In the first place, I alluded to 1904 in a loose manner. When the estimates are as carefully made as they are now, with every item shown, an argument of that kind does not have any effect.

Mr. BACON. I understand the question to be upon the adoption of the amendment.

The PRESIDING OFFICER. The question is upon the adoption of the amendment recommended by the committee, beginning with line 4, on page 57. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], and noticing his absence I withhold my vote.

Mr. CULLOM (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CHILTON] and withhold my vote.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. He is not present and I therefore withhold my vote.

Mr. LIPPITT (when his name was called). I have a general pair with the Senator from Tennessee [Mr. LEA]. If he were present, and I were allowed to vote, I would vote "yea."

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). The Senator from Oklahoma [Mr. OWEN] is paired with the Senator from Nebraska [Mr. BROWN]. I make this announcement for the day.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote. I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the Senator from Louisiana [Mr. FOSTER], and although I have his assurance that on all such matters I can vote, I will for the present withhold my vote.

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE],

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and I withhold my vote. If I were at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. BRADLEY (after having voted in the affirmative). When I voted I forgot that I am paired with the senior Senator from Maryland [Mr. RAYNER]. I withdraw my vote.

Mr. MCCUMBER (after having voted in the affirmative). I am informed that my pair, the senior Senator from Mississippi [Mr. PERCY], has not voted. That being the case I will transfer my pair with that Senator to the Senator from Michigan [Mr. TOWNSEND] and I will allow my vote to stand.

Mr. DILLINGHAM (after having voted in the affirmative). I ask leave to withdraw my vote, as I see that the Senator from South Carolina [Mr. TILLMAN] is not in the Chamber. I am paired with that Senator.

Mr. SHIVELY. I desire to announce that my colleague [Mr. KERN] is unavoidably absent from the Senate. He is paired with the junior Senator from Tennessee [Mr. SANDERS]. I desire this announcement to stand for the day.

Mr. CULBERSON (after having voted in the negative). Has the Senator from Delaware [Mr. DU PONT] voted?

The PRESIDING OFFICER (Mr. LODGE in the chair). The Senator from Delaware [Mr. DU PONT] has not voted.

Mr. CULBERSON. I withdraw my vote, as I have a general pair with that Senator.

Mr. MARTINE of New Jersey. I desire to announce the pair of the Senator from Arkansas [Mr. DAVIS] with the Senator from Kansas [Mr. CURTIS]. I make this announcement for the day.

The result was announced—yeas 28, nays 25, as follows:

YEAS—28.

Bourne	Crawford	Jones	Perkins
Bristow	Cummins	Lodge	Poindexter
Burnham	Fall	McCumber	Root
Burton	Gallinger	McLean	Smith, Mich.
Catron	Gamble	Massey	Smoot
Clark, Wyo.	Gronna	Oliver	Sutherland
Crane	Guggenheim	Page	Works

NAYS—25.

Ashurst	Johnson, Me.	Pomerene	Smith, S. C.
Bacon	Johnston, Ala.	Reed	Stone
Bryan	Kenyon	Shively	Swanson
Chamberlain	Martin, Va.	Simmons	Thornton
Clapp	Martine, N. J.	Smith, Ariz.	
Fletcher	Myers	Smith, Ga.	
Hitchcock	Overman	Smith, Md.	

NOT VOTING—41.

Bailey	Curtis	Lea	Sanders
Bankhead	Davis	Lippitt	Stephenson
Borah	Dillingham	Nelson	Tillman
Bradley	Dixon	Newlands	Townsend
Brandegee	du Pont	O'Gorman	Warren
Briggs	Foster	Owen	Watson
Brown	Gardner	Paynter	Wetmore
Chilton	Gore	Penrose	Williams
Clarke, Ark.	Heyburn	Percy	
Culberson	Kern	Rayner	
Cullom	La Follette	Richardson	

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The next amendment was, on page 58, after line 19, to insert:

Purchase of land, Vancouver Barracks, Wash.: For the purchase of lands necessary and suitable for a target range for Vancouver Barracks, Wash., $25,750.

The amendment was agreed to.

The next amendment was, on page 61, after line 16, to insert:

China or White Hall Cemetery, Pennsylvania: The Secretary of War is hereby authorized and directed to sell for cash, by advertisement or private sale, as in his judgment may best subserve the interests of the United States, and to make the required conveyance, all the right, title, and interest of the United States in and to that certain parcel of land situate on the northwesterly side of China Hall public road leading to Bristol, in the township of Bristol, county of Bucks, State of Pennsylvania, containing 1 acre, more or less, conveyed to the United States by deed of George Randall and wife, dated the 30th day of August, 1864.

The amendment was agreed to.

The next amendment was, on page 62, after line 3, to insert:

Cave Hill Cemetery, Louisville, Ky., purchase of additional land: For the purchase of additional land in Cave Hill Cemetery, at Louisville, Ky., for the burial of soldiers of the Union Army in the late Civil War and in the War with Spain, $25,656.80.

The amendment was agreed to.

The next amendment was, on page 62, after line 8, to insert:

Florence Cemetery, South Carolina: For the construction of a rostrum at the national cemetery at Florence, S. C., $5,000, or so much thereof as may be necessary in the discretion of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 64, line 24, after the sum "$57,500," to insert "*Provided*, That $500 of the above sum is hereby made available to defray the expense of the removal of the body of Lieut. Col. George Pomutz, adjutant and lieutenant colonel, during the Civil War, of the Fifteenth Regiment Iowa Volunteer Infantry, from St. Petersburg, Russia, to Arlington Cemetery, Virginia, also to include disinterment, transportation, and reinterment at Arlington," so as to make the clause read:

Disposition of remains of officers, soldiers, civilian employees, etc.: For the expenses of interment, or of preparation and transportation to their homes or to such national cemeteries as may be designated by proper authority, in the discretion of the Secretary of War, of the remains of officers, including acting assistant surgeons, and enlisted men of the Army active list; for the expenses of interment, or of preparation and transportation to their homes, of the remains of civil employees of the Army in the employ of the War Department who die abroad, inclusive of Alaska, or on Army transports; for the expenses of removal of remains from abandoned posts to permanent military posts or national cemeteries, including the remains of Federal soldiers, sailors, or marines interred in fields or abandoned private and city cemeteries; and in any case where the expenses of burial or shipment of the remains of officers or enlisted men of the Army who die on the active list are borne by individuals, where such expenses would have been lawful claims against the Government, reimbursement to such individuals may be made of the amount allowed by the Government for such services, to be paid out of the funds appropriated by this act, but no reimbursement shall be made under this act of such expenses incurred prior to the 1st day of July, 1910, $57,500: *Provided*, That $500 of the above sum, etc.

Mr. WARREN. I move to amend the amendment by adding, in line 3, page 65, after the word "Infantry," the words "also consul of the United States."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 65, after line 6, to insert:

Reimbursement of the government of the Philippine Islands: To reimburse the government of the Philippine Islands for expenses incurred in the disinterment, preparation for shipment, and transportation of the remains of the late Orman K. Osbon, member of Company F, Thirty-sixth Regiment United States Volunteers, buried in the Catholic cemetery at Bolinao, island of Luzon, to San Francisco, for burial in the national cemetery, $75.

The amendment was agreed to.

The next amendment was, on page 66, after line 2, to insert:

Monuments or tablets in Cuba and China: For repairs and preservation of monuments, tablets, roads, fences, etc., made and constructed by the United States in Cuba and China to mark the places where American soldiers fell, $1,000.

The amendment was agreed to.

The next amendment was, under the subhead "National military parks," on page 68, after line 13, to strike out:

The unexpended balance, not exceeding $5,959, of the appropriation of $150,000 for the Union Naval Monument is reappropriated and made available for bronze portraits, with granite pedestals, of brigade and division commanders.

The amendment was agreed to.

The next amendment was, on page 68, after line 17, to strike out:

Hereafter vacancies occurring in the membership of the several commissions in charge of national military parks shall not be filled, and the duties of the offices thus vacated shall devolve upon the remaining commissioners or commissioner for each of said parks: *Provided*, That as vacancies occur hereunder the Secretary of War shall become ex officio a member of the commission effected with full authority to act with the remaining commissioners or commissioner, and in case of the vacation of all the offices of commissioner in any one park hereunder the duties of such commission shall thereafter be performed under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, under the subhead "Under Engineer Department," on page 69, line 16, after the word "improvements," to strike out the sum "$70,000" and insert "$150,000, including not to exceed $4,500 for maintenance of the road in the forest reserve leading out of the park from the east boundary, and not to exceed $1,500 for maintenance of the road in the forest reserve leading out of the park from the south boundary"; and in line 21, after the words "Secretary of War," to strike out "and to be immediately available"; so as to make the clause read:

Yellowstone National Park: For maintenance and repair of improvements, $150,000, including not to exceed $4,500 for maintenance of the road in the forest reserve leading out of the park from the east boundary, and not to exceed $1,500 for maintenance of the road in the forest reserve leading out of the park from the south boundary, to be expended by and under the direction of the Secretary of War: *Provided*, That no portion of this appropriation shall be expended for the removal of snow from any of the roads for the purpose of opening them in advance of the time when they will be cleared by seasonal changes.

The amendment was agreed to.

The next amendment was, on page 70, after line 2, to insert:

For widening and improving surface of roads, and for building bridges and culverts, from the belt-line road to the western border; from The Thumb Station to the southern border; and from the Lake Hotel Station to the eastern border, all within Yellowstone National Park, to make such roads suitable and safe for animal-drawn and motor-propelled vehicles, $77,000.

Mr. HITCHCOCK. I wish to inquire of the chairman of the committee what the expression "motor-propelled vehicles in the Yellowstone Park" means? I notice that this appropriation of $77,000 is for the purpose of making roads "suitable and safe for animal-drawn and motor-propelled vehicles." I

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understood that Government regulations prohibit motor-propelled vehicles in the parks.

Mr. WARREN. That is true, but let me say to the Senator that the belt line in the park is, of course, surrounded by a large portion of the park, practically unused and untraveled except as to the roads of entrance from north, south, east, and west. Then there is a forest reserve still outside of and almost entirely surrounding the park. The travel from the south, east, and west, as well as from the north, is becoming heavy, and there is nothing there, as to the first three mentioned, but wooden waterway bridges and sluices and narrow, incomplete roadways. These roads are narrow and must be repaired, and in repairing it is thought best to make them wide enough so that they can be utilized hereafter for motors from the outer park lines to the inside much-traveled belt line, but not yet on the belt line. This has been recommended by the committee after consideration of the Interior Department and the War Department replies to Senate resolutions.

While the Secretary of the Interior expressed himself as opposed to motors on the belt line in the park at present, he says he believes that the time will come when motors may be admitted, after roads have been properly reconstructed.

This proposed widening, however, covers but a small fraction, considering the total number of miles of traveled roads. It goes from the edge of the timber reserve to the belt line in three different directions that are very much traveled.

Mr. HITCHCOCK. The regulations will still remain in force against automobiles in the park?

Mr. WARREN. Oh, yes; there is no present change proposed in that regard.

The amendment was agreed to.

The next amendment was, on page 70, after line 9, to insert:

Crater Lake National Park, Oreg.: For the construction of a wagon road and the necessary bridges through Crater Lake National Park, Oreg., together with a system of tanks and water-supply pipes to provide for sprinkling, in accordance with the recommendations contained in the report of the War Department published as House Document No. 328, Sixty-second Congress, second session, to be expended under the direction of the Secretary of War, $100,000.

The amendment was agreed to.

The next amendment was, on page 72, line 3, after the words "for official use," to strike out "$27,000" and insert "$30,000," so as to make the clause read:

For improvement, care, and maintenance of various reservations, including purchase, maintenance, and driving of horse and vehicle for official use of the officer in charge of public buildings and grounds, and of other necessary vehicles, for official use, $30,000.

The amendment was agreed to.

The next amendment was, on page 72, line 15, after the word "embankment," to insert "and constructing roads, paths, and shelters," and in line 16, after the word "shelters," to strike out "$25,000" and insert "$75,000," so as to make the clause read:

For grading, soiling, seeding, and planting that portion of Potomac Park west of the railroad embankment, and constructing roads, paths, and shelters, $75,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 2, to insert:

For commencing the improvement of Montrose Park, and for its care and maintenance, $10,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 4, to insert:

For commencing the improvement of Meridian Hill Park, $25,000.

The amendment was agreed to.

The next amendment was, on page 75, after line 21, to insert:

Telegraph to connect the Capitol with the departments and Government Printing Office: For care and repair of existing lines, $500.

The amendment was agreed to.

The next amendment was, on page 78, line 8, after the word "commission," to strike out "$5,000" and insert "$8,800," so as to make the clause read:

Commission of Fine Arts: To meet the expenses made necessary by the act approved May 17, 1910, entitled "An act establishing a Commission of Fine Arts," including the purchase of periodicals, maps, and books of reference, to be disbursed, on vouchers approved by the commission, by the officer in charge of public buildings and grounds, who shall be the secretary and shall act as the executive officer of said commission, $8,800.

The amendment was agreed to.

The next amendment was, on page 80, line 7, after the word "mouth," to strike out "in completion of contract authorization," so as to make the clause read:

Improving Siuslaw River, Oreg.: For continuing improvement by jetty construction at the mouth, $35,000.

The amendment was agreed to.

The next amendment was, on page 81, line 2, after the word "improvement," to strike out "in completion of contract authorization," so as to make the clause read:

Improving Chicago River, Ill.: For continuing improvement, $28,000.

The amendment was agreed to.

The next amendment was, on page 81, line 5, after the word "improvement," to strike out "in completion of contract authorization," so as to make the clause read:

Improving Columbia and Lower Willamette Rivers, below Portland, Oreg.: For continuing improvement, $200,000.

The amendment was agreed to.

The next amendment was, on page 81, line 8, after the word "improvement," to strike out "in completion of contract authorization," so as to make the clause read:

Improving Harbor at Conneaut, Ohio: For continuing improvement, $100,000.

The amendment was agreed to.

The next amendment was, on page 81, line 15, after the word "sea," to strike out "in completion of contract authorization," so as to make the clause read:

Improving Delaware River, Pa. and N. J.: For continuing improvement of 35-foot channel from Allegheny Avenue, Philadelphia, Pa., to the sea, $450,000.

The amendment was agreed to.

The next amendment was, on page 81, line 21, after the words "north jetty," to insert "in completion of contract authorization," so as to make the clause read:

Improving Grays Harbor, Wash.: For continuing improvement of Grays Harbor and Bar Entrance by extension of north jetty in completion of contract authorization, $655,000.

The amendment was agreed to.

The next amendment was, on page 81, line 24, after the word "improvement," to strike out "in completion of contract authorization," so as to make the clause read:

Improving Hillsboro Bay, Fla.: For continuing improvement, $200,000.

The amendment was agreed to.

The next amendment was, on page 82, line 2, after the word "improvement," to strike out "in completion of contract authorization," so as to make the clause read:

Improving harbor at Hilo, Hawaii: For continuing improvement, $100,000.

The amendment was agreed to.

The next amendment was, on page 83, line 5, after the word "improvement," to strike out "$31,400" and insert "$160,000," so as to make the clause read:

Harbor of refuge at Point Judith, R. I.: For continuing improvement, $160,000.

The amendment was agreed to.

The next amendment was, on page 83, line 11, after the word "ocean," to strike out "in completion of contract authorization," so as to make the clause read:

Improving St. Johns River, Fla.: For continuing improvement from Jacksonville to the ocean, $350,000.

The amendment was agreed to.

The next amendment was, on page 83, line 14, after the word "channel," to strike out "over" and insert "through," so as to make the clause read:

Improving San Pablo Bay, Cal.: For continuing improvement of channel through Pinole Shoal, $122,000.

The amendment was agreed to.

The next amendment was, on page 83, line 18, after the word "improvement," to strike out "in completion of contract authorization," so as to make the clause read:

Improving South Haven Harbor, Mich.: For continuing improvement, $40,000.

The amendment was agreed to.

The next amendment was, on page 84, after line 24, to insert:

International Waterways Commission: For continuing the work of investigation and report by the International Waterways Commission, authorized by section 4 of the river and harbor act approved June 13, 1902, $20,000.

Mr. HITCHCOCK. I should like to ask if the work of that commission has not been practically finished?

Mr. WARREN. We are informed that it has not been finished. It is nearing completion. The chairman of the board—Gen. Ernst, I believe, is the chairman—stated to the committee that he would endeavor to finish it within this amount, and perhaps save some portion of this appropriation. There is much paper work yet to be done, and some of the monuments and landmarks are not yet up.

Mr. HITCHCOCK. What monuments does this Waterways Commission erect?

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Mr. OVERMAN. I understand they have been provided. They have been added. I am answering what the Senator says. He says that in nine cases out of ten the district attorneys have their offices in the courthouses. If they do, the Supreme Court Reports are always in the room next to the judge's chamber, and in addition to that the judge has them. There are two complete sets. What do you want to furnish him another set for?

Mr. WARREN. There are several courthouses in one district, for that matter. If the Senator will make his amendment, say, $75,000, and not put in any language at all—not bar out district attorneys—I will accept the amendment. Otherwise I can not accept his amendment.

Mr. SMITH of Georgia. That is too much.

Mr. OVERMAN. I will first offer it with that amendment, $75,000; but I intend to offer the other, and I hope the Senator will accept it.

Mr. SMITH of Georgia. I wish to suggest to the Senator from North Carolina that $16,000 is all it ought to be. There is no occasion for sending them to the district attorneys, and there is no occasion for sending them to these small subdivisions of the districts. There is $80,000 appropriated here for those purposes, and the bulk of it is for these extra courthouses scattered over the districts. Sixteen thousand dollars is every dollar that ought to be appropriated. If the Senator will make his amendment $16,000 instead of $96,000, I think we ought to have a yea-and-nay vote on it.

Mr. OVERMAN. I read from the hearings this morning that we are proposing to do something that is not wanted. In my State alone there are three courts held where the judge and clerk have reported that they do not need these books and do not want them, because the judge is supplied with them in other places, and the attorneys are supplied with them. They do not want them there, and yet it is proposed to send them there anyhow. It is proposed to appropriate all this money to send them books that they do not want.

Mr. FALL. Mr. President, even admitting that each district attorney should have a set of these very necessary reports, I think that of the 300 sets which are given to the United States for free distribution there would be enough to go to the district attorneys, if it were not for the fact that each assistant to the Attorney General of the United States must have a separate set of these books; and not only that, but each assistant secretary of each executive department of the United States under this law must have a separate set.

Mr. OVERMAN. Is that included in this $96,000?

Mr. FALL. That is included, I suppose, in the 300 sets for free distribution.

Mr. OVERMAN. We ought to knock it all out. The idea of sending these books to the assistant secretaries of the various departments and spending thousands and thousands of dollars to give them sets of reports that they never read and never look at! I admit that some of the Assistant Attorney Generals ought to have them, but there are so many Assistant Attorney Generals now that I think they ought to be limited.

I am going to offer this amendment in order to get it before the Senate, and then the Senator can offer his amendment to strike out the total:

Provided, That the Supreme Court Reports and Digests shall not be distributed to the United States district attorneys.

I offer the amendment stated and also one to reduce the appropriation from $96,000 to $70,000.

Mr. WARREN. Mr. President, in view of the many views that have been expressed I hope that no amendment whatever will be adopted, and that the amount will be sustained as it is.

The PRESIDENT pro tempore. The amendment submitted by the Senator from North Carolina will be stated.

The SECRETARY. On page 131, line 10, it is proposed to strike out the total, $96,309.50, and insert $70,000, and the following:

Provided, That the Supreme Court Reports and Digests shall not be distributed to the United States district attorneys.

Mr. SMITH of Georgia. I think we ought to have a division on that amendment, Mr. President.

Mr. FALL. Mr. President, I rise to a parliamentary inquiry. In the event that this amendment should be adopted, would the amendment of the Senator from Georgia, to fix the amount at $16,000, be in order?

The PRESIDENT pro tempore. It would be in order.

Mr. FALL. Not until we get in the Senate?

Mr. OVERMAN. Yes, it would.

Mr. CULBERSON. Mr. President, I think the Senator did not understand the ruling of the Chair. That amendment would be in order after the vote on the amendment of the Senator from North Carolina.

The PRESIDENT pro tempore. It would not be in order now.

Mr. CULBERSON. That was not the inquiry. The inquiry was whether it would be in order after the amendment of the Senator from North Carolina is acted upon.

The PRESIDENT pro tempore. The Chair has stated that it would be in order. The question is upon the amendment offered by the Senator from North Carolina to the amendment. [Putting the question.] The noes appear to have it.

Mr. OVERMAN. I ask for a division.

Mr. SMITH of Georgia. Which one of the amendments is it that we are voting on?

Mr. OVERMAN. The one that proposes to strike out $96,309.50 and insert $70,000, and also to insert:

Provided, That the Supreme Court Reports and Digests shall not be distributed to the United States district attorneys.

There were, on a division—ayes 12, noes 17.

Mr. OVERMAN. I ask for the yeas and nays.

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

Mr. CULLOM (when his name was called). Mr. President, I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I therefore withhold my vote.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. I see he is not in the Senate Chamber, and I therefore withhold my vote, not knowing how he would vote on this question.

Mr. JOHNSON of Maine (when his name was called). I have a pair with the senior Senator from New York [Mr. ROOT]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "yea."

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is unavoidably detained from the Senate. He is paired with the junior Senator from Tennessee [Mr. SANDERS]. I desire this announcement to stand for the day.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence, I withhold my vote.

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN]. I therefore withhold my vote.

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED]. If he were present, I would vote "nay."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I therefore withhold my vote.

The roll call was concluded.

Mr. MCCUMBER (after having voted in the negative). I observe that the senior Senator from Mississippi [Mr. PERCY] has not voted, so, as I have a pair with him, I withdraw my vote.

Mr. BURNHAM. I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence, I withhold my vote.

Mr. GORE. I have a pair with the junior Senator from Massachusetts [Mr. CRANE]. I transfer the pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote. I vote "yea."

Mr. CULBERSON. I have refrained from voting because of the absence of my pair, the Senator from Delaware [Mr. DU PONT]. If I were at liberty to vote I would vote "yea."

Mr. BRANDEGEE (after having voted in the negative). I observe that the junior Senator from New York [Mr. O'GORMAN], with whom I have a general pair, has not voted. I will therefore transfer my pair to the senior Senator from South Dakota [Mr. GAMBLE] and allow my vote to stand.

Mr. BRADLEY. I am paired with the senior Senator from Maryland [Mr. RAYNER], but for which I would vote "nay." Under the circumstances, I withhold my vote.

Mr. LODGE. The Senator from New Jersey [Mr. BRIGGS] is paired with the Senator from West Virginia [Mr. WATSON].

The Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN].

The Senator from Wyoming [Mr. CLARK] is paired with the Senator from Missouri [Mr. STONE].

The Senator from Kansas [Mr. CURTIS] is paired with the Senator from Arkansas [Mr. DAVIS].

The Senator from Montana [Mr. DIXON] is paired with the Senator from Texas [Mr. BAILEY].

The Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER].

The Senator from Pennsylvania [Mr. OLIVER] is paired with the Senator from Oregon [Mr. CHAMBERLAIN].

The Senator from Pennsylvania [Mr. PENROSE] is paired with the Senator from Mississippi [Mr. WILLIAMS].

The Senator from Delaware [Mr. RICHARDSON] is paired with the Senator from South Carolina [Mr. SMITH].

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Mr. CULLOM. I am informed that I can transfer my pair to the Senator from Delaware [Mr. DU PONT] and vote. I vote "nay."

Mr. CULBERSON. Under that arrangement I transfer my pair to the Senator from West Virginia [Mr. CHILTON], and vote "yea."

The result was announced—yeas 27, nays 21, as follows:

YEAS—27.

Ashurst	Fletcher	Martine, N. J.	Smith, Ariz.
Bacon	Gardner	Myers	Smith, Ga.
Bristow	Gore	Overman	Swanson
Bryan	Johnson, Me.	Poindexter	Thornton
Culberson	Johnston, Ala.	Pomerene	Tillman
Cummins	Kenyon	Shively	Works
Fall	Martin, Va.	Simmons	

NAYS—21.

Bourne	Dillingham	Massey	Sutherland
Brandegee	Gallinger	Nelson	Townsend
Burton	Gronna	Page	Warren
Catron	Jones	Perkins	
Clapp	Lodge	Smoot	
Cullom	McLean	Stephenson	

NOT VOTING—46.

Bailey	Crawford	Lea	Richardson
Bankhead	Curtis	Lippitt	Root
Borah	Davis	McCumber	Sanders
Bradley	Dixon	Newlands	Smith, Md.
Briggs	du Pont	O'Gorman	Smith, Mich.
Brown	Foster	Oliver	Smith, S. C.
Burnham	Gamble	Owen	Stone
Chamberlain	Guggenheim	Paynter	Watson
Chilton	Heyburn	Penrose	Wetmore
Clark, Wyo.	Hitchcock	Percy	Williams
Clarke, Ark.	Kern	Rayner	
Crane	La Follette	Reed	

So Mr. OVERMAN'S amendment to the amendment was agreed to.

Mr. FLETCHER. I would offer a further amendment to this effect at the conclusion of line 10: "Wherever the Federal Reporter and advance sheets of the Federal Reporter are provided for, the decisions of the Circuit Court of Appeals shall not be separately furnished." It will save the furnishing of duplicates.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the end of the amendment insert:

Wherever the Federal Reporter and advance sheets of the Federal Reporter are provided for, the decisions of the Circuit Court of Appeals shall not be separately furnished.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. WARREN. I ask that lines 11, 12, and 13 on page 131 be stricken out.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Strike out lines 11, 12, and 13, on page 131, as follows:

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The PRESIDENT pro tempore. The question is upon the amendment striking out the paragraph which has been read.

The amendment was agreed to.

The next amendment was, on page 132, line 22, after the word "Alaska," to strike out "$550,000" and insert "$568,000," so as to read:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, including the office expenses of United States district attorneys in Alaska, $568,000.

The amendment was agreed to.

The SECRETARY. On page 133, line 7——

Mr. CULBERSON. There is another amendment on page 132, line 8.

Mr. WARREN. I will say that perhaps the Senator did not notice that we had passed to this point and turned back to the other.

The PRESIDENT pro tempore. The other amendment on page 132 was formerly agreed to.

Mr. WARREN. While the Senator from Texas is here I should like to turn back to the amendment on pages 125 and 126. It was under consideration for a few moments on Saturday and was laid over. I will ask that the letter which I send to the desk, which is a short one, from the Attorney General be read with reference to the paragraph.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL
Washington, D. C., July 22, 1912.

Hon. FRANCIS E. WARREN,
United States Senate.

DEAR SENATOR WARREN: I notice in the RECORD of Saturday the discussion over the amendment under the subhead "Miscellaneous Objects, Department of Justice," on page 125, after line 15, of the sundry civil bill. May I point out just what that amendment does and the purpose of its introduction?

The amendment forbids the application of any of the appropriations mentioned in it to the payment of any compensation, by way of salary, fee, or allowance in any form (1) to any person who holds any other office, place, position, or appointment under the Government or any department of it, or (2) to any one hereafter appointed, designated, or employed who, within two years next preceding the day of his appointment, etc., has held any other office, place, position or appointment under the Government or a department of it.

The effect of the first prohibition would be to make it impossible to employ any person connected with any other department of the Government as an expert or as an attorney, or in any other capacity. For example, it would prohibit the department from having a bank examiner or a geological expert, or any other official or employee delegated from any other department of the Government to the Department of Justice if his compensation is paid out of one of these funds. It would also prevent a district attorney who, under the law, is not required to go out of his own district, being designated to conduct a particular inquiry or case in another district and being paid even his traveling expenses for so doing.

The second prohibition would make it impossible to retain a lawyer in any lawsuit for the Government who, within two years previously, had been retained in any other lawsuit. It would make it impossible to promote from one branch of the service to another a lawyer who had demonstrated his fitness for promotion if in his new position he would be paid from any one of these appropriations. In other words, for the purpose of preventing one or two alleged abuses in the employment of officials who had received other compensations under the Government in particular cases which resulted in their earning a compensation in excess of that which they had received in those positions, this amendment proposes to tie the hands of the Department of Justice by depriving it of the advantage of the knowledge and experience which may have been acquired by a former official of the Government until he shall have been two years out of the service.

On all of these grounds I sincerely hope you will succeed in persuading the Senate to adopt the committee's motion to strike out this provision.

Faithfully, yours,

GEO. W. WICKERSHAM,
Attorney General.

Mr. CULBERSON. Mr. President, I do not believe this provision of the bill as it passed the House should be stricken out. It is true there may be instances in which it will operate to the disadvantage of the Department of Justice and to the embarrassment of private persons, but I would rather see the provision incorporated in the law, drastic as it is, than stricken out altogether, putting nothing in its place.

The three cases which provoked this legislation, without calling names, are these: One was that of a United States district attorney in the State of New York who had as district attorney engaged somewhat in the prosecution of the Sugar Trust. He resigned his office as district attorney, where his salary was $10,000 a year, and was paid in the neighborhood of $60,000 out of such a lump-sum appropriation as a special prosecutor in the Sugar Trust cases.

The other two cases were of Assistant Attorneys General employed in the Department of Justice at Washington, and in cases where they had been employed as Assistant Attorneys General they were permitted to resign those positions and receive appointments as special prosecutors in trust cases and paid sums far in excess of the salary they were receiving as Assistant Attorneys General.

It is a little difficult, at least to me, to find some middle ground by which the Government, in the Department of Justice, would not be crippled and yet we would prevent a repetition of this favoritism to officials under the direction and control of that department. In the hope that some Senator may suggest a way out of the difficulty and yet not strike this provision from the bill altogether, if my proposition is not satisfactory, I suggest that the provision be allowed to remain in the bill and that the following amendment to it be adopted.

The PRESIDENT pro tempore. The proposed amendment will be read.

The SECRETARY. Add at the end of line 11, page 126, the following proviso:

Provided, That this inhibition shall not apply except in cases where the persons appointed, designated, employed, or paid shall have previously rendered service in connection with the same subject matter.

Mr. SMITH of Georgia. I do not think that covers it, Mr. President. I think the amendment should be this:

Provided, however, That anyone engaged in one line of public service may be detailed to another at the same pay.

I do not think a man who has been working as a district attorney for the Government and who has gathered information on a fixed salary ought to be allowed to resign on account of the information that he has obtained as district attorney

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Sundry Civil Appn Bill 7066 - 4/8

to employ such expert and clerical assistance as said commission may deem necessary, and to enable said commission to do any and all things deemed necessary in connection therewith, $100,000.

Mr. WARREN. Mr. President, I understand that is offered

The PRESIDENT pro tempore. The Senator from Georgia [Mr. BACON] has submitted a substitute for the committee tertain amendment. The Senator from Missouri proposes to modify that substitute. The substitute as proposed to be modified will be stated by the Secretary. gree to

The Secretary read as follows: ill read

To enable the Congress to secure needed information to assist it in the enactment of laws prescribing customs duties to be levied on imports and to assist the officers of the Government in administering the customs laws a commission, to be composed of five Senators to be selected by the Finance Committee of the Senate and five Representatives to be selected by the Ways and Means Committee of the House of Representatives, is hereby created and is hereby authorized Georgia n Geor- e of the

to do so, I desire to say, because I am willing to yield my judgment to that of others. I would prefer the original, but I will, for the purpose of meeting the views of others, accept that modification.

The PRESIDENT pro tempore. The question is on agreeing to the substitute which has just been read.

Mr. WARREN. I hope it may not carry.

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

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

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. I transfer it to the senior Senator from New York [Mr. ROOT] and will vote. I vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer it to the Senator from Oregon [Mr. BOURNE] and will vote. I vote "nay."

Mr. JOHNSON of Maine (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. I transfer it to the Senator from Maryland [Mr. SMITH] and will vote. I vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I withhold my vote.

Mr. CHAMBERLAIN (when Mr. OWEN'S name was called). The Senator from Oklahoma [Mr. OWEN] is paired with the Senator from Nebraska [Mr. BROWN]. I will let the announcement stand for the day.

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Mississippi [Mr. WILLIAMS], who is absent. Were I permitted to vote, I should vote "nay." I withhold my vote.

Mr. REED. I understand the Senator from Michigan [Mr. SMITH] is absent. During his absence I have a sort of understanding with him that I will not vote. I regard that as a pair. I transfer the pair to the Senator from Florida [Mr. BRYAN] and will vote. I vote "yea."

Mr. SANDERS (when his name was called). I have a pair with the junior Senator from Indiana [Mr. KERN] and therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer the pair to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. SMOOT (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably detained from the Chamber. He has a pair with the Senator from Missouri [Mr. REED].

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], who is absent. I transfer the pair to the Senator from Iowa [Mr. CUMMINS] and will vote. I vote "nay."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer the pair to the Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. DILLINGHAM. I desire to inquire whether the senior Senator from South Carolina [Mr. TILLMAN] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. DILLINGHAM. I will withhold my vote, as I have a general pair with that Senator.

Mr. BRADLEY. I am paired with the senior Senator from Maryland [Mr. RAYNER]. I transfer the pair to the Senator from Michigan [Mr. TOWNSEND] and will vote. I vote "nay."

Mr. MARTINE of New Jersey. I have been requested to announce that the junior Senator from Arkansas [Mr. DAVIS] is paired with the Senator from Kansas [Mr. CURTIS].

Mr. LODGE. My colleague [Mr. CRANE] is unavoidably absent from the city. He stands paired with the Senator from Oklahoma [Mr. GORE]. If my colleague were present he would vote "nay."

I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. BRIGGS] with the Senator from West Virginia [Mr. WATSON].

The Senator from Nebraska [Mr. BROWN] with the Senator from Oklahoma [Mr. OWEN].

The Senator from Montana [Mr. DIXON] with the Senator from Texas [Mr. BAILEY].

The Senator from Colorado [Mr. GUGGENHEIM] with the Senator from Kentucky [Mr. PAYNTER].

Mr. SHIVELY. I wish to announce the pair of my colleague [Mr. KERN] with the junior Senator from Tennessee [Mr. SANDERS].

The result was announced—yeas 21, nays 31, as follows:

YEAS—21.

Ashurst	Johnston, Ala.	Pomerene	Smith, S. C.
Bacon	Martin, Va.	Reed	Stone
Bankhead	Martine, N. J.	Shively	Swanson
Chamberlain	Myers	Simmons	
Fletcher	Overman	Smith, Ariz.	
Johnson, Me.	Percy	Smith, Ga.	

NAYS—31.

Borah	Crawford	Lodge	Poindexter
Bradley	Cullom	McCumber	Smoot
Brandegee	Fall	McLean	Stephenson
Bristow	Gallinger	Massey	Sutherland
Burnham	Gronna	Nelson	Thornton
Burton	Heyburn	Oliver	Warren
Catron	Jones	Page	Works
Clark, Wyo.	Kenyon	Perkins	

NOT VOTING—42.

Bailey	Curtis	Kern	Root
Bourne	Davis	La Follette	Sanders
Briggs	Dillingham	Lea	Smith, Md.
Brown	Dixon	Lippitt	Smith, Mich.
Bryan	du Pont	Newlands	Tillman
Chilton	Foster	O'Gorman	Townsend
Clapp	Gamble	Owen	Watson
Clarke, Ark.	Gardner	Paynter	Wetmore
Crane	Gore	Penrose	Williams
Culberson	Guggenheim	Rayner	
Cummins	Hitchcock	Richardson	

So Mr. BACON'S substitute was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee as amended.

Mr. STONE. I wish to offer an amendment, at the end of line 4, on page 3, to strike out "$225,000" and insert "$100,000," so as to read $100,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment as amended.

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

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

Mr. BRADLEY (when his name was called). I transfer my pair with the Senator from Maryland [Mr. RAYNER] to the Senator from Michigan [Mr. TOWNSEND] and will vote. I vote "yea."

Mr. BRANDEGEE (when his name was called). I make the same transfer as announced on the last roll call and will vote. I vote "yea."

Mr. BURNHAM (when his name was called). I make the same announcement as on the last roll call and will vote. I vote "yea."

Mr. CULLOM (when his name was called). I transfer my pair to the Senator from Oregon [Mr. BOURNE] and will vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). Observing that my pair, the senior Senator from South Carolina [Mr. TILLMAN] is not present, I withhold my vote. If he were present, I should vote "yea."

Mr. JOHNSON of Maine (when his name was called). I transfer my pair with the Senator from New York [Mr. ROOT] to the Senator from Maryland [Mr. SMITH] and will vote. I vote "nay."

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Mr. LIPPITT (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA]. I will let the announcement stand for the day.

Mr. PENROSE (when his name was called). I again announce my pair with the junior Senator from Mississippi [Mr. WILLIAMS].

Mr. REED (when his name was called). I make the same announcement that I made when my name was called a few moments ago, and transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Florida [Mr. BRYAN]. I vote "nay."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN] and therefore withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the junior Senator from Delaware [Mr. RICHARDSON], which I transfer to the Senator from Maine [Mr. GARDNER] and will vote. I vote "nay."

Mr. WARREN (when his name was called). Under the same arrangement for the transfer of pairs, I will vote. I vote "yea."

Mr. WETMORE (when his name was called). I make the same announcement that I did on the previous roll call. Were I at liberty to vote I should vote "yea."

The roll call was concluded.

Mr. PERCY. My colleague [Mr. WILLIAMS] is unavoidably absent. He is paired with the senior Senator from Pennsylvania [Mr. PENROSE].

Mr. LODGE. I desire to make the same announcement that I did on the former roll call. My colleague [Mr. CRANE] stands paired with the Senator from Oklahoma [Mr. GORE]. If present, my colleague would vote "yea."

Mr. SMITH of Michigan. I should like to inquire whether the junior Senator from Missouri [Mr. REED] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has voted, having transferred his pair.

Mr. SMITH of Michigan. I am paired with the junior Senator from Florida [Mr. BRYAN]. If he were present, I should vote "yea."

Mr. BRADLEY (after having voted in the affirmative). I transferred my pair to the Senator from Michigan [Mr. TOWNSEND]. As he has come in and voted, I now withdraw my vote, but announce that if I were at liberty to vote I should vote "yea."

Mr. SMITH of Michigan. Under the rule I feel at liberty to vote. I have no regular pair with the Senator from Florida [Mr. BRYAN].

The PRESIDENT pro tempore. The Senator's name will be called.

The Secretary called the name of Mr. SMITH of Michigan, and he voted "yea."

The result was announced—yeas 34, nays 20, as follows:

YEAS—34.

Borah	Cullom	McLean	Smoot
Brandegee	Fall	Massey	Stephenson
Bristow	Gallinger	Nelson	Sutherland
Burnham	Gronna	Newlands	Thornton
Burton	Heyburn	Oliver	Townsend
Catron	Jones	Page	Warren
Chamberlain	Kenyon	Perkins	Works
Clark, Wyo.	Lodge	Poindexter	
Crawford	McCumber	Smith, Mich.	

NAYS—20.

Ashurst	Johnston, Ala.	Percy	Smith, Ariz.
Bacon	Martin, Va.	Pomerene	Smith, Ga.
Bankhead	Martine, N. J.	Reed	Smith, S. C.
Fletcher	Myers	Shively	Stone
Johnson, Me.	Overman	Simmons	Swanson

NOT VOTING—40.

Bailey	Culberson	Gore	Penrose
Bourne	Cummins	Guggenheim	Rayner
Bradley	Curtis	Hitchcock	Richardson
Briggs	Davis	Kern	Root
Brown	Dillingham	La Follette	Sanders
Bryan	Dixon	Lea	Smith, Md.
Chilton	du Pont	Lippitt	Tillman
Clapp	Foster	O'Gorman	Watson
Clarke, Ark.	Gamble	Owen	Wetmore
Crane	Gardner	Paynter	Williams

So the committee amendment as amended was agreed to

Mr. WARREN. There is a committee amendment, on page 2, line 13, to strike out the two words "rates of" and insert the article "a."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 13, before the word "compensation," strike out the words "rates of" and insert "a."

The amendment was agreed to.

Mr. WARREN. The next amendment that we passed over is on page 105.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 105, lines 7 to 12, as amended, the paragraph reads:

Purchase of motor boat, Alaska: To enable the Commissioner of the General Land Office to purchase a motor boat for use in the District of Alaska in the investigation of unlawful cutting of timber from the public lands, the inspection of timber cut under permit, and the examination of alleged illegal entries, $5,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended. [Putting the question.] The ayes appear to have it.

Mr. REED. I ask for a roll call.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The ayes have it, and the amendment as amended is agreed to.

Mr. WARREN. The next amendment is, on page 125, under the heading "Miscellaneous objects, Department of Justice." I wish to say particularly to the Senator from Georgia [Mr. SMITH] that I am not certain whether he has had a conference with my colleague on the committee, the Senator from Texas [Mr. CULBERSON]——

Mr. SMITH of Georgia. No.

Mr. WARREN. Whether he wishes both amendments made, and to let them both go to the conferees, or to offer his own amendment.

Mr. SMITH of Georgia. My suggestion would be that where the time limit is placed at two years for the employment of anyone retiring from the department, it might well be reduced to six months. Then, with that amendment inserted reducing the time limit to six months, and the amendment offered by the Senator from Texas, the amendment which I suggest to follow immediately after, I think it would relieve——

Mr. WARREN. I much prefer that the Senator's amendment, as he has shown it to me this morning, would go in about line 6.

Mr. SMITH of Georgia. I have tried to fix it at that part of the paragraph, but you will find that it cuts off the language following, and read, then, as a whole, it renders the language confusing. If placed at the conclusion of all the language, it is perfectly clear and does not prevent that which precedes from being clear.

Mr. WARREN. As I understand the Senator, then, he proposes to leave the part stricken out and to insert the other matter.

Mr. SMITH of Georgia. No; I would leave the entire language as it came from the House, changed only by striking out the term "two years" and inserting "six months" as the length of time for employment in the department that outside employment may be had, followed with the amendment of the Senator from Texas, which I suggest be read by the Secretary. It follows immediately after the amendment which I offered.

Mr. WARREN. I suggest, if agreeable, that the Secretary read the whole paragraph as it would read if amended.

Mr. SMITH of Georgia. Yes; as it would read if amended, reading "six months" instead of "two years." I think these amendments relieve the provision as it came from the House of its objectionable features and preserve what is good in it, and also guard against the danger suggested by the Attorney General.

Mr. WARREN. The Senator does not object to having the paragraph read as it would read if amended, so that Senators may understand it?

Mr. SMITH of Georgia. Not at all.

The PRESIDENT pro tempore. The paragraph will be read as it would read if the amendments submitted by the Senator from Georgia should be agreed to.

The Secretary read as follows:

MISCELLANEOUS OBJECTS, DEPARTMENT OF JUSTICE.

That no part of any appropriation made under this act for the following purposes, namely, conduct of customs cases; defending suits and claims against the United States, detection and prosecution of crime; defense in Indian depredation claims; enforcement of antitrust laws; suits to set aside conveyances of allotted land, Five Civilized Tribes; enforcement of acts to regulate commerce; for payment of assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases; and for payment of such miscellaneous expenditures as may be authorized by the Attorney General for the United States courts and their officers; shall be used for the payment of any salary, fee, compensation, or allowance in any form whatever to any person who holds any other office, place, position, or appointment under the United States Government, or any department thereof, or to anyone hereafter appointed, designated, or employed, who within six months next preceding the date of his appointment, designation, or employment has held any other office, place, position, or appointment under the United States

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Mr. JONES. I offer an amendment to come in on page 116.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 116, after line 13, it is proposed to insert the following:

Medical relief of natives of Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, rental, and equipment of hospital buildings; for books and surgical apparatus; for pay and necessary traveling expenses of physicians, nurses, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, to be immediately available, $70,000.

I hope the amendment will be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington. [Putting the question.] The Chair is in doubt.

Mr. KENYON. I ask for the yeas and nays.

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

Mr. BRADLEY (when his name was called). Being paired with the senior Senator from Maryland [Mr. RAYNER], I withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from West Virginia [Mr. CHILTON]. If at liberty to vote, I should vote "yea."

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. As I do not see him in the Chamber I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA] and therefore withhold my vote.

Mr. PENROSE (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. WILLIAMS]. I transfer it to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN] and therefore withhold my vote.

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. WETMORE (when his name was called). I am paired with the Senator from Arkansas [Mr. CLARKE] and therefore withhold my vote.

The roll call was concluded.

Mr. BURNHAM. I am paired with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. BRANDEGEE. I am paired with the junior Senator from New York [Mr. O'GORMAN]. Has that Senator voted?

The PRESIDENT pro tempore. The Chair is advised that he has not voted.

Mr. BRANDEGEE. I therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. HEYBURN (after having voted in the affirmative). I am informed that the Senator from Alabama [Mr. BANKHEAD] with whom I am paired would vote "yea," if present. So I desire to vote. I vote "yea."

Mr. WATSON. I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], which I transfer to the junior Senator from Montana [Mr. MYERS], and will vote. I vote "yea."

Mr. SMITH of South Carolina. I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from Maine [Mr. GARDNER], and will vote. I vote "yea." I should like to have the announcement stand for the day.

Mr. MARTINE of New Jersey. I have been requested to announce the pair between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS]. I ask that the announcement stand for the day.

Mr. WATSON. I desire to announce the absence of my colleague [Mr. CHILTON] on account of illness.

Mr. WATSON (after having voted in the affirmative). The Senator from Montana [Mr. MYERS] having voted, I withdraw my vote.

The roll call resulted—yeas 28, nays 28, as follows:

YEAS—28.

Ashurst	du Pont	McLean	Reed
Bacon	Fall	Martin, Va.	Smith, Mich.
Bourne	Fletcher	Martine, N. J.	Smith, S. C.
Bryan	Heyburn	Myers	Swanson
Burton	Johnston, Ala.	Newlands	Thornton
Chamberlain	Jones	Percy	Tillman
Dillingham	Lodge	Pomerene	Townsend

NAYS—28.

Borah	Gronna	Overman	Smith, Ariz.
Bristow	Guggenheim	Page	Smith, Ga.
Catron	Kenyon	Paynter	Smoot
Crawford	McCumber	Penrose	Stephenson
Culberson	Massey	Perkins	Sutherland
Cummins	Nelson	Shively	Warren
Gallinger	Oliver	Simmons	Works

NOT VOTING—38.

Bailey	Clarke, Ark.	Hitchcock	Richardson
Bankhead	Crane	Johnson, Me.	Root
Bradley	Cullom	Kern	Sanders
Brandegee	Curtis	La Follette	Smith, Md.
Briggs	Davis	Lea	Stone
Brown	Dixon	Lippitt	Watson
Burnham	Foster	O'Gorman	Wetmore
Chilton	Gamble	Owen	Williams
Clapp	Gardner	Poindexter	
Clark, Wyo.	Gore	Rayner	

The result having been announced—yeas 28, nays 28—the amendment was declared carried.

The PRESIDENT pro tempore subsequently said: The Chair calls the attention of the Senate to the fact that on the vote upon the amendment submitted by the Senator from Washington [Mr. JONES] there was a mistake in the recapitulation, and it appears that 28 Senators voted in the affirmative and 28 in the negative.

Mr. OVERMAN. I change my vote, then.

Mr. WARREN. The amendment is lost on that statement. That exactly tallies with the tally of the clerk of the committee here at my side.

Mr. JONES. I understand that the Senator from North Carolina desires to change his vote.

The PRESIDENT pro tempore. It is too late for a vote to be changed.

Mr. LODGE. If it is not too late to correct the record, it is not too late to change a vote.

Mr. OVERMAN. Unless I get unanimous consent to change my vote, I will move to reconsider the vote by which the amendment was agreed to.

The PRESIDENT pro tempore. The Senator from North Carolina moves to reconsider the vote by which the amendment was agreed to. That motion is in order.

Mr. OVERMAN. I say unless unanimous consent is given me to change my vote I will move to reconsider.

The PRESIDENT pro tempore. The Senator from North Carolina moves to reconsider the vote by which the amendment was agreed to. The question is on agreeing to the motion to reconsider.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. The question now is upon the amendment submitted by the Senator from Washington.

The amendment was agreed to.

Mr. JONES subsequently said: Mr. President, I ask to have printed in the RECORD in connection with the amendment regarding relief for natives of Alaska the marked portion of the letter of the Secretary of the Treasury transmitting the estimate.

The PRESIDENT pro tempore. Without objection permission is granted.

The matter referred to is as follows:

Dr. Foster's report emphasizes the fact which has been set forth for years past in the reports of the governor of Alaska, of the teachers of United States public schools in Alaska, of medical officers of the Government serving on revenue cutters in Alaskan waters, and of officers of the Army stationed in Alaska, that the checking of disease among the natives of Alaska is an urgent national duty. In his annual report for 1911, the governor of Alaska repeats the following statement, which appeared in his report for 1910:

"The existence of infectious diseases, alarming in their nature and wide prevalence among the native people, calls for vigorous action. The menace of infection extends to the white inhabitants, for there are Indians, Eskimo, or Aleut villages in the immediate neighborhood of nearly all the principal towns, and the natives mingle freely among the white in public places. The conditions have certainly not improved since 1908, when, in southeastern Alaska, a physical examination being made by one of the school physicians of 1,161 natives, 418, or 36 per cent, were found to be affected with tuberculosis, and 308, or 26 per cent, were found to be affected with venereal diseases. Among other diseases prevalent in southeastern Alaska, as well as in several other parts of the Territory, are trachoma and conjunctivitis; and in the Alaska Peninsula are several cases, which, after long and careful examination, are strongly suspected to be leprosy.

"There is no law which requires the natives to observe any of the ordinary rules of sanitation, and their unfortunate condition is often traceable directly to the filthy condition of their villages and the dwellings in which they live. Yet these people are generally respectful of the law, and a simple set of statutory requirements imposing a mild penalty for nonobservance would unquestionably cause a great improvement in sanitary conditions. The welfare of the white inhabitants, as well as that of the natives, demands such a law."

Realizing the absolute necessity for action, the Bureau of Education, under a favorable decision from the Comptroller of the Treasury, is using $25,200 of the appropriation for the education of natives of Alaska, 1912, in endeavoring to furnish medical relief to the natives of Alaska. It has established small hospitals for natives in rented buildings in Juneau and Nushagak; it employs five physicians and five nurses and has furnished medical supplies and manuals to the teachers

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of the United States public schools in order to enable them to treat minor ailments, and it is doing what it can to introduce sanitary methods of living into the native villages. Under the comptroller's decision, to which reference has been made, the Bureau of Education can not, according to the language of the appropriation, erect hospitals in Alaska.

The use of part of the appropriation for the education of the natives of Alaska for the suppression of disease is an emergency measure. The entire appropriation for education in Alaska is urgently needed in order to provide adequate educational facilities and for the industrial development of the native population, and it should not be diminished.

I therefore earnestly recommend that Congress be requested to appropriate the sum of $70,000 in order to enable the Commissioner of Education, subject to the approval of the Secretary of the Interior, to furnish medical and sanitary relief to the natives of Alaska and to establish sanitary conditions in the native villages.

The following is an estimate of the expenditure of the appropriation desired:

Juneau Hospital, rental and maintenance	$3,000
Nushagak Hospital, rental and maintenance	3,000
Nulato Hospital, equipment and maintenance	3,000
Nome Hospital, equipment and maintenance	3,000
Kotzebue Hospital, equipment and maintenance	3,000
Physician, southeast district, salary	1,800
3 nurses, southeast district, salaries	3,600
Physician, southwest district, salary	1,800
2 nurses, southwest district, salaries	2,400
Physician, Kuskokwim district, salary	1,800
Physician, Yukon district, salary	1,800
Nurse, Yukon district, salary	1,200
Physician, Nome district, salary	1,800
Nurse, Nome district, salary	1,200
Physician, Kotzebue district, salary	1,800
Nurse, Kotzebue district, salary	1,200
Medicines	4,000
Traveling expenses of Public Health and Marine-Hospital Service surgeon	1,500
Traveling expenses of physicians, nurses, and patients	2,100
Contract hospital, Seward or Valdez	2,000
Contract doctors	1,000
Sanitarium, erection and equipment	12,000
Sanitarium, maintenance and salaries of attendants	12,000
Total	70,000

Upon the request of the Secretary of the Interior, the Secretary of the Treasury has expressed his willingness to detail to Alaska an officer of the Public Health and Marine-Hospital Service, who, in addition to his duties as representative of the Public Health and Marine-Hospital Service, shall supervise all measures for the medical and surgical relief of the natives of Alaska, and where necessary in such work prescribe in the native villages measures to prevent the spread of disease, act as instructor to the teachers of the United States public schools in Alaska in all matters pertaining to the sanitary education of the natives, give instructions to teachers in first aid to the injured or sick, and act in a general advisory capacity to the superintendent of education of natives of Alaska in all matters pertaining to sanitation, hygiene, maintenance of hospitals, and other matters of like character.

If the appropriation requested above is granted, it is proposed that it shall be expended under the immediate supervision of said officer of the Public Health and Marine-Hospital Service.

Very respectfully,

P. P. CLAXTON, *Commissioner.*

Mr. CHAMBERLAIN. I desire to offer an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 22, after line 2, insert:

Albany, Oreg., post office: For additional cost of building, $10,000.

Mr. CHAMBERLAIN. Mr. President, in reference to the amendment, I desire to submit that $65,000 was appropriated for the post-office building and the site. Ten thousand dollars of the amount was expended for the site and $55,000 was left for the erection of the building. After a building costing $55,000 had been determined upon, for the post office only, the Secretary of Agriculture asked that the building might be enlarged for the purpose of accommodating his force there. He has people in the Forestry Service there, and he asked to have it increased from the original size, making it a two-story building instead of one story.

The Supervising Architect advertised for bids, and the cost of construction ran a little above the amount of the appropriation. The bids have not been rejected, but it has been in statu quo in the hope that Congress might appropriate enough to erect a building large enough not only to accommodate the post-office authorities, but the authorities of the Agricultural Department.

I hope the Senate may be willing to admit this amendment to the bill, so that the building may be erected for both purposes.

In addition to that, since 1910 the town has grown quite considerably, so that even as a post-office proposition the building would be hardly large enough, and certainly it is not large enough for post-office purposes and for the purposes of the Forestry Service.

Mr. WARREN. Mr. President, this represents a case that is similar to a good many. In fact, the whole line of public buildings has seemed to be subject to conditions of this kind. The system of constructing general public buildings for some years has been, on the Senate side, that bills were passed individually, providing for one building in each bill, and then sent to the House; and the House, when ready to take up the public-building bills, has placed them in a so-called omnibus bill. Finally they have gone through in the usual way, with the limit expressed in every case, just as the limit is expressed in the matter of river and harbor improvements. After that the appropriations have been carried in the sundry civil appropriation bill in such amounts from time to time as the department recommends, going up to and not beyond the limit.

Undoubtedly there will not be at this session an omnibus public-buildings bill. I am very sorry there was not such a bill sent over here to cover what I might call the shortages—that is to say, where the circumstances are as they are in the town of Albany, in Oregon. There are some cases that are even much more urgent than the case the Senator from Oregon has stated, and his is urgent. But the committee could not consider them because, in the first place, it is trenching not only upon the duties but upon the rights and privileges of another committee. The Committee on Public Buildings and Grounds has jurisdiction as to the limit of cost of these buildings. We have no estimates for them. It is really changing the law. If the Senator will reflect he will see that the Committee on Appropriations would simply be swamped and overcome all the time by these additions for rivers and harbors and public buildings.

Therefore I shall have to make a point of order against the amendment.

Mr. CHAMBERLAIN. Mr. President——

Mr. WARREN. I shall withhold it for the Senator.

Mr. CHAMBERLAIN. In this connection permit me to say that when the Senator states there has been no estimates, as a matter of fact before the appropriation was made an estimate as to the cost of the building was made by the officials from the Treasury Department. The trouble does not rest, Mr. President, with the citizens of the places who are asking that these appropriations be made, but the trouble lies with Congress. When an appropriation is made for a public building the estimates have been made by the Treasury Department, and Congress assumes to know more about it, usually, than either the officials of the Treasury Department or the people themselves of the town.

So it was in this case. Here was a case where the Treasury Department determined that it would cost $75,000 to put up a public building for the post office alone; $10,000 was expended for the site. Congress comes in and appropriates less than the amount estimated for by the Treasury Department and less than the amount demanded by the people of the city.

In the face of that, and after the Secretary of Agriculture comes in and asks that this building be utilized not only for the post-office authorities but in order to accommodate his department, it seems to be an unbusinesslike proposition at least to say that we will not only not give you enough to construct a building to accommodate the Agricultural officials, but we will not give you enough to complete the post-office building in accordance with the original design of the Treasury Department.

I think there is a difference between this case and many of the cases that are pending before the committee. It seems to me to be extremely bad business policy for the Government of the United States to now permit a building to go on and be completed, in the face of what the Supervising Architect says and in the face of what those say who know the situation as it exists, on the ground that it is absolutely too small to accommodate the post-office business alone, to say nothing of the service of the Agricultural Department, too. So Congress must be called upon in a very short time at least to tear down the building, as was done in one of the North Carolina cases, and erect one that will accommodate the Post Office Department and accommodate the Agricultural officials as well.

I do hope the Senate will permit the addition of this small amount, because, as I said a while ago, the bids have been received and are on file in the Treasury Department, and everything is awaiting the action of Congress, with reference to this small appropriation.

Mr. DU PONT. I should like to ask the Senator from Oregon what is the additional amount asked for.

Mr. CHAMBERLAIN. Only $10,000.

Mr. WARREN. It is not a matter of $10,000 alone.

The PRESIDENT pro tempore. In view of the statement made by the Senator, that it has been estimated for, the Chair will hear the chairman on that point.

Mr. WARREN. It has not been estimated for in the regular way. What the Senator means by an estimate is the original statement from the Treasury Department, which goes from the architect's office to the Committee on Public Buildings and Grounds, stating about what certain buildings will cost, but not requesting appropriations. That has nothing to do with the regular annual estimates which come up to the Committee

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which the Senator from Texas [Mr. CULBERSON] demands the yeas and nays.

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

Mr. BRANDEGEE (when his name was called). I am paired with the junior Senator from New York [Mr. O'GORMAN]. If he were present and I were at liberty to vote, I should vote "yea."

Mr. BURNHAM (when his name was called). I am paired with the junior Senator from Maryland [Mr. SMITH] and therefore withhold my vote. If allowed to vote, I should vote "yea."

Mr. LODGE (when Mr. CRANE's name was called). My colleague [Mr. CRANE] is unavoidably absent from the city. He is paired with the Senator from Oklahoma [Mr. GORE]. If my colleague were present he would vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON] and therefore withhold my vote.

Mr. HEYBURN (when his name was called). I would inquire if the senior Senator from Alabama [Mr. BANKHEAD] has voted?

The PRESIDENT pro tempore. He has not voted, the Chair is advised.

Mr. HEYBURN. I have a pair with that Senator and therefore withhold my vote.

Mr. JOHNSON of Maine (when his name was called). I have a general pair with the Senator from New York [Mr. ROOT] and therefore withhold my vote.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. If at liberty to vote, I should vote "yea."

Mr. PENROSE (when his name was called). I again announce the transfer of my general pair with the junior Senator from Mississippi [Mr. WILLIAMS] to the senior Senator from South Dakota [Mr. GAMBLE]. I will let this announcement stand for the day, and will vote on all questions during the day. I vote "yea."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is necessarily absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and at liberty to vote, he would vote "yea."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN] and therefore withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON], and in his absence I withhold my vote. If permitted to vote, I should vote "nay."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. He is absent from the Chamber, and I am advised will be detained during the day. I therefore withhold my vote. I desire this announcement to stand for the day.

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER]. I transfer the pair so that the Senator from Louisiana will stand paired with the Senator from Washington [Mr. POINDEXTER], and I will vote. I vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS] and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE] and therefore withhold my vote.

Mr. PERCY (when the name of Mr. WILLIAMS was called). I desire to announce that my colleague [Mr. WILLIAMS] is unavoidably absent from the city and is paired with the senior Senator from Pennsylvania [Mr. PENROSE.] This announcement will stand for the day.

The roll call was concluded.

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is detained from the Chamber by important business. If he were here, I think he would vote "yea" on this proposition.

Mr. DILLINGHAM (after having voted in the affirmative). I find myself obliged to withdraw my vote owing to the absence of the Senator from South Carolina [Mr. TILLMAN], with whom I am paired.

Mr. SIMMONS. I voted a while ago, and I wish to state that I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer the pair to the junior Senator from Nebraska [Mr. HITCHCOCK] and will let my vote stand. I will let this announcement stand as to all votes upon this bill.

The result was announced—yeas 34, nays 19, as follows:

YEAS—34.

Borah	Fall	McLean	Smoot
Bourne	Gallinger	Massey	Stephenson
Bristow	Gronna	Nelson	Sutherland
Burton	Guggenheim	Newlands	Thornton
Catron	Jones	Oliver	Townsend
Chamberlain	Kenyon	Page	Warren
Crawford	La Follette	Penrose	Works
Cummins	Lodge	Perkins	
du Pont	McCumber	Smith, Mich.	

NAYS—19.

Ashurst	Gardner	Paynter	Simmons
Bacon	Johnston, Ala.	Percy	Smith, Ariz.
Bryan	Martin, Va.	Pomerene	Smith, Ga.
Culberson	Myers	Reed	Swanson
Fletcher	Overman	Shively	

NOT VOTING—41.

Bailey	Crane	Johnson, Me.	Sanders
Bankhead	Cullom	Kern	Smith, Md.
Bradley	Curtis	Lea	Smith, S. C.
Brandegee	Davis	Lippitt	Stone
Briggs	Dillingham	Martine, N. J.	Tillman
Brown	Dixon	O'Gorman	Watson
Burnham	Foster	Owen	Wetmore
Chilton	Gamble	Poindexter	Williams
Clapp	Gore	Rayner	
Clark, Wyo.	Heyburn	Richardson	
Clarke, Ark.	Hitchcock	Root	

So the amendment was concurred in.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

Mr. REED. Mr. President, the amendment that I called attention to, upon which we are about to vote, is the one to purchase a motor boat to be used in Alaska. It was discussed at great length here one day, and we adjourned just before the vote was taken.

I do not think we ought to buy this boat unless we are going to equip it with proper armament to shoot ducks, because I think that is the purpose for which the boat is intended to be used.

I ask for the yeas and nays upon the question of concurring in the amendment made as in Committee of the Whole.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 105, beginning in line 7, as amended, the amendment reads:

Purchase of motor boat, Alaska: To enable the Commissioner of the General Land Office to purchase a motor boat for use in the District of Alaska in the investigation of unlawful cutting of timber from the public lands, the inspection of timber cut under permit, and the examination of alleged illegal entries, $5,000.

Mr. NELSON. Mr. President, I desire to make a brief explanation relating to the necessity for this amendment.

People who are familiar with the map of Alaska know there is a narrow strip along the Pacific coast, southeast of the one hundred and forty-first meridian, which consists in the main of an archipelago. There is a strip along the mainland with a great many inlets and bays. The boundary line is just back of it on the summit. Most of the timber in southeastern Alaska—in fact, in Alaska—is confined to those islands. There is but one steamship route that runs from Seattle by way of Victoria along the inner passage up to Skagway at the head of the new canal. That boat only stops along a few of the principal places on the main route and does not touch most of these islands.

Now, a boat of this kind is as necessary there as a horse and buggy or an automobile would be on the dry land. The only way of getting to those islands is in some kind of water craft, some kind of a boat, and the regular steamboat plying there on the regular route does not touch these islands. The only way they can be reached is by some kind of a boat, and I think, as a matter of economy to the Government, the officers need and should have such a boat to go from one island to another in that archipelago.

The conditions there are entirely distinct and different from those existing in any other part of the country. The distance by the inner passage from Seattle to Skagway is about a thousand miles, and over half of that distance is between the mouth of the Portland Canal and the front of Cape St. Elias, where the one hundred and forty-first meridian of longitude constitutes the boundary line between that country and the Yukon territory. In all that region in that archipelago the only way of getting from island to island and from point to point is by some kind of water craft.

Now, if the Government has its own boats it will manifestly be a saving of expenses, as compared with hiring other boats, if such can be procured. I doubt whether any other boats can be secured there, except boats run by private parties, and perhaps they will be sailboats and in some instances, where the distance is short, rowboats.

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line 8, will be reconsidered, and the amendment will be considered as open to amendment. The question is upon the amendment to the amendment, submitted by the Senator from Texas, which will now be stated.

The SECRETARY. On page 57, line 8, after the sum "$50,000," it is proposed to insert:

Provided, That this money shall be paid out of the Philippine treasury.

Mr. WARREN. I do not want that amendment to the amendment to carry, and I believe the Senator from Texas, on reflection, will hardly think it ought to carry. As he is frank enough to say he is against the whole proposition, of course that amendment to the amendment would perhaps accomplish the purpose of making the amendment useless. The railroad proposed to be built by the United States is exactly the same in principle as the railroad system at Fort Leavenworth and other large Army posts. Its usefulness is almost entirely for the Government itself, and it simply happens that it involves not any more miles of railroad than there are, perhaps, in other places, but is in one line, a narrow-gauge railroad for the use of the Government. The matter will be settled, I want to say to the Senator, eventually, without doubt, by its going to the Philippines and their paying for it; but at present there is no way by which it could be handled as the Senator proposes. So I hope the amendment may not carry.

Mr. BACON. Mr. President, I have something I want to say on this question, but I prefer to wait until the bill goes into the Senate, when the whole matter will be open. I have some other matters to urge upon the consideration of the Senate as to why this railroad should not be built, but I will not detain the Senate now to do so.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Texas to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. If there be no further amendments, the bill will be reported to the Senate.

Mr. BACON. Mr. President, before the bill passes from the Senate as in Committee of the Whole I desire to give notice that I wish to reserve the right to object to the amendment adopted with reference to the construction of the railroad in the Philippines. I also want to call attention to another fact. If I am correct in my opinion, the Senator from Wyoming possibly was misled as to the facts in stating that the appropriation which was asked for by the Senator from Kentucky [Mr. BRADLEY] was to carry out existing law. I do not think the law has been passed. The bill has passed the Senate, but it has not passed the House.

Mr. WARREN. To which law does the Senator from Georgia refer?

Mr. BACON. The law with reference to that exposition.

Mr. WARREN. The Senator is mistaken. I made no such reference. The language the Senator is quoting was directed to the amendment providing for the collection of statistics concerning leaf tobacco, which is provided for in the law. As to the other subject, I said it was a large matter, and I did not like to take the responsibility, and I asked that it might go to the Senate for a vote.

Mr. BACON. Immediately thereafter, as it was about to be put, I got up and, having reference to that, asked that we might have information about it. Certainly if it related to the other matter, we did not correctly understand it on this side of the Chamber.

Mr. WARREN. Did the Senator direct his appeal to me for information? If so, I did not observe it.

Mr. BACON. I did have the Senator in my mind, although I did not name him; but when I made the request and the Senator from Kentucky responded, of course I thought that response was to the inquiry I made.

Mr. WARREN. Mr. President, if the Senator will reflect, he will remember that there were two amendments, and it was to the first one that I directed my remarks.

Mr. BACON. I know nothing about that. The Senator stated it was a very grave matter and he would submit it to the Senate, and immediately, as I think the RECORD will show, the Chair proceeded to put the question. Before the result was announced I said I would like to have some information about it. I had in mind that alone, and when the Senator said that it was to carry out existing law I sent for the document, and I find that it has only passed the Senate.

Mr. WARREN. I did not say that it was to carry out existing law in that case, and the RECORD will so show.

Mr. BACON. I do not dispute the Senator's statement at all, but I am only showing how absolutely and thoroughly the matter was misunderstood.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. Yes.

Mr. BORAH. Mr. President, I understood that the $250,000 which was appropriated for an exposition or for a celebration was based on the supposition that it was to carry out existing law. Do I understand now that there is no law for it?

Mr. BACON. None.

Mr. BORAH. And the House has not passed the bill?

Mr. BACON. It has not.

Mr. BORAH. Of course, I did not understand the Senator from Wyoming to say that it was existing law, but the impression on this side was that such a law had been passed. From some source or other we got that impression.

Mr. WARREN. I said nothing whatever of that kind; but I think the Senator from Kentucky [Mr. BRADLEY] remarked that the bill had passed the Senate, which, I believe, is true. I may be mistaken, but I know that I said nothing about it.

Mr. BACON. It is a simple matter to reserve that amendment in the Senate.

The PRESIDENT pro tempore. If there are no further amendments the bill will be reported to the Senate.

Mr. REED. If it is necessary to give any notice, I desire to say that I want to reserve the right to vote in the Senate on the amendment on page 105, providing for the purchase of a motor boat for Alaska.

Mr. CULBERSON. I desire to reserve the amendment, beginning after line 16, on page 2, relating to the Tariff Board.

The PRESIDENT pro tempore. If there are no further amendments to be offered the bill will be reported to the Senate.

The bill was reported to the Senate.

The PRESIDENT pro tempore. The amendments not reserved will, without objection, be concurred in in the Senate. The Senator from Texas reserves an amendment, which will be stated.

The SECRETARY. On pages 2 and 3, the amendment of the committee relating to the Tariff Board.

Mr. CULBERSON. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. REED. I raise the question of no quorum.

Mr. SMOOT. I suggest that the calling of the roll will disclose that.

The PRESIDENT pro tempore. The Senator from Missouri raises the question of a quorum. The roll will be called.

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

Ashurst	du Pont	Martine, N. J.	Smith, Ga
Bacon	Fall	Massey	Smith, Mich.
Bankhead	Fletcher	Nelson	Smith, S. C.
Borah	Gallinger	Newlands	Smoot
Bourne	Gronna	Oliver	Stephenson
Brandegee	Guggenheim	Overman	Sutherland
Bristow	Heyburn	Page	Swanson
Bryan	Johnston, Ala.	Paynter	Thornton
Burnham	Jones	Penrose	Townsend
Burton	Kenyon	Percy	Warren
Catron	La Follette	Perkins	Watson
Chamberlain	Lippitt	Pomerene	Wetmore
Crawford	Lodge	Reed	Works
Culberson	McCumber	Shively	
Cummins	McLean	Simmons	
Dillingham	Martin, Va.	Smith, Ariz.	

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

The PRESIDENT pro tempore. The Senator from Texas demands the yeas and nays on the first reserved amendment, which will be stated.

The SECRETARY. It is the committee amendment on pages 2 and 3, which, as amended, reads as follows:

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as are authorized by said act or any existing law, and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith authorized by law, $225,000. Such officers shall report annually to Congress.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole, on

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I think there is an absolute necessity for this boat, growing out of the conditions in Alaska, and for that reason I am in favor of the amendment.

The PRESIDENT pro tempore. On the question of concurring in the amendment made as in Committee of the Whole, the Senator from Missouri [Mr. REED] demands the yeas and nays.

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

Mr. BRANDEGEE (when his name was called). I again announce my pair with the Senator from New York [Mr. O'GORMAN].

Mr. BURNHAM (when his name was called). I make the same announcement as on the last roll call, that I am paired with the Senator from Maryland [Mr. SMITH].

Mr. WATSON (when Mr. CHILTON's name was called). I again announce the absence of my colleague [Mr. CHILTON], on account of personal illness. He is paired with the senior Senator from Illinois [Mr. CULLOM].

Mr. LODGE (when Mr. CRANE's name was called). I desire to announce the general pair of my colleague [Mr. CRANE] with the Senator from Oklahoma [Mr. GORE]. I will also at the same time announce the following pairs:

The Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN].

The Senator from Kansas [Mr. CURTIS] is paired with the Senator from Arkansas [Mr. DAVIS].

The Senator from Montana [Mr. DIXON] is paired with the Senator from Texas [Mr. BAILEY].

I will let this announcement stand for the day on all votes upon the bill.

Mr. DILLINGHAM (when his name was called). I withhold my vote on account of the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a general pair. I would vote "yea" if he were present.

Mr. JOHNSON of Maine (when his name was called). I again announce my pair with the senior Senator from New York [Mr. ROOT].

Mr. LIPPITT (when his name was called). I again announce my pair with the Senator from Tennessee [Mr. LEA].

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN] and withhold my vote. I should vote "yea" if I were at liberty to vote.

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from New Jersey [Mr. BRIGGS] to the junior Senator from New Jersey [Mr. MARTINE] and vote "nay."

Mr. WETMORE (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE]. If I were at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. CULLOM. I have a general pair with the Senator from West Virginia [Mr. CHILTON], and withhold my vote.

Mr. BRADLEY. I should like to state that being paired with the senior Senator from Maryland [Mr. RAYNER] I withhold my vote.

The result was announced—yeas 30, nays 22, as follows:

YEAS—30.

Bourne	Fletcher	Nelson	Smoot
Bristow	Gallinger	Oliver	Stephenson
Burton	Gronna	Page	Sutherland
Catron	Guggenheim	Paynter	Townsend
Chamberlain	Jones	Penrose	Warren
Crawford	Lodge	Percy	Works
Cummins	McCumber	Perkins	
du Pont	McLean	Smith, Mich.	

NAYS—22.

Ashurst	Heyburn	Overman	Smith, Ga.
Bacon	Johnston, Ala.	Pomerene	Swanson
Bryan	Kenyon	Reed	Thornton
Culberson	Martin, Va.	Shively	Watson
Fall	Massey	Simmons	
Gardner	Myers	Smith, Ariz.	

NOT VOTING—42.

Bailey	Clarke, Ark.	Johnson, Me.	Richardson
Bankhead	Crane	Kern	Root
Borah	Cullom	La Follette	Sanders
Bradley	Curtis	Lea	Smith, Md.
Brandegee	Davis	Lippitt	Smith, S. C.
Briggs	Dillingham	Martine, N. J.	Stone
Brown	Dixon	Newlands	Tillman
Burnham	Foster	O'Gorman	Wetmore
Chilton	Gamble	Owen	Williams
Clapp	Gore	Poindexter	
Clark, Wyo.	Hitchcock	Rayner	

So the amendment was concurred in.

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. SMITH of South Carolina. I have here a communication which I should like to have read, and the last clause in small type I propose as an amendment to come in on page 171, after line 7.

The PRESIDENT pro tempore. Will the Senator kindly withhold it until reserved amendments are acted upon?

Mr. SMITH of South Carolina. I thought we were through with those.

The PRESIDENT pro tempore. Are there further reserved amendments?

Mr. BACON. I do not know which amendment is first in order, but there are two I am interested in. One is in regard to the building of the railroad in the Philippine Islands, on page 57. I want to suggest something about it, to see whether I am correct in it or not. The Senator from Wyoming, if I recollect correctly, stated that that was the post at which it was necessary to transport 8,000 tons of freight a year. That was the statement of the Senator, if I recollect it aright.

Mr. WARREN. I said from seven to eight thousand tons. The estimate of the Quartermaster's Department was that there would be at least 7,500 tons.

Mr. BACON. Mr. President, since that occurred the Senator from North Carolina [Mr. OVERMAN] sought from the War Department information as to the number of men at this post, and the information received was that at the two posts, which it seems are on that line, Camp Overton and Camp Keithley——

Mr. WARREN. The Senator will perhaps remember——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I do.

Mr. WARREN. I think the Senator remembers that I said the other day when this amendment was under discussion that there were two posts there when I visited the place called then MacVicker and Keithley, Keithley being on one side of the lake and MacVicker on the other, and that this road supplied both, because it would reach one, and from the one there is water transportation to the other.

Mr. BACON. I am not taking issue with that in any manner. I presume those are the same posts named now Keithley and Overton given differently; given by the name of the camps.

The statement of the War Department is that at one camp there are two companies of the Eighth Cavalry, I and K, and at the other camp there are two companies of the Eighth Infantry, E and H, and also a battalion of Philippine Scouts of three companies. That would make altogether seven companies. I suppose that there are less than 100 men in each company. I have no idea that there are that many, but taking that as the estimate, which I presume is at least 50 per cent over the actual fact, for I do not suppose the companies have anything like 100 men——

Mr. WARREN. If the Senator has noticed the latest information from the War Department, it intends those companies to be composed of 150 men. I do not believe they are that large now, but that is the plan which is now proposed to be carried out in the Philippines.

Mr. BACON. Does the Senator refer to the scouts or to the Army?

Mr. WARREN. I am referring to the Army. As to the scouts, I think it is undetermined, but they will probably follow the same line, it being, as it is thought, an economy in the use of the officers of the Army, putting more men under such officers.

Mr. BACON. If there were anything like 150 men to the company, we would have the maximum strength of the Army. I think it is a conceded fact that to-day we have only 60 or 70 per cent of the maximum strength of the Army as authorized by law. There are possibly only about 60 per cent, if I recollect aright, of the full strength of the Army. Am I correct in that?

Mr. WARREN. The strength of the Army authorized by law is 100,000, and these enlargements of the companies are said to be within the limit of 100,000. Replying to the direct question put by the chairman of the Appropriations Committee to the

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Secretary of War, he replied that those increases would be within the limit of 100,000.

Mr. BACON. That refers to the future; and whenever there are 150 men to the company there will be the full maximum strength allowed by law.

Mr. WARREN. Does the Senator mean that there are not 150 men now in some of the companies of troops in some lines of service? If so, he is certainly mistaken.

Mr. BACON. I do not mean to say at this time; I mean to say exactly what I intended to say—that if that was the strength of the companies generally it would bring the Army fully up to the maximum.

I suppose we need not say anything about those matters of detail, because, even allowing a very liberal margin, if I have made any correct figures there was some wide error on the part of the department; and I think it important not simply as to this particular proposition but as a general thing that we may have some little suggestion as to whether or not there is any great wastefulness and extravagance, not only in this instance but in the service generally, because if I am correct in my figures and the same system exists everywhere there is a tremendous amount of waste and extravagance. If I am incorrect of course I would be more than glad to have my error pointed out.

Now, Mr. President, I am going to assume—and I hope I may have the attention of the Senator from Wyoming, as he is the captain general on this subject.

Mr. WARREN. I am listening.

Mr. BACON. I am going to assume that the companies have 100 men each. Then to the extent that I may be in error about that my calculation will be erroneous. I understand, however, that the suggestion made by the Senator from Wyoming as to 150 men to the company applies to what is intended, not to what has already existed, and the 8,000 tons applies to the past, not to the present or the future, if I understand it. If I understood the Senator correctly he stated that the transportation required to meet the necessities there was about 7,000 or 8,000 tons a year, so that even if there are 150 men contemplated for a company in the future there is no contention, I presume, that that has been the case heretofore.

Now, Mr. President, how 8,000 tons of freight can be required for a post of 700 men is past my mathematical power to figure out. It is said there are only two companies of Cavalry. The little calculation I made here is upon the basis of their being all Cavalry and accounting for all their horses; no I am mistaken about that. I am counting 200 horses for the Cavalry and 100 extra for the quartermaster's department and everything else. So there are 300 horses there.

Now, how much in the way of freight do those 300 horses require? A liberal estimate is 20 pounds a day of all kinds of food for a horse—the forage, and the corn or the oats, as the case may be. Twenty pounds is an outside estimate of the amount required per horse.

This may look like a very small matter when we are going through these calculations, but when it is proposed to build a railroad because the requirements are such that the ordinary means of transportation are not adequate, then it is important to see whether there is a wide difference between the amount of transportation which it is said is necessary and that which we can figure out as being necessary.

If there are 300 horses, 200 Cavalry horses, and 100 extra horses for other purposes, 3 tons a day is a large allowance for them, and it is an allowance of more than is necessary. That would make in the course of a year, at 3 tons a day, 1,095 tons in a year.

Now, when you come to the men, there are two kinds of freight, or possibly three. There may be others that I do not think of, and, of course, I am ready to be corrected in this statement. Two pounds a day for food is a liberal estimate for men, and with 700 men at 2 pound a day in the course of 365 days there would be 256 tons. Then allowing 20 pounds each for every man for his clothing and things of that kind outside of his food, the transportation necessary for him, which is certainly a liberal estimate, and evidently an extravagant estimate in that climate, that would be 7 tons a year, and the aggregate amount is 1,358 tons.

Now, for ammunition I do not know how much ought to be allowed, but I would say 2 tons, because not much ammunition is used. The country is settled down and there is no fighting going on. They have a full supply on hand, of course, but I would suppose that 2 tons each of ammunition a year for 700 men would be a most liberal estimate, and we would have in the aggregate less than 1,400 tons a year.

Mr. DU PONT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Delaware?

Mr. BACON. I do.

Mr. DU PONT. Mr. President, there are more than 700 men at that post.

Mr. BACON. Very well, I will come to that, if the Senator pleases. The Senator will pardon me if I go on with the estimates now, because I said to the extent I was in error as to the number of men, of course the calculation would be in error. I am perfectly willing, before I get through, to double the number of men, and then you would have a vast margin, and double the tonnage, and you would have a large margin; but I think I am within the estimate. Of course I am ready to be corrected if I am not.

I say that that amounts to less than 1,400 tons a year in place of 8,000 tons. If there have been 8,000 tons, or 7,000 tons if you please, carried, there is a vast margin to be accounted for. If that exists at this little post, it is a very pertinent question whether or not it is in accordance with the general system and whether this immense unnecessary expenditure is saddled upon the public.

If I am correct in my calculation so far, that would make less than 4 tons a day to transport over this route on which it is proposed to build a railroad. It is only 22 miles.

Mr. SMITH of Arizona. And an easy grade.

Mr. BACON. The Senator says it is an easy grade. The grade is about 3 per cent, if I recollect correctly, and if it is nothing but a trail now, it can be easily cut into a road. We all know that these roads are constructed by the soldiers; but even if it had to be paid for by the Government it is very different from building a railroad. Suppose there is a wagon road constructed by the soldiers, which is entirely feasible and practicable, and in accordance with the usual customs and methods of the Army four 2-horse wagons a day, carrying only 1 ton each, would do this business, and if it is an extraordinarily good road three would do it easily. Yet it is proposed to build a railroad for this purpose.

Mr. President, if there was no railroad built at all, and there was nothing but a mountain trail, this freight could be carried on burros at an absolutely insignificant cost. A burro will carry easily upon such a trail certainly a hundred pounds, and if it is a good one it will carry 200. I have seen them on a good road carrying 300 pounds. I have frequently seen a burro loaded with three sacks of corn; no doubt the Senator from New Mexico has frequently seen the same thing; and that is over 300 pounds. And burros cost $5 apiece. But if they did not have burros they could take mules. A mule would easily carry 300 pounds over any ordinary trail. How many mules would it take? They are driven simply by the soldiers backwards and forwards.

Mr. President, I do not want to detain the Senate with this matter, but suppose we double it, suppose we double it. The Senator says that there are more than that many soldiers there. The information I get was given to me by the Senator from North Carolina, obtained by him personally from the War Department. But suppose we double the number and say there are fourteen hundred there. Then seven or eight wagons would do the entire business with the soldiers as teamsters, and at little or no expense to the Government.

I do not wish to detain the Senate, Mr. President, on this subject. I wanted to present those figures. If I am wrong, I hope some Senator will point it out. Am I in error as to the transportation needed, and the forage for horses, as to the weight, as to the amount consumed? Am I wrong as to the amount needed to transport in order to sustain the soldiers either as to their food or as to their clothing? Am I wrong as to ammunition, where there is no artillery, as to the weight of that? If I am, let some Senator show that I am wrong. If I am not wrong, Mr. President, I submit it would be inexcusable and indefensible for us to proceed to the construction of this road.

Therefore I ask that we may have another vote on the question.

Mr. WARREN. Mr. President, allowing that the Senator is right and that everybody connected with the Army must be wrong, I can see as the Senator goes along that his statement covers only a moiety of the supplies that have to be furnished. His idea of 2 pounds of food net for a man may be correct. The idea of the number of pounds of transportation is quite different.

Another thing, they have to have shelter. There is material to go there for shelter. There have to be arms and ammunition. We have the testimony of the different heads of bureaus and Secretaries for some years.

The Quartermaster General of the Army is a seasoned and experienced man, acknowledged to be one of the best Quartermaster Generals the Army has ever had. He has gone through this subject carefully. We have the Secretary of War, and of

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course his information is gleaned and garnered and winnowed out from all the information that comes to him from the heads of bureaus. He says:

The original cost of the transportation required to supply the posts on Lake Lanao is conservatively estimated at $200,000—

Not $175,000 or $150,000, but $200,000—

and this amount does not include the cost of transportation required for field use of the garrisons. The annual cost of maintaining this transportation is $175,000. There has already been expended in construction and maintenance of the road from Camp Overton to Camp Keithley a total sum exceeding $300,000, not including the work done by troops during the early stages of construction, and it has cost to maintain the road from $24,000 to $36,000 a year. This expense for maintenance must continue year after year.

He says, on the cost of this Overton-Keithley road, which is through a country of torrential storms:

The total cost of this road to date added to the value of the transportation, equipment, and its maintenance for the last seven years reaches the enormous total of $1,750,000, or an average of about $250,000 per year.

Mr. BACON. What is that statement? I did not catch it.

Mr. WARREN. The Secretary of War says the total cost of the wagon road and its maintenance and the transportation has cost $1,750,000 to date, or an average of about $250,000 a year. He says, further:

Such expenditures show a lack of business foresight.

There is more of it, in further explanation, but I will not now stop to read it.

Mr. BACON. I should say that such expenditures show something else besides a lack of business foresight.

Mr. WARREN. If the Senator will allow me to finish what I was going to say—an academic calculation here of the amount of freight surely can not be as correct as the actual facts as recorded in the amount of freight taken over this road during the time since these posts were established. It is not a matter of appropriating money, but it is a matter to be left to those who are in favor of actual economy.

Mr. BACON. I think that this is a matter of sufficient importance, as throwing light upon the nature of the expenditures in the War Department, for the items and the details of these expenditures to be brought to the attention of Congress. If it be true that there has been any such expenditures as that, I think we ought to have the items of it, because if we have had expenditures of that kind in this instance there have been expenditures of the same kind in numerous other instances. If we have had this vast expenditure on account of that little road, we ought to know how it was built and what the items are, so that we can see whether or not this money was correctly spent. If it be true that there were 8,000 tons or 7,000 tons of freight carried to that camp or to those two camps, we ought to have the items. If it be true that there have been $150,000 or $160,000 spent in a year for the purpose of transporting the freight needed for this simple garrison of soldiers, we ought to have the items of that cost of transportation. I hope that it may be had now. I hope it in order that the War Department may be shown to be correct, if it is correct. It ought not to be allowed to stand as it is.

Mr. President, how can we hope for anything like economy in the expenditures if this is a sample of it, if it be true, so far as I can figure it out, that it far exceeds what would be a legitimate expense?

I should like to make an inquiry of the Senator from Wyoming, who is not only in charge of the appropriation bill but who was for a long time at the head of the Military Committee of the Senate. Possibly there is no Senator within my term of service who is in a better position to judge of matters as to the military affairs than he. I should like to know what is the most practicable way for us to get a detailed statement as to this particular expenditure, because that is what I want. I want to know, if that road has cost over a million dollars, something about the way in which that cost was expended.

Mr. WARREN. I think if the Senator would prefer the slightest request to the Secretary of War or to the Quartermaster General—probably it ought to go to the Secretary of War—he would be furnished with it.

Mr. BACON. Very well. Then we can get it in that way, and get the items as to the amount of freight carried and what it consisted of and the cost, not simply the aggregate cost, but the bills. That is what I want. How was this money expended? How were the 8,000 tons of freight, in the first place, needed for this small encampment, and how was $150,000 or $160,000 expended in the transportation of 8,000 tons of freight? Those are the things we want to know. I do not doubt the fact that we expended it. I am not for a moment suggesting that the charge is not correct on the books of the Quartermaster's Department, but what I want to know is how can it be so.

Mr. WARREN. Mr. President, I do not want to prolong the discussion, but at times there have been, and probably there will be again, a great many more troops there. There were more when I was there. As the Senator knows, it is almost in the center of the Mindanao country—the Moro country. The number of troops varies according to the circumstances. As the Senator knows, we have had some rather severe disturbances in the Moro country.

Mr. BACON. I understand that.

Mr. WARREN. The Senator uses 8,000 tons as a unit; he must remember that that is the average; but the latest information is that for the following year it will be at least 7,500 tons.

Mr. BACON. Well, I think we ought to have that information; I think those are matters about which Congress ought to be informed. We have the responsibility of the appropriation of money, and I think we ought to be informed when such an enormous amount of supplies, 8,000 tons, are said to be needed for one or two small encampments of soldiers as to what those supplies are; and when $20 a ton is stated to be the cost of their transportation for 22 miles over a practicable road that has cost over a million dollars, we ought to know in what way that money was expended. I hope that those who have it in charge, the Committee on Military Affairs of the Senate, will take the steps to secure this information.

Mr. WARREN. The facts were all before the committee which considered these matters.

Mr. BACON. I will ask the Senator if there is anything which shows of what those 8,000 tons consisted?

Mr. WARREN. The papers submitted from time to time covered that question.

Mr. BACON. I want to know what the items were.

Mr. WARREN. Does the Senator expect me from memory to give him every pound of salt or every pound of starch?

Mr. BACON. I do not; but the Senator said the papers showed the items, and I desire to know about them.

Mr. WARREN. The papers give the amount——

Mr. BACON. In the aggregate.

Mr. WARREN. They give it in the aggregate, of course.

Mr. BACON. But that does not answer the question. I want some way of finding out why 8,000 tons of freight were needed for two small encampments, and then I want to know why it is that, over a road costing over a million dollars, it has cost $20 a ton to transport that freight 22 miles.

Mr. WARREN. I hope the Senator will not misconstrue what I said. The million seven hundred and fifty thousand dollars included the building of the road and the transportation over it since it was built.

Mr. BACON. I beg the Senator's pardon. I misunderstood the Senator.

Mr. WARREN. That is what I said. The average, according to the testimony of the Secretary of War, has been $250,000 a year; that is, the average for building the road, keeping it in repair, and to carry this material.

Mr. BACON. Of course, I would not misrepresent the Senator. I certainly misunderstood him, but now that the road is built, I want to understand why it costs $20 a mile to transport freight 22 miles. I want the information at some time—not now; I am not asking the Senator to give it now—but I think it is due to Congress that it should be given to it. How is it that 8,000 tons of freight were needed for these two little encampments, and why is it that over a costly road it has taken $20 a ton to transport freight 22 miles—a dollar a mile per ton?

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole. [Putting the question.] By the sound the "noes" appear to have it.

Mr. WARREN. I ask for the yeas and nays.

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

Mr. BRADLEY (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER] and withhold my vote.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON] and therefore withhold my vote.

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN]. If at liberty to vote, I should vote "yea."

Mr. WETMORE (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE]. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea."

Mr. HEYBURN (after having voted in the affirmative). I observe that my pair, the Senator from Alabama [Mr. BANK-

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HEAD], is not present in the Chamber, and I am informed he has not voted. I will therefore be compelled to withdraw my vote.

Mr. DILLINGHAM. I withhold my vote on account of my pair with the senior Senator from South Carolina [Mr. TILLMAN], who does not appear to be in the Chamber.

Mr. SMITH of South Carolina. I will transfer my general pair with the Senator from Delaware [Mr. RICHARDSON] to the Senator from Indiana [Mr. SHIVELY] and will vote. I vote "nay."

Mr. WATSON. I will transfer my general pair with the Senator from New Jersey [Mr. BRIGGS] to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. BURNHAM. I desire to transfer my pair with the Senator from Maryland [Mr. SMITH] to the junior Senator from Washington [Mr. POINDEXTER], and will vote. I vote "yea."

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I do not see him in the Chamber, and therefore withdraw my vote.

The result was announced—yeas 27, nays 25, as follows:

YEAS—27.

Bourne	Cummins	Lodge	Perkins
Brandegee	du Pont	McCumber	Smith, Mich.
Bristow	Gallinger	McLean	Stephenson
Burnham	Gronna	Massey	Sutherland
Burton	Guggenheim	Nelson	Townsend
Catron	Jones	Oliver	Warren
Crawford	La Follette	Page	

NAYS—25.

Bacon	Gardner	Paynter	Swanson
Borah	Johnston, Ala.	Percy	Thornton
Bryan	Kenyon	Reed	Watson
Clapp	Martin, Va.	Simmons	Works.
Culberson	Martine, N. J.	Smith, Ariz.	
Fall	Myers	Smith, Ga.	
Fletcher	Overman	Smith, S. C.	

NOT VOTING—42.

Ashurst	Cullom	Kern	Root
Bailey	Curtis	Lea	Sanders
Bankhead	Davis	Lippitt	Shively
Bradley	Dillingham	Newlands	Smith, Md.
Briggs	Dixon	O'Gorman	Smoot
Brown	Foster	Owen	Stone
Chamberlain	Gamble	Penrose	Tillman
Chilton	Gore	Poindexter	Wetmore
Clark, Wyo.	Heyburn	Pomerene	Williams
Clarke, Ark.	Hitchcock	Rayner	
Crane	Johnson, Me.	Richardson	

So the amendment was concurred in.

Mr. SMITH of Georgia. Mr. President——

Mr. WARREN. Will the Senator from Georgia allow me to present a committee amendment?

Mr. SMITH of Georgia. Yes. I merely wanted to be sure that I had reserved an objection to the amendment offered by the Senator from Kentucky [Mr. BRADLEY] with reference to an appropriation of $250,000 for a centennial celebration.

Mr. WARREN. It is understood that that is reserved.

Mr. SMITH of Georgia. I wanted to be sure that it was reserved.

Mr. WARREN. Mr. President, a very late act calls for attention in connection with this appropriation bill. I refer to the act approved on the 22d of this month calling for an appropriation of $57,250 for use of the Census Bureau in relation to cotton investigations. I send the amendment to the desk and ask the Secretary to insert it immediately after the $25,000 tobacco amendment, which has heretofore been agreed to.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment agreed to relating to investigations of quantities of leaf tobacco, it is proposed to insert the following:

For securing information for census reports of cotton production, and periodical reports of stocks of baled cotton in the United States, and of the domestic and foreign consumption of cotton, and to enable the Bureau of the Census to carry out the provisions of "An act authorizing the Director of the Census to collect and publish statistics of cotton," approved July 22, 1912, $57,250.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of Georgia. Mr. President, I desire to make a point of order against the amendment offered by the Senator from Kentucky [Mr. BRADLEY] that there is no legislation that justifies it, no estimate that justifies it, and that it is an increase of appropriations which can not be made from the floor by amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 180, after line 10, the Senate, as in Committee of the Whole, inserted the following amendment:

SEMICENTENNIAL EXPOSITION.

For expenses semicentennial exposition: For celebration of semicentennial anniversary of the act of emancipation, as provided by "An act providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes," approved April 3, 1912, $250,000.

Mr. SMITH of Georgia. The mistake is this: The Senate has passed a bill providing an appropriation for the celebration and that bill is pending in the other House. The bill passed by the Senate carries its own appropriation.

The PRESIDENT pro tempore. The Chair will inquire of the chairman of the committee whether or not an estimate was made for this appropriation?

Mr. WARREN. Mr. President, the committee has no regular estimate for this amount.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. WARREN. There are no further reservations of amendments made as in Committee of the Whole, I believe.

The PRESIDENT pro tempore. If there be no further amendment in the Senate, the amendments will be ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DU PONT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

Mr. SMITH of Arizona. If the Senator will permit me, before the reading of the bill I ask unanimous consent to call up a joint resolution and have it passed. I do not think there will be any objection to it. It will not take a minute.

Mr. DU PONT. I will say to the Senator from Arizona that I shall have no objection to granting his request a little later on when the bill for which I have asked consideration is before the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Delaware? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

Mr. DU PONT. I now yield to the Senator from Arizona.

CLAIMS AGAINST MEXICO.

Mr. SMITH of Arizona. I ask unanimous consent for the present consideration of Senate joint resolution 103.

The PRESIDENT pro tempore. The Senator from Arizona asks unanimous consent for the present consideration of a joint resolution, the title of which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 103) directing the Secretary of State to investigate claims of American citizens growing out of the late insurrection in Mexico, to determine the amounts due, if any, and to press them for payment.

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 had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized and directed to make, or cause to be made under his direction, a full and thorough investigation of each and all claims of American citizens and of persons domiciled in the United States which may be called to his attention by claimants or their attorneys for damages for injuries to their persons or property, received by them or by those of whom claimants may be the legal representatives, within the boundaries of the United States, by means of gunshot wounds or otherwise inflicted by Mexican Federal or insurgent troops during the late insurrection in Mexico in the year 1911.

For the purpose of such investigation the Secretary of War is authorized to appoint a commission of three officers of the Army, one of whom shall be an inspector general. Such commission shall have authority to subpœna witnesses, administer oaths, and to take evidence on oath relating to any such claim and to compel the attendance of witnesses and the production of books and papers in any such proceeding by application to the district court of the United States for the district within which any session of the commission is held, which court is hereby empowered and directed to make all orders and issue all processes necessary for that purpose, and said commission shall have all the powers conferred by law upon inspectors general of the United States Army in the performance of their duties. Such commission shall report to Congress, through the Secretary of War, as soon as practicable, its findings of fact upon each and all the claims presented to it and its conclusion as to the justice and equity thereof and as to the proper amount of compensation or indemnity thereupon.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory and growing out of the late insurrection in Mexico."

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producing price and the market price of the grain and hay. But if the farmer had no sheep he would secure the difference in value between the hay and grain raised and the price it could be sold for less the expense of marketing.

Table XIV—Net charges against wool per pound 30 cents and under 35 cents per pound—is nearly a repetition of Table XIII, except that the statistics show that the average expense per head is $2.59 instead of $2.81, as stated in Table XIII, and the net charge against wool per pound on the basis of the average cost of production of the grain and hay fed to the sheep is $0.32 instead of $0.40, as in Table XIII. Again, no flock shows a profit although the cost of the grain and hay fed to produce a pound of wool averaged 8 cents per pound less than the average given in Table XIII, and the wool was sold for only 1 cent less per pound than the wool from the 32 flocks included in Table XIII. It would be interesting to know how it is that the hay and grain cost less per pound of wool in Table XIV than in Table XIII, and 5 cents less in Table XV; and even more extraordinary, the cost is reduced to a net charge against wool per pound of $0.12 in Table XVII. Those extraordinary differences in the net charges against the wool produced, on the basis of the cost of feeding the sheep, from 40 cents per pound of wool to 12 cents per pound, is even more extraordinary in the statistics of Table XVIII, where there is an average net credit of 6 cents per pound of wool; that is, the wool of each flock paid all the expenses and in addition returned a profit of from 1 cent per pound up to 21 cents, or an average for all the flock of 6 cents on each pound of wool produced.

The statistics on the crossbred sheep given in Table XIX shows an average net credit to wool per pound on the basis of average cost of production of grain and hay fed to the sheep of 2 cents, and more than half of the flocks included show such net credit ranging from 1 cent to 65 cents per pound.

The following table, which is a synopsis of the costs and receipts of all the tables now being considered, shows where profits began, namely, in Table XVI, when the charge per head is lowest, and rises from this point as the profit increases.

TABLE XXIII.

Table.	Net charge per pound of wool.	Net charge per head.	Receipts per head.		
			Wool.	Other sources.	Total.
XIII	35 cents and above	$2.81	$1.64	$0.46	$2.10
XIV	30 cents and under 35 cents	2.59	1.73	.51	2.24
XV	25 cents and under 30 cents	2.50	1.77	.71	2.49
XVI	20 cents and under 25 cents	2.27	1.89	.77	2.66
XVII	Under 20 cents	2.36	1.94	1.44	3.38
XVIII	Net credit	2.81	1.99	3.29	5.29
XIX	Crossbred	2.78	1.47	2.93	4.38

The report of the Tariff Board shows that when the crossbred flocks (Table XIX) are considered, nearly all show greater receipts from mutton and lambs than from wool, the receipts from those sources constituting about two-thirds of the total receipts, while the average of the merino flocks show receipts from mutton and lambs a little less than one-third of the total receipts. The average cost per head of maintenance of the crossbred sheep is $2.78, and the average receipts from other sources than wool are $2.92, or a balance of 16 cents in favor of the farmer, which, added to the average receipts of $1.46 per head from wool, produces a total of $1.62 per head as profit.

In the case of the merino flocks the average maintenance costs per head are $2.44, and the average receipts from other sources per head are only about $1.07, leaving a difference of $1.37 to be covered by the average receipts from wool; and, since these amount to $1.88 per head, there remains 50 cents per head as average profit. (Vol. II, pt. 2, p. 373, report of Tariff Board.)

In considering the comparative cost of producing wool in England, France, and Germany the evidence submitted is vague and inconclusive. As to England, the board says:

Estimates made especially for the board by a prominent English authority show that about one-fifth of the total receipts from the flock are derived from wool and that the average yield per head of sheep is about 5 pounds of wool, worth about $1, and one lamb, worth about $5; and since this same authority estimates that the entire costs per head of sheep, including labor costs, are about $4.16, it is seen that English sheep husbandry is fairly profitable. (Vol. II, pt. 2, p. 374.)

Concerning France, in speaking of the Rambouillet sheep and the Dishley merino, produced by crossing the merino with an English mutton type, the board says:

In certain famous flocks visited by an agent of the board the sheep were shearing as high as from 9 to 11 pounds of fine medium wool, bringing the grower, in 1910, from 18 to 20 cents a pound, and lambs worth, when fat, from $8 to $10. Owing to the fact that in France sheep are usually run on higher priced land than in England, the costs of production per sheep are somewhat higher; but this difference is quite made up by the fineness of the fleece and the high price of mutton, so that, measured by the net returns per head of sheep, flock husbandry is possibly more profitable in France than in England. (Vol. II, pt. 2, pp. 374–375.)

Concerning Germany, the board reports, apparently without any definite information, as follows:

In those regions of Germany where conditions have been favorable and the emphasis has been shifted from wool to mutton, conditions approach those in France. But the readjustment has not been carried so far, and many German flock owners still raise the fine-wool sheep, which barely pay for their keep. (Vol. II, pt. 2, p. 375.)

In summing up the wool situation, the board says:

In the western region of the United States, with approximately 35,000,000 sheep, the net charge against a pound of wool is about 11 cents. In other sections, with about 15,000,000 sheep, the net charge against a pound of wool from the merino sheep, which number approximately 5,000,000, is about 19 cents, and the net charge against the wool grown on sheep of the crossbred type is negligible.

On an average for the United States as a whole the net charge against a pound of "fine" wool is a fraction over 12 cents.

Accepting 19 cents as the average charge against a pound of wool of a distinctly fine or fine-medium character grown in the farming States, 11 cents as a fair average for the Western States, and assuming that on an average the smaller farm flocks of a distinctly mutton or coarse-wool type pay for their own wool, and giving each class its approximate relative weight in the calculation, a general average for the entire clip of the country, all grades included, would be about 9½ cents per pound.

While the expenses in the United States during the year under review were fully up to the average for a series of years, the receipts fell below the average. It is but fair, therefore, to assume that the estimated income of 6.2 per cent should, under normal receipts, be considerably increased. There is no contingency, however, in sight that can by any possibility place domestic growers on an equality in the matter of costs with their competitors in South America, Australasia, and the Cape Colonies. (Vol. II, pt. 2, pp. 376–377.)

It is greatly to be regretted that after all the time, labor, and expense which the Tariff Board has consumed the President and the Congress are far from being informed as to the comparative cost of production of wool here and abroad.

Mr. CUMMINS obtained the floor.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. SANDERS in the chair). Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. SMOOT. 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	Fletcher	Myers	Smith, Ga.
Bacon	Gallinger	Nelson	Smith, S. C.
Bankhead	Gronna	Newlands	Smoot
Bradley	Guggenheim	O'Gorman	Stephenson
Brandegee	Heyburn	Oliver	Swanson
Briggs	Johnson, Me.	Overman	Thornton
Bryan	Johnston, Ala.	Page	Tillman
Burnham	Jones	Paynter	Townsend
Clapp	Kenyon	Perkins	Warren
Crawford	La Follette	Pomerene	Watson
Culberson	Lodge	Reed	Wetmore
Cullom	McCumber	Root	Williams
Cummins	McLean	Sanders	Works
Dillingham	Martin, Va.	Shively	
du Pont	Martine, N. J.	Simmons	
Fall	Massey	Smith, Ariz.	

Mr. THORNTON. I wish to announce the absence of my colleague [Mr. FOSTER] on account of illness. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. There is a quorum present. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President, I offer the amendment I send to the desk to the bill under consideration.

The PRESIDING OFFICER. The Senator from Iowa offers an amendment which the Secretary will read.

The SECRETARY. Strike out all after the enacting clause of the bill and insert as a substitute the following words:

That the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended by striking out all of the paragraphs of schedule K of section 1 of said act, from 360 to 395, inclusive, and inserting in place thereof the following:

1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided for the purpose of fixing the duties to be charged thereon, into the three following classes:

2. Class 1, that is to say, Merino, mestiza, metz, or metis wools or other wools of Merino blood immediate or remote, down clothing wools, and combing wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Egypt, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, down combing wools, Canada long wools, or other like wools of English blood, and usually known by the terms herein used, and all wools not hereinafter provided for in class 3.

3. Class 2, that is to say, all hair of the camel, goat, alpaca, or other like animal, not hereinafter provided for in class 3.

4. Class 3, that is to say, Donskoi, Native South American, Cordova, Valparaiso, Native Smyrna, Russian camel's hair, and all such wools

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of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

5. The standard samples of all wools or hair which are now, or may be hereafter, deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools and hair under this act, and the Secretary of the Treasury is authorized to renew these standards, and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

6. Whenever wools of class 3 shall have been improved by the admixture of Merino or English blood, from their present character, as represented by the standard samples, now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

7. If any bale or package of wool or hair specified in this act shall be entered as class 3, and shall contain a greater percentage of class 1 wool, or class 2 hair, than does the proper standard sample thereof, then the whole bale or package shall be subject to the rate of duty chargeable on wool of class 1, or hair of class 2, as the case may be; and if any bale or package shall be entered by the importer, or anyone duly authorized to make entry thereof, as shoddy, mungo, flocks, wool, hair, or other material, of any class specified in this act, and such bale or package shall contain any admixture of any one or more of the foregoing, or of any other material, subject to a higher rate of duty, the whole bale or package shall be dutiable at the highest rate imposed by this act upon any article or material in said bale or package.

8. Whenever in any paragraph of this act the word "wool" is used in connection with the material or manufactured article of which it is a component material, it shall be held to include wool or hair of sheep, camel, goat, alpaca, or other like animal, whether manufactured by the woolen, worsted, felt, or any other process.

9. The duty on all wools of class 1 shall be, if scoured, 19 cents per pound; if in the grease, or in any other condition than scoured and not advanced by any process of manufacture, 18 cents per pound on the clean wool, which shall be ascertained by scouring or other tests made in accordance with regulations prescribed by the Secretary of the Treasury: *Provided, however,* That in no event shall the duty exceed 45 per cent ad valorem.

10. The duty on all hair of class 2 shall be, if scoured, 8 cents per pound. If in natural condition or any other condition than scoured, and not advanced by any process of manufacture, 7 cents per pound on the clean hair, which shall be ascertained by scouring or other tests made in accordance with regulations prescribed by the Secretary of the Treasury: *Provided, however,* That in no event shall the duty exceed 30 per cent ad valorem.

11. The duty on all wools and camel's hair of class 3 shall be, if scoured, 6 cents per pound. If in their natural condition or any other condition than scoured, and not advanced by any process of manufacture, 5 cents per pound on the clean wool or hair, which shall be ascertained by scouring or other tests made in accordance with regulations prescribed by the Secretary of the Treasury: *Provided, however,* That in no event shall the duty exceed 40 per cent ad valorem.

12. The duty on wools or hair on the skin shall be 2 cents per pound less than is imposed upon the clean wool or hair of class 1, 2, or 3, as the case may be, imported not on the skin and unscoured, the quantity and value to be ascertained under such rules as the Secretary of the Treasury may prescribe.

13. Top waste and slubbing waste, 20 cents per pound.

14. Roving waste, ring waste, and garneted waste, 16 cents per pound.

15. Noils, carbonized, 14 cents per pound; uncarbonized, 11 cents per pound.

16. Thread waste, yarn waste, and wool wastes not herein specified, shoddy, mungo, and wool extract, 7 cents per pound.

17. Woolen rags and flocks, 3 cents per pound.

18. Combed wool or tops made wholly or in part of wool or camel's hair, valued at not more than 20 cents per pound, 12 cents per pound on the wool contained therein; valued at more than 20 cents per pound and not more than 30 cents per pound, 16 cents per pound on the wool contained therein; valued at more than 30 cents per pound and not more than 40 cents per pound, 18 cents per pound on the wool contained therein; valued at more than 40 cents per pound and not more than 50 cents per pound, 20 cents per pound on the wool contained therein; valued above 50 cents per pound, 21 cents per pound on the wool contained therein. That on all the foregoing in this paragraph mentioned there shall be paid an additional duty of 5 per cent ad valorem.

19. Wool and hair which has been advanced in any manner or by any process of manufacture beyond the scoured condition but less advanced than yarn and not specially provided for in this act, 20 cents per pound on the wool contained therein, and in addition thereto 5 per cent ad valorem.

20. On yarns made wholly or in part of wool valued at not more than 30 cents per pound the duty shall be 14 cents per pound on the wool contained therein, and in addition thereto 12 per cent ad valorem; valued at more than 30 cents per pound and not more than 50 cents per pound the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 15 per cent ad valorem; valued at more than 50 cents per pound and not more than 80 cents per pound the duty shall be 21 cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem; valued at more than 80 cents per pound the duty shall be 24 cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

21. On cloths, knit fabrics, flannels, felts, women and children's dress goods, coat linings, Italian cloths, buntings, and all other fabrics of every description made wholly or in part of wool and not specially otherwise provided for in this act, valued at not more than 30 cents per pound, the duty shall be 16 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem; valued at more than 30 cents per pound and not more than 40 cents per pound the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem; valued at more than 40 cents per pound and not more than 60 cents per pound the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem; valued at more than 60 cents per pound and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem; valued at more than 80 cents per pound and not more than $1 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem; valued at more than $1 per pound and not more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem; valued at more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

22. On blankets and on flannels for underwear, composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 18 cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem; valued at more than 40 cents per pound and not more than 50 cents per pound, the duty shall be 20 cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem; valued at more than 50 cents per pound, 23 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem: *Provided,* That on blankets over 3 yards in length the same duty shall be paid as on cloths.

23. On ready-made clothing and articles of wearing apparel knitted, woven, or felt of every description made up or manufactured wholly or in part and composed wholly or in part of wool, if valued at not more than 40 cents per pound, the duty shall be 20 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem; if valued at more than 40 cents per pound and not more than 60 cents per pound the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem; if valued at more than 60 cents per pound and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem; if valued at more than 80 cents per pound and not more than $1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem; if valued at more than $1 per pound and not more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem; if valued at more than $1.50 per pound, 28½ cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

24. On handmade Aubusson, Axminster, Oriental, and similar carpets and rugs made wholly or in part of wool, 55 per cent ad valorem; on all other carpets of every description, druggets, bockings, mats, screens, hassocks, bedsides, art squares, and portions of carpets or carpeting, and all other coverings for floors composed wholly or in part of wool, 25 per cent ad valorem.

25. All manufactures made wholly or in part of wool and not specially provided for in this act, if the component material of chief value is wood, paper, rubber, or any of the baser metals, the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem. If the component material of chief value is silk, fur, precious or semiprecious stones or gold, silver, or platinum, the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem. If the component material of chief value be a material not mentioned in this paragraph, the duty shall be 22 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

26. This act shall take effect on the 1st day of January, 1913.

Mr. CUMMINS. Mr. President, I do not intend to enter upon a general discussion of the history of this most interesting subject. It is rich in material for debate. Under other circumstances I would be very glad to recall to the attention of the Senate and the country the wonderful analysis of the wool schedule given to the Senate by my late colleague, Mr. Dolliver, when the revision of 1909 was before the Senate. I pause long enough, however, to say that the investigation of the Tariff Board and its report, which we now have before us, vindicate every assertion made by that great statesman and point unerringly to the revision of the schedule that should take place, just as he pointed to it with his rare prescience three years ago. When I remember the attitude of the Senate respecting the wool schedule at that time and compare it with the advices that we have received from the Tariff Board, I feel like paying tribute to his memory, because his marvelous study then so closely approximates the study of the Tariff Board since. While I do not agree with the Tariff Board in every respect, I at once concede that it has put the Senate and the country into possession of information most valuable and most necessary for the construction of a schedule respecting duties upon wool and the manufactures of wool. I intend to follow, however, as I understand it, the report of the Tariff Board so far as it presents facts. I do so hoping that other Senators upon this side of the Chamber, who profess a willingness to be guided by the advice and the information given and collected by the Tariff Board, will look with some favor upon the amendment I have proposed.

I can not vote for the House bill. I can not vote for it, because, while I have no doubt it is effective from the standpoint of the political organization that is sponsor for it, in my opinion it does not reach the protective point; and, as I explained when the metal schedule was under debate, my conviction politically and economically is that we ought to preserve duties upon competitive commodities that will enable the domestic manufacturers to reach and fill the American market at a fair, reasonable profit.

The duty of the House bill upon wool is 20 per cent. There are some wools that are grown in the United States that would be amply protected by a duty of 20 per cent, but, in my judgment, by far the greater part of the wool production in this country could not sustain the reduction proposed in the House bill. If we are to take—and I think we might well take—the statement of the Tariff Board in that respect, the average foreign price, or London price, of scoured wool during the period passed over by the board was about 40 cents per pound. Twenty per cent upon scoured wool would be 8 cents per pound; 20 per cent upon the wools sold abroad at 30 cents per pound would be 6 cents per pound. There are a great many pounds

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Mr. WILLIAMS. Mr. President, I think myself authorized to announce that if my colleague were present, he would vote "nay."

Mr. McCUMBER. Upon that assurance I will vote. I vote "nay."

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). The Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. If he were present, the Senator from Oklahoma would vote "nay."

Mr. SHIVELY (when Mr. RAYNER's name was called). The senior Senator from Maryland [Mr. RAYNER] is paired with the junior Senator from Kentucky [Mr. BRADLEY]. I am authorized to say that if the Senator from Maryland were present he would vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. Were he present, my colleague would vote "nay."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN], and should not vote had it not been for the statement of the senior Senator from Indiana [Mr. SHIVELY], just now made, that if his colleague were present he would vote "nay." I therefore feel at liberty to vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. Do I understand his colleague to say that were he present the Senator from Delaware would vote "nay"?

Mr. DU PONT. I made that statement.

Mr. SMITH of South Carolina. Upon that assurance, I shall vote. I vote "nay."

Mr. WARREN (when has name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], who is ill and absent from the city. I therefore withhold my vote.

The roll call was concluded.

Mr. BRISTOW. I am requested to state that the Senator from Nebraska [Mr. BROWN] is absent and is paired with the Senator from Oklahoma [Mr. OWEN].

Mr. BRADLEY. Did I understand the Senator from Indiana to say that he was authorized to state that the Senator from Maryland [Mr. RAYNER], with whom I am paired, if present would vote "nay" on this question?

Mr. SHIVELY. I made that statement.

Mr. BRADLEY. I am paired with the Senator from Maryland [Mr. RAYNER]; but as he and I agree on this question I will vote. I vote "nay."

Mr. JOHNSTON of Alabama. I wish to announce that the Senator from Texas [Mr. BAILEY] is paired with the Senator from Montana [Mr. DIXON]. If the Senator from Texas were present he would vote "nay."

Mr. LIPPITT. I announce that my colleague [Mr. WETMORE] is necessarily absent from the Chamber on business of the Senate. He is paired with the Senator from Arkansas [Mr. CLARKE].

The result was announced—yeas 14, nays 57, as follows:

YEAS—14.

Borah	Crawford	Kenyon	Townsend
Bourne	Cummins	La Follette	Works
Bristow	Gronna	Nelson	
Clapp	Jones	Poindexter	

NAYS—57.

Ashurst	Fletcher	Newlands	Smith, Ga.
Bacon	Gallinger	O'Gorman	Smith, Mich.
Bankhead	Gardner	Oliver	Smith, S. C.
Bradley	Guggenheim	Overman	Smoot
Brandegee	Heyburn	Page	Stephenson
Briggs	Johnson, Me.	Paynter	Stone
Bryan	Johnston, Ala.	Penrose	Sutherland
Burton	Lippitt	Perkins	Swanson
Catron	Lodge	Pomerene	Thornton
Chamberlain	McCumber	Reed	Tillman
Clark, Wyo.	McLean	Root	Watson
Culberson	Martin, Va.	Sanders	Williams
Dillingham	Martine, N. J.	Shively	
du Pont	Massey	Simmons	
Fall	Myers	Smith, Ariz.	

NOT VOTING—23.

Bailey	Cullom	Gore	Rayner
Brown	Curtis	Hitchcock	Richardson
Burnham	Davis	Kern	Smith, Md.
Chilton	Dixon	Lea	Warren
Clarke, Ark.	Foster	Owen	Wetmore
Crane	Gamble	Percy	

So Mr. CUMMINS's substitute was rejected.

Mr. PENROSE. Mr. President, the Committee on Finance some time ago directed the report adversely of the House wool bill. It was understood in committee and, I believe, by the Senate that the majority reserved the right to prepare a substitute bill should they be able to do so in time for action at this session of the Senate. By many it was assumed that it was the duty of the Republicans to frame a bill, because as to the wool schedule the Tariff Board had presented an elaborate report. After many conferences with members of the committee and with Senators not members of the committee on the Republican side it has been possible to reconcile many differences. I now present an amendment for the consideration of the Senate as a substitute for the House bill, and I sincerely hope, while it may not meet the views of all, that it may command the full support of the Republican vote in the Senate. After the bill is read I shall make a brief statement to the Senate explaining its character.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Pennsylvania will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended by striking out all of the paragraphs of Schedule K of section 1 of said act, from 360 to 395, inclusive of both, and inserting in place thereof the following:

1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided, for the purpose of fixing the duties to be charged thereon, into the three following classes:

2. Class 1; that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood, and usually known by the terms herein used, and also hair of the camel, and all wools not hereinafter included in classes 2 and 3.

3. Class 2; that is to say, the hair of the Angora goat, alpaca, and other like animals.

4. Class 3; that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, Russian camel's hair, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

5. The standard samples of all wools or hair which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools and hair under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

6. Whenever wools of class 3 shall have been improved by the admixture of merino or English blood from their present character as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

7. If any bale or package of wool or hair specified in this act invoiced or entered as of any specified class, or claimed by the importer to be dutiable as of any specified class, shall contain any wool or hair subject to a higher rate of duty than the class so specified, the whole bale or package shall be subject to the highest rate of duty chargeable on wool or hair of the class subject to such higher rate of duty, and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

8. The duty on all wools and hair of class 1 and class 2 shall be laid upon the basis of their clean content. The clean content shall be determined by scouring tests, which shall be made according to regulations to be prescribed by the Secretary of the Treasury. The duty on all wools and hair of class 1, imported in the grease, shall be 18 cents per pound on the clean content, as defined above. If imported scoured, the duty shall be 20 cents per pound on the clean content, as defined above. The duty on all wools and hair of class 2 imported in the grease shall be 13½ cents per pound on the clean content, as defined above. If imported scoured, the duty shall be 15½ cents per pound on the clean content, as defined above.

9. The duty on all wools and hair of class 3 imported in their natural condition shall be 7 cents per pound; if scoured, 14 cents per pound: *Provided*, That on consumption of wools and hair of class 3 in the manufacture of carpets, druggets and bookings, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting hereafter manufactured or produced in the United States in whole or in part from wools or hair of class 3 upon which duties have been paid there shall be allowed to the manufacturer or producer of such articles a drawback equal in amount to the duties paid less 1 per cent of such duties on the amount of the wools or hair of class 3 contained therein; such drawback shall be paid under such rules and regulations as the Secretary of the Treasury may prescribe.

10. The duty on wools on the skin shall be 1 cent less per pound than is imposed in this schedule on other wools of the same class and condition, the quantity to be ascertained under such rules as the Secretary of the Treasury may prescribe.

11. Top waste and slubbing waste, 25 cents per pound.

12. Roving waste, ring waste, garnetted waste, and all other wastes composed wholly or in part of wool, and not specially provided for in this section, 20 cents per pound.

13. Noils, carbonized, 14 cents per pound; not carbonized, 11 cents per pound.

14. Thread waste, yarn waste, 9½ cents per pound.

15. Shoddy and wool extract, 10 cents per pound.

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16. Woolen rags, flocks, and mungo, 5 cents per pound.
17. Combed wool or tops, made wholly or in part of wool or hair, 28 cents per pound.
18. Wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, but less advanced than yarn, not specially provided for in this section, 28 cents per pound.
19. Worsted yarns composed wholly or in part of wool, advanced beyond the condition of singles by twisting two or more single yarns together, shall be subject to duty at the following rates, namely: On No. 40, 41 cents per pound, and two-fifths of 1 cent per pound additional for every number in excess of No. 40, or one-fourth of 1 cent per pound reduction from 41 cents for every number less than No. 40 to and including No. 12; single worsted yarns shall pay 5 per cent less duty than that imposed by this paragraph on two or more single worsted yarns of corresponding number twisted together. Woolen yarns in singles or two or more yarns twisted together shall be subject to a reduction of 7 cents per pound from the duties imposed by this paragraph on corresponding numbers of single or twisted yarns. All of the above when bleached, dyed, colored, stained, painted, printed, gassed, or singed shall pay 3 cents per pound in addition to the other duties prescribed in this paragraph. The word "number" appearing in this paragraph, whether applied to woolen or worsted yarns, shall be taken to mean 560 yards of single yarn to the pound.
20. On cloths, knit fabrics, flannels, felts, and all manufactures of every description made wholly or in part of wool, not specially provided for in this section, valued at not more than 20 cents per pound, the duty shall be 12 cents per pound, and in addition thereto 25 per cent ad valorem;
Valued at more than 20 cents and not more than 30 cents per pound, 16 cents per pound, and in addition thereto 35 per cent ad valorem;
Valued at more than 30 cents and not more than 40 cents per pound, 20 cents per pound, and in addition thereto 35 per cent ad valorem;
Valued at more than 40 cents and not more than 50 cents per pound, 24 cents per pound, and in addition thereto 45 per cent ad valorem;
Valued at more than 50 cents and not more than 60 cents per pound, 28 cents per pound, and in addition thereto 45 per cent ad valorem;
Valued at more than 60 cents and not more than 80 cents per pound, 32 cents per pound, and in addition thereto 50 per cent ad valorem;
Valued at more than 80 cents per pound, 35 cents per pound, and in addition thereto 55 per cent ad valorem; on all the foregoing composed in part of wool, but in chief value of any other material, 65 per cent ad valorem.
21. On blankets composed wholly or in part of wool, valued at not more than 30 cents per pound, the duty shall be 16 cents per pound, and in addition thereto 25 per cent ad valorem;
Valued at more than 30 cents and not more than 40 cents per pound, 18 cents per pound, and in addition thereto 30 per cent ad valorem;
Valued at more than 40 cents and not more than 50 cents per pound, 22 cents per pound, and in addition thereto 30 per cent ad valorem;
Valued at more than 50 cents per pound, 26 cents per pound, and in addition thereto 35 per cent ad valorem:
Provided, That on blankets over 3 yards in length the same duties shall be paid as on cloths.
22. On women's and children's dress goods, coat linings, Italian cloths, and goods of similar description and character, of which the warp consists wholly of cotton or other vegetable material with the remainder of the fabric composed wholly or in part of wool, the duty shall be 7 cents per square yard; on women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description or character composed wholly or in part of wool, and not specially provided for in this section, the duty shall be 11 cents per square yard, and in addition thereto on all the foregoing 50 per cent ad valorem: *Provided*, That on all the foregoing weighing over 4 ounces per square yard the duty shall be the same as imposed by this schedule on cloths.
23. On clothing, ready-made, and articles of wearing apparel of every description, except such as are knitted, made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries, and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, any of the foregoing made of wool or of which wool is a component material, whether containing india rubber or not, 65 per cent ad valorem.
24. On knitted wearing apparel of every description, and all knitted articles and manufactures thereof, valued at 80 cents per pound or more, composed wholly or in chief value of wool, 24 cents per pound, and in addition thereto 45 per cent ad valorem; if valued at less than 80 cents per pound, 24 cents per pound, and in addition thereto 35 per cent ad valorem; on all the foregoing composed in part of wool, but in chief value of any other material, 60 per cent ad valorem.
25. On handmade Aubusson, Axminster, Oriental, and similar carpets and rugs, made wholly or in part of wool, the rate of duty shall be 50 per cent ad valorem; on all other carpets of every description, druggets, bockings, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting, made wholly or in part of wool, the duty shall be 30 per cent ad valorem.
26. Whenever, in any schedule of this act, the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animal, whether manufactured by the woolen, worsted, felt, or any other process.
27. The foregoing paragraphs, providing the rates of duty herein for manufactures of wool, shall take effect on the 1st day of January, 1913.

Mr. PENROSE. Mr. President, many Senators assume that part of the unanimous-consent agreement would preclude any amendments being offered to the pending measure. The amendment of the Senator from Iowa [Mr. CUMMINS], however, was offered yesterday, and it was only this afternoon that I was in a position to offer the amendment which has just been read. For this reason, and on account of the lateness of the hour, it is obviously impossible for me to furnish the Senate with full information and data as to the reductions in this amendment. But I have a statement which has been very carefully prepared and I will ask the Clerk to read it. It is short, and I invite the careful attention of the Senate to it. It is in the nature of a report on the bill, I may say, Mr. President.

The PRESIDENT pro tempore. Without objection the statement will be read.

The Secretary read as follows:

"This amendment is an attempt to make the duties on wool and woolens conform as nearly as possible to the information on that subject which has been furnished in the recent report of the Tariff Board. Schedule K, on account of having a duty on the raw material (wool) and also on the finished product (cloth), has always presented great difficulties. The problem has been how to divide into their respective classes the great variety of articles to which the duties apply and still have rates that would be adequately protective to all articles without being excessive as to some.

"In this amendment, by following the suggestions of the Tariff Board and putting the wool duty on the clean contents of the wool instead of on the wool in the grease, it has been possible to write a measure in which the duties on cloths have been much more evenly distributed than in the present law. The Republican members of the Finance Committee, therefore, are able to present an amendment which they believe has a lower range of duties on all manufactured products, and in no case, so far as they have been able to study the subject, increases the duties. On cloths, for instance, the duties have been reduced from in the neighborhood of 10 per cent on the high-priced and expensive fabrics, which may be classed as luxuries, to as much as approximately 125 per cent on the lower and cheaper grades. On blankets of the higher grades there are reductions running from 12 per cent to 24 per cent and on some of the cheaper qualities, where the value runs from 30 cents to 40 cents per pound, the present duties in many cases have been almost cut in half. The duties on yarns show a reduction of from 8 per cent to 45 per cent under the different conditions of the market. In the same way the duties on tops will show reductions running from 35 per cent to a little over 50 per cent. In spite of these very considerable reductions as applied to the different schedules of the bill, it is believed it will still afford adequate protection to the two great industries—woolgrowing and wool manufacturing—and that if it should be enacted into law, it would enable both the farmer, the manufacturer, and wage earners engaged in this industry to continue to derive their livelihood from those pursuits in which they have been so long engaged and at the same time meet the demands on the part of the consumer for a revision of this schedule."

Mr. WILLIAMS. Mr. President, the spectacle of the Senator from Pennsylvania [Mr. PENROSE] in the rôle of a tariff reformer is so astonishing that I hope we will be forgiven for trying to get some further information about the amendment which he has offered. We could not follow it in the way one could follow one of the old bills and make any sort of comparison. The statement which he has made is, to say the least of it, very scant.

I do not know when the amendment was submitted to the Senate. It is rather a curious thing that the leader of that element of the Republican Party which has been contending most strenuously for taking plenty of time in reforming a great system which spells prosperity or disaster to the industries of the Nation should have gotten into such a hurry at this particular crisis. I do not think the amendment has been submitted very long. I would ask the Senator from Pennsylvania how long?

Mr. PENROSE. The amendment has never been introduced in the Senate as a bill. It was not until this morning that I received authority from my colleagues to present it to this body.

I am not posing as a tariff reformer, Mr. President, as the Senator from Mississippi [Mr. WILLIAMS] would assume, and, therefore, I hope he will recover from his shocked sensibilities. I have deferred to the judgment of a large number of my colleagues, who thought that because the Tariff Board had reported it was incumbent upon them to present, if possible, a measure to the Senate. Others thought that, as they did not have control in any way of the other branch of Congress, it would be labor thrown away, and that the time might be devoted to better matters in closing up this session, and that it would be useless to frame a measure.

But this amendment is the result of a general conferring and reconciling of many differences. It is based on the report of the Tariff Board. It is a measure of fair protection and yet a revision downward.

We all concede that Schedule K has been upon the statute books for many years without practically any change. Practically since the McKinley bill the schedule has remained as it is, with a few minor alterations. All of us admitted that it was preeminently the schedule which at an early practical

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Mr. PENROSE. I should like to answer the question of the Senator from Nevada, if he will permit me.

Mr. NEWLANDS. Certainly.

Mr. PENROSE. I want to state emphatically that in the opinion of those who have read this amendment it is absolutely based upon the recommendation of the Tariff Board. The greatest care and study were devoted to that voluminous report, and there is not a rate in the amendment which, in the opinion of those responsible for it, is not authorized and justified by the report of the Tariff Board. It may be a question of opinion, and you could frame many different bills under that report, but as far as those who framed the amendment are concerned, they have in good faith endeavored to adhere absolutely and strictly to the recommendations of the board.

Mr. NEWLANDS. It certainly was not my purpose to attempt to cross-examine the Senator from Iowa. I was simply seeking for information regarding an amendment which has been suddenly introduced and concerning the construction of which opinions differ, and I simply wish to know from the Senator from Iowa, who is recognized as an expert on such matters and whose knowledge of the wool schedule is much more accurate than that of most of us, whether he regards the duties fixed by the amendment of the Senator from Pennsylvania as higher than those fixed by the standard of the Tariff Board?

I was aware, of course, that these duties were higher than those contained in the amendment presented by the Senator from Iowa, but I was not informed as to whether the duties fixed by the Senator from Pennsylvania conformed to those which were warranted by the findings of the Tariff Board.

Mr. CUMMINS. If the Senator from Nevada was not here when I explained my amendment——

Mr. NEWLANDS. I heard a portion of the Senator's speech.

Mr. CUMMINS. Then I must withdraw my suggestion that he was trying to cross-examine me.

I stated that I was endeavoring in my amendment to carry into effect the Tariff Board's report, and that I had availed myself of information which that report contained; that upon one or two matters in which I felt the Tariff Board had erred I declined to accept its findings; but upon the whole, my amendment, as I stated repeatedly, was based upon the report of the Tariff Board, and inasmuch as the duties in the amendment before us now are much higher than the duties in the amendment which I proposed, I assumed that the Senator from Nevada could easily conclude that I believed that the duties in the amendment before us are higher than are warranted by the report of the Tariff Board.

Mr. NEWLANDS. I will state to the Senator that I was unfortunately called from the Chamber whilst he was addressing the Senate upon his amendment, and I did not hear that portion of his address regarding the conformity of his bill with the report of the Tariff Board.

Mr. TOWNSEND obtained the floor.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Mississippi?

Mr. WILLIAMS. I merely wanted to ask the Senator from Iowa a question before he sat down.

Mr. TOWNSEND. I yield.

Mr. WILLIAMS. I have not had the opportunity to read the amendment at all. I understand that just a few copies have been printed for the committee. But I understood the Senator from Iowa to say that cloths valued at from 20 to 30 cents a pound were taxed 16 cents specific duty plus 35 per cent ad valorem. Is that correct?

Mr. CUMMINS. No. The amendment provides that cloths or fabric that is not more than 20 cents per pound shall be taxed for compensation—I am not including now the ad valorem duty—16 cents a pound. But there is no step of that kind.

Mr. WILLIAMS. What is the ad valorem?

Mr. CUMMINS. The ad valorem is 35 per cent.

Mr. WILLIAMS. What is the tax on cloths between 20 and 30 cents per pound?

Mr. CUMMINS. Between 30 and 40 cents per pound?

Mr. WILLIAMS. Between 20 and 30 cents per pound.

Mr. CUMMINS. From 20 to 30 cents a pound the specific or compensatory duty is 16 cents and the ad valorem or protective duty is 35 per cent.

Mr. WILLIAMS. That is what I wanted to get at.

Mr. CUMMINS. But there is no such division in the existing law.

Mr. WILLIAMS. That is what I want to get at. Now, 16 cents specific duty——

Mr. CLAPP. I think the Senator——

Mr. WILLIAMS. The Senator will pardon me.

Mr. CLAPP. No; it is to correct a mistake.

Mr. WILLIAMS. I beg pardon. As I read it here, it is 12 cents and then 25 per cent ad valorem.

Mr. CUMMINS. I was speaking of the duty on cloth from 20 to 30 cents per pound.

Mr. WILLIAMS. From 20 to 30 cents.

Mr. CLAPP. Oh!

Mr. CUMMINS. I so understood the Senator when I answered, assuming he asked what the duty was on cloth valued at 20 cents per pound.

Mr. WILLIAMS. That is what I was asking. Sixteen cents on 30 cents is five times 16 cents on a dollar. That is 80 cents, and if you add 35 per cent to that you have 115 per cent. I understood the Senator from Utah to say that there was not a single duty that was above 100 per cent.

Mr. SMOOT. I still say so. I defy the Senator to get a piece of cloth at 20 cents a pound.

Mr. WILLIAMS. I did not ask the Senator, when I asked him the question, what cloth sold at. I asked him if under any of the provisions of this amendment, if this bill became a law, there would be left a duty of over 100 per cent, and he replied not one.

Mr. SMOOT. I still insist——

Mr. WILLIAMS. Now, then, here is a provision in the bill for cloths costing between 20 and 30 cents of a specific duty of 16 cents, which is 80 cents on the dollar, plus 35 per cent, which is 35 cents on the dollar; and 80 plus 35 is 115.

Mr. CUMMINS. I will not engage in any controversy with the Senator from Mississippi about that. All I say is that in the existing law the duty on the same cloth would be 33 cents a pound and 50 per cent ad valorem.

Mr. WILLIAMS. I understand that, and there is no difference between us upon that point. I agree with the Senator. It is a right material reduction, considering the source whence the reduction came.

Mr. SMOOT. I wish to say to the Senator that the valuation of more than 20 cents and not more than 30 cents is, as the Senator from Iowa says, a bracket put in this amendment which is not in the present law.

Mr. WILLIAMS. What has that got to do with the fact that it is over 100 per cent?

Mr. SMOOT. It has got this to do with it—that there are no importations of cloth coming into this country of 20 cents a pound.

Mr. WILLIAMS. I reckon not, with a duty of over 100 per cent on it.

Mr. SMOOT. It is not made. The Senator, if he will go anywhere—I do not care where he goes—can not get cloth made for 20 cents a pound.

Mr. WILLIAMS. Nor 30 cents, either.

Mr. SMOOT. Yes; he can get it for 30 cents.

Mr. WILLIAMS. Between 20 and 30 somewhere?

Mr. SMOOT. Between 30 and 40. That is where the bracket has been in the past.

Mr. WILLIAMS. At 23 cents you still have over 100 per cent.

Mr. SMOOT. But there are no importations of less than 30 cents, and that is where the bracket started in the present law, and with 30 cents a pound it is not a hundred per cent.

Mr. WILLIAMS. Now, I will ask the Senator from Utah this question, as a man of common sense and a constructive statesman of a school peculiarly constructive.

Mr. SMOOT. Are there any other adjectives?

Mr. WILLIAMS. If there be no such woolen cloths in the world as between 20 and 30 cents a pound, why did you put a provision covering them in the amendment?

Mr. SMOOT. For this reason: That they wanted to start at less than 30 cents a pound because it is a fact that there may be cloths that were cotton cloths and not woolen cloth, but a little wool in it, which would come within that figure.

Mr. WILLIAMS. Now, one word more, if the Senator will pardon me.

Mr. SMOOT. I do not think myself there will be a pound of cloth coming in at that rate.

Mr. WILLIAMS. Now, we are reaching the "darkey in the woodpile." The Senator confesses that this provision would cover not only woolen cloths but cotton cloths—a 10 per cent mixture or a 5 per cent mixture of them. Am I correct or not?

Mr. SMOOT. No; I did not say that.

This is what the cloth will cost: Mixed fabrics, flannels, felts, and all manufactures of every description, made wholly or in part of wool, not specifically provided for in this section, valued at not more than 20 cents a pound, the duty shall be 12 cents a pound, and, in addition thereto, 25——

Mr. WILLIAMS. I am not talking about less than 20 per cent; I am talking about the difference between 20 and 30. Now, that is in the same language. That language is, "composed in whole or partially of wool." I assert the fact that

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there are a whole lot of cloths that sell at 20, 21, 22, and 24 that are mixed with wool and cotton, and this provision would cover cloths which are 9/10 or 95/100 cotton and the other 1/10 or the other 5/100 wool, and that cloth would come in under this provision and would be taxed 115 per cent. The Senator from Utah this morning, being asked the question, replied that there was not a single provision in the bill which carried a duty of over 100 per cent.

Mr. TOWNSEND. Mr. President, I decline to yield further.

Mr. WILLIAMS. I thank the Senator for what he has already done.

The PRESIDENT pro tempore. The Senator from Michigan is entitled to the floor.

Mr. TOWNSEND. The Senator from Iowa has expressed my views in reference to this matter much better than I can do. I do not wish to try to elaborate on the points he has made, but I desire to call attention to one or two things which have occurred to me which I think are of some importance at this particular juncture.

I am very much in accord with the idea of having a Tariff Board. I have voted for it, and I have talked for it. I believe in it. I believe its report comes nearer furnishing us with a rational and authoritative basis upon which to fix a Republican protective tariff than any information which has ever been presented to the Congress. Therefore I am inclined in my limited knowledge to be governed to some extent by the views of that board.

Now, it has been undisputed up to date in this discussion that this proposed amendment does come nearer complying with the requirements of the Tariff Board and that report than existing law. It does make a substantial reduction in the direction of making our duties conform to the difference in the cost of production here and abroad. That being true, I can not understand the position some Senators take when they say they can not support it because it does not go as far as they would like. The only argument I have heard Senators make—and the Senator from Minnesota has made it with a good deal of emphasis—is that he does not propose to vote for a proposition which he has not had time to consider.

I remember sitting in this body something like a year ago when the Senator from Wisconsin [Mr. LA FOLLETTE] presented his substitute to the bill then pending. That substitute had not been printed, at least it had not been distributed, as I was unable to get a copy at that time. It was acted upon and passed as a substitute for that measure; and some of the gentlemen who are now complaining at this hurried action voted for it.

Another thing, that day on the floor of the Senate the Senator from North Carolina [Mr. OVERMAN] presented an amendment in the form of a revision of the entire chemical schedule, which had never been presented to any committee, had never been printed, and the Senator from North Carolina asked that that bill be passed without reading.

So this is not unusual action that we are taking now on some of these same great subjects. Matters have been presented not wisely, as it has seemed to me, because I agree that we ought to have time to consider them; but this proposed bill has been current rumor, at least, before the Senate for some time, the same as the La Follette amendment, so called, something over a year ago.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Washington?

Mr. TOWNSEND. With pleasure.

Mr. JONES. I suggest also that my recollection is that when one of the substitute measures was up, presented by the Senator from Wisconsin, that measure was voted down, and then after the Democratic bill had been voted down a motion was made to reconsider, and when it was carried the Senator from Indiana [Mr. KERN] presented a very important amendment to the substitute that no one, so far as I know, had seen, and that was voted into the substitute and adopted.

Mr. TOWNSEND. I recall that very well.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Wisconsin?

Mr. TOWNSEND. I do.

Mr. LA FOLLETTE. I rise just to make a correction, if the Senator will permit me.

Mr. TOWNSEND. Gladly.

Mr. LA FOLLETTE. The bill which I offered as a substitute was introduced on the 21st day of June, and offered as a substitute on the 27th day of July. It was printed and on the desks of Senators for one month and six days before it was offered.

Mr. TOWNSEND. I beg the Senator's pardon, if that was true. I inquired for the bill at that time, and was unable to obtain one. I know I discussed it at that time, and I had not read the bill. I am glad to correct the statement that it had not been printed.

Mr. LA FOLLETTE. I remember now, since the Senator mentions that fact, that the day the bill passed the Senate as a substitute I requested an additional print of the bill, because I found on that day that the former print had been exhausted.

Mr. TOWNSEND. I am obliged to the Senator, because I know it was impossible for me to obtain a copy when I wanted to look it over and find out what the bill was.

Mr. LA FOLLETTE. If I may trespass just a moment longer, I will say that the amendment which I offered—and I make this statement in correction of the statement made by the Senator from Washington—I offered while the bill was under consideration in Committee of the Whole. It was rejected. The bill was then taken up in the Senate, and I then offered the same bill identically again, after moving a reconsideration of the vote.

Mr. JONES. I beg to say that the point of my suggestion was that the important amendment offered by the Senator from North Carolina had not been considered by anybody, and it was adopted.

Mr. LA FOLLETTE. If the Senator will permit me, I think he is mistaken about that. No amendment was offered by anybody, except the one that I offered.

Mr. JONES. I know that amendment was offered to one bill. It may not have been the bill the Senator has in mind.

Mr. LA FOLLETTE. It may not have been the legislation we are now considering—the wool schedule. I have that very definitely in mind.

Mr. JONES. It may not have been the wool schedule. It was one of the tariff bills on which the same procedure had been followed.

Mr. TOWNSEND. Mr. President, the only object I had in rising at this time was to call attention to the fact that the bill before us is a substantial reduction of duties in the direction of the report made by the Tariff Commission. Therefore, to those of us who believe that we ought to be guided by that and ought to reduce duties to the extent of the difference between the cost of production, it is an improvement; and I can not understand how we can afford to turn this down and have no hope of obtaining anything in its place. The fact I have mentioned that this has not been printed is not the first instance where a tariff bill has been so amended, and without protest as I remember it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. PENROSE], in the nature of a substitute, on which the yeas and nays have been ordered. The roll will be called.

The Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is necessarily absent this evening. If he were present, I should vote "yea."

Mr. SHIVELY (when Mr. KERN's name was called). I wish to again announce that my colleague [Mr. KERN] is paired with the junior Senator from Tennessee [Mr. SANDERS]. Were my colleague present, he would vote "nay." I will leave this statement stand as to the first part of it.

Mr. LIPPITT (when his name was called). I again announce the transfer of my pair with the Senator from Tennessee [Mr. LEA] to the Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. Were he present I should vote "yea" and he would vote "nay." He not being present I am compelled to withhold my vote.

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). The senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. If the Senator from Oklahoma were present, he would vote "nay."

Mr. WILLIAMS (when Mr. PERCY's name was called). My colleague [Mr. PERCY] is absent and paired. If he were present, he would vote "nay."

Mr. SHIVELY (when Mr. RAYNER's name was called). I again announce that the senior Senator from Maryland [Mr. RAYNER] is paired with the junior Senator from Kentucky [Mr. BRADLEY]. Were the senior Senator from Maryland present, he would vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent from the city and is paired with the junior Senator from South Carolina [Mr.

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SMITH]. If my colleague were present and free to vote, he would vote "yea."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN]. If I were at liberty to vote, I would vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and vote. I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], who is absent on account of illness, and I therefore withhold my vote.

Mr. LIPPITT (when Mr. WETMORE's name was called). My colleague [Mr. WETMORE] is necessarily absent from the Senate. He is paired with the Senator from Arkansas [Mr. CLARKE].

The roll call was concluded.

Mr. BURNHAM. I again announce my pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. BRADLEY (after having voted in the affirmative). A few moments ago I inadvertently voted when paired with the Senator from Maryland [Mr. RAYNER]. I desire to withdraw my vote, and to state that I would vote "yea" if he were present.

Mr. MARTINE of New Jersey. I was requested to announce the pair between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS].

The result was announced—yeas 34, nays 32, as follows:

YEAS—34.

Borah	Cummins	Lodge	Root
Bourne	du Pont	McLean	Smith, Mich.
Brandegee	Fall	Massey	Smoot
Briggs	Gallinger	Nelson	Stephenson
Bristow	Gronna	Oliver	Sutherland
Burton	Guggenheim	Page	Townsend
Catron	Heyburn	Penrose	Works
Clark, Wyo.	Jones	Perkins	
Crawford	Lippitt	Poindexter	

NAYS—32.

Ashurst	Hitchcock	Newlands	Smith, Ariz.
Bacon	Johnson, Me.	O'Gorman	Smith, Ga.
Bankhead	Johnston, Ala.	Overman	Smith, S. C.
Bryan	Kenyon	Paynter	Stone
Chamberlain	La Follette	Pomerene	Swanson
Clapp	Martin, Va.	Reed	Thornton
Culberson	Martine, N. J.	Shively	Watson
Fletcher	Myers	Simmons	Williams

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Kern	Sanders
Burnham	Dillingham	Lea	Smith, Md.
Chilton	Dixon	McCumber	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So Mr. PENROSE's amendment was agreed to.

Mr. NEWLANDS. I do not know whether at this point I can offer an amendment.

The PRESIDENT pro tempore. The Chair will suggest that it will be in order when the bill goes to the Senate, but not now.

Mr. CUMMINS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CUMMINS. The bill is still in Committee of the Whole?

The PRESIDENT pro tempore. It is still in Committee of the Whole.

Mr. CUMMINS. Is it amendable in its present stage?

The PRESIDENT pro tempore. Not in Committee of the Whole, but it will be amendable when it reaches the Senate.

Mr. CUMMINS. I simply desire to give notice that when the bill reaches the Senate I intend to offer an amendment providing for the creation of a Tariff Commission.

The PRESIDENT pro tempore. Without objection, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The amendment made as in Committee of the Whole will, without objection, be concurred in. The bill is in the Senate and open to amendment.

Mr. CUMMINS. I offer the amendment which I send to the desk, and in connection with it I will say to the Senate that it is the Tariff Commission bill as it passed the Senate in 1910.

It is the bill concerning which there was debate here and some controversy, and which passed over to the other House and was lost there because of the lateness of the hour at which it reached the House. I offer the bill as an amendment, beginning with line 3, as I now send it to the desk.

The PRESIDENT pro tempore. The Senator from Iowa offers an amendment, which will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following:

SEC. 2. That a board is hereby created, to be known as the Tariff Board, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. The members first appointed under this act shall continue in office from the date of qualification for the terms of two, three, four, five, and six years, respectively, from and after the 1st day of July, A. D. 1911, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate a member of the board to be the chairman thereof during the term for which he is appointed. Any member may, after due hearing, be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three members of said board shall be members of the same political party. Three members of said board shall constitute a quorum. The chairman of said board shall receive a salary of $7,500 per annum and the other members each a salary of $7,000 per annum. The board shall have authority to appoint a secretary and fix his compensation, and to appoint and fix the compensation of such other employees as it may find necessary to the performance of its duties.

SEC. 3. That the principal office of said board shall be in the city of Washington. The board, however, shall have full authority, as a body, by one or more of its members, or through its employees, to conduct investigations at any other place or places, either in the United States or foreign countries, as the board may determine. All the expenses of the board, including all necessary expenses for transportation incurred by the members or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman of the board. Should said board require the attendance of any witness, either in Washington or any place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

SEC. 4. That it shall be the duty of said board to investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation, with special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the cost of transportation from the place or places of production to the principal areas of consumption, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said board shall also make investigation of any such subject whenever directed by either House of Congress.

SEC. 5. That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States which discriminates against the United States or the products thereof, and to assist the President in the application of the maximum and minimum tariffs and other administrative provisions of the customs laws, the board shall, from time to time, make report, as the President shall direct.

SEC. 6. That for the purposes of this act said board shall have power to subpœna witnesses, to take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation to produce books and papers relating to any matter pertaining to such investigation. In case of failure to comply with the requirements of this section, the board may report to Congress such failure, specifying the names of such persons, the individual names of such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to such article.

SEC. 7. That in any investigation authorized by this act the board may obtain such evidence or information as it may deem advisable, but said board shall not be required to divulge the names of persons furnishing such evidence or information; and no evidence or information so secured under the provisions of this section from any person, firm, copartnership, corporation, or association shall be made public by said board in such manner as to be available for the use of any business competitor or rival.

SEC. 8. That said board shall submit the results of its investigations, as hereinbefore provided, including all testimony, together with any explanatory report of the facts so ascertained, to the President or to either House of Congress, from time to time, when called upon by the President or either House of Congress.

SEC. 9. That upon the taking effect of this act the body now known as the Tariff Board shall transfer to the Tariff Board hereby created all such property and equipment, books, and papers as are now possessed or used by said first-mentioned board in connection with the subjects for which the Tariff Board is hereby created, and thereupon the said first-mentioned board shall cease to exist.

Mr. OVERMAN. If I caught the reading correctly, I wish to call the attention of the Senator from Iowa to the fact that the amendment provides that the board shall be appointed after July 1, 1911. It is a mistake of the reading clerk or a mistake in the bill.

Mr. CUMMINS. Mr. President, I ask that the word "July" be stricken out and that "October" be inserted, and in the year that the word "eleven" be stricken out and "twelve" be inserted.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be stated.

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The SECRETARY. On page 1, line 10, it is proposed to strike out the word "July" and insert "October," and in the same line to strike out the word "eleven" and insert the word "twelve," so as to read "nineteen hundred and twelve."

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. PENROSE. Mr. President, as I understand from the Senator from Iowa [Mr. CUMMINS] this is the identical measure which passed the Senate during the closing days of the last Congress with practical unanimity. Therefore, so far as I am concerned, I am willing to accept the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. WILLIAMS. Mr. President, one word first. It seems to me that if it be advisable to have a Tariff Board at all, the one which is now in existence is organized, is going ahead, and is doing the identical work which this new Tariff Commission is expected to do. That is one objection which I have to the amendment.

Another objection is somewhat more serious. After the 4th of March next, when there shall be a genuine Democratic tariff-revision President in the White House, a Democratic House of Representatives, and a Democratic tariff-revision Senate, I do not want anybody of any sort to stand as a pretext for the Congress and the President of the United States to take advantage of to hide behind in order to neglect their duty to the American people, which will be to proceed at once to a revision of the tariff downward, as nearly as existing conditions will permit, to the revenue point.

Mr. CUMMINS. Mr. President, I do not understand that there is any tariff commission now in existence. It is true that the President has been authorized to employ certain persons to secure for him, and through him, I assume, for Congress, certain information; but the board as constituted falls so far short of the instrumentality that I think we ought to have that I am sure its existence ought not to stand in the way of the establishment of the commission provided for in the amendment which I have offered. If this becomes a law, of course the other becomes obsolete, and there is no appropriation as yet for it, anyway.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Iowa.

Mr. REED. I ask for the yeas and nays.

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

Mr. BURNHAM (when his name was called). I again announce my pair with the junior Senator from Maryland [Mr. SMITH].

Mr. DILLINGHAM (when his name was called). Because of my general pair with the senior Senator from South Carolina [Mr. TILLMAN] I withhold my vote. If he were present, I should vote "yea."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. I withhold my vote. Were I at liberty to vote, I should vote "yea."

Mr. SANDERS (when his name was called). On account of my pair with the junior Senator from Indiana [Mr. KERN] I withhold my vote; otherwise I should vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "nay."

Mr. WARREN (when his name was called.) I again announce my pair with the senior Senator from Louisiana [Mr. FOSTER]. I will say that upon all votes which may follow on this subject I shall stand paired with that Senator.

The roll call was concluded.

Mr. DU PONT. My colleague [Mr. RICHARDSON] is absent. He is paired with the Senator from South Carolina [Mr. SMITH]. If he had been present and free to vote, he would have voted "yea." I understand, however, that, as stated by the Senator from South Carolina, the pair has been transferred to the Senator from Maine [Mr. GARDNER].

Mr. BRADLEY. I again announce my pair with the Senator from Maryland [Mr. RAYNER]. If he were present, I should vote "yea."

Mr. LIPPITT. I again announce the transfer of my pair with the Senator from Tennessee [Mr. LEA] to the Senator from South Dakota [Mr. GAMBLE]. I will let this announcement stand for the remainder of the day. I vote "yea."

Mr. MARTINE of New Jersey. I again announce the pair existing between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS].

Mr. CHAMBERLAIN. I desire to announce that the Senator from Oklahoma [Mr. OWEN] is paired with the Senator from Nebraska [Mr. BROWN]. I make this announcement for the rest of the evening.

Mr. BAILEY. I announce my pair with the Senator from Montana [Mr. DIXON], and I desire this announcement to cover all the votes for the day.

The result was announced—yeas 40, nays 26, as follows:

YEAS—40.

Borah	Crawford	Lippitt	Poindexter
Bourne	Cummins	Lodge	Pomerene
Brandegee	du Pont	McLean	Root
Briggs	Fall	Massey	Smith, Mich.
Bristow	Gallinger	Nelson	Smoot
Burton	Gronna	Newlands	Stephenson
Catron	Guggenheim	Oliver	Sutherland
Chamberlain	Jones	Page	Thornton
Clapp	Kenyon	Penrose	Townsend
Clark, Wyo.	La Follette	Perkins	Works

NAYS—26.

Ashurst	Hitchcock	Overman	Smith, S. C.
Bacon	Johnson, Me.	Paynter	Stone
Bankhead	Johnston, Ala.	Reed	Swanson
Bryan	Martin, Va.	Shively	Watson
Culberson	Martine, N. J.	Simmons	Williams
Fletcher	Myers	Smith, Ariz.	
Heyburn	O'Gorman	Smith, Ga.	

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Kern	Sanders
Burnham	Dillingham	Lea	Smith, Md.
Chilton	Dixon	McCumber	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So the amendment of Mr. CUMMINS was agreed to.

Mr. NEWLANDS. Mr. President, I offer the amendment which I send to the desk, to come in as an additional section.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

SEC. —. That on the 1st day of January, 1913, a reduction of 10 per cent shall be made in the duties now imposed by law on articles imported into the United States from foreign countries, and that on the 1st day of January of each year thereafter for the period of four years a further reduction of 5 per cent shall be made on such duties until a total reduction of 30 per cent in such duties shall be made: *Provided, however*, That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law: *And provided further*, That such reductions shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the production of similar articles in the United States.

Mr. NEWLANDS. Mr. President, we are now considering a Republican bill upon which the stalwart and the insurgent Republicans have practically united. Lest this bill should become a law, it is my desire to perfect it so far as that can be done. The bill thus far relates to one of 13 schedules, the wool schedule, and makes a reduction in the duties covered by that schedule. The purpose of the amendment is to make a gradual reduction in all the other schedules of the tariff, commencing with the reduction of 10 per cent the first year and imposing a reduction of 5 per cent per annum for four years thereafter, until a total reduction of 30 per cent is attained.

Now, I wish to call attention to the fact that the adoption of this amendment will not prevent contemporaneous reductions at this session of Congress to a greater degree upon the general duties of the tariff. The amendment provides that the reduction shall not apply to duties which are specifically reduced at this session of Congress, and it shall not apply to duties which are hereafter specifically reduced. It is simply a dragnet which will cover every duty not specifically reduced either at this session of Congress or at subsequent sessions of Congress.

I say that in reply to the suggestion made by the Senator from Missouri yesterday, that my amendment would not apply to those prohibitory and extortionate duties ranging as high as 100 per cent and higher, upon which it is desirable that greater reductions should be made in the near future.

This amendment will not prevent such reductions, and the reductions called for by this amendment will not apply to any duty which is specifically reduced at this session or which may hereafter be specifically reduced.

Now, the next suggestion is that this is a blanket amendment, providing for the reduction of all duties not specifically reduced, and that some of these duties may be and probably are now revenue duties—duties which would meet the requirement of the Democratic platform and of Democratic principles and that it would not be desirable to reduce those duties even in this gradual way.

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It may also be suggested that after this reduction has commenced the reduction may bring foreign goods to the importing level, and that if further persisted in it may result in a flood of foreign importations injurious to or destructive of American industries.

I wish to say in that connection that whilst the Republican Party proposes to guard against that contingency, with a view to maintaining a protective tariff, the Democratic Party also proposes to guard against that contingency, for it has pledged itself in its platform to conduct these reductions in such a way as to bring it to such an ultimate conclusion as will not injure or destroy any legitimate American industry. So the platforms of both parties require, where a gradual reduction is made, that a brake shall be provided which will prevent excessive foreign importations to the injury of American workmen or the injury of an American industry. The Democratic Party wishes it turned into a revenue tariff. It is safe to say that any tariff which will permit the introduction into this country in the way of importations of one-tenth of the total domestic consumption will be a revenue tariff, for such a tariff applied to the present dutiable schedule would yield us a revenue of at least $300,000,000 a year.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Certainly.

Mr. CLAPP. If I understand the Senator's amendment, it would apply to any duty now existing which is not changed by legislation at this session or by subsequent legislation.

Mr. NEWLANDS. It would not apply to any duty which is specifically reduced at this session or any duty which is specifically reduced hereafter.

Mr. CLAPP. Yes. Then my question is correct. It would apply to any duty which is not changed at this session or by subsequent legislation.

Mr. NEWLANDS. Yes; that is true.

Mr CLAPP. Has the Senator figured out the effect of this proposed reduction in many cases upon raw material as fixed in the Payne-Aldrich tariff bill.

Mr. NEWLANDS. I have not figured it out. I simply assume that it is perfectly safe for every American industry to have one-tenth of the articles consumed in this country brought from abroad, and just as soon as we reach that importing level this amendment stops the reduction upon that article, so as to prevent any importations beyond one-tenth.

Mr. CLAPP. Many of us were opposed to the Payne-Aldrich bill because, while it was framed under the guise of protection, it sacrificed many interests in this country as ruthlessly as it raised exorbitantly the tariff upon other things, and especially is that true, as I recall, with reference to raw material in many instances.

Now, I am in sympathy with the idea of a gradual reduction in the tariff, but for the same reason that I would not vote for the amendment last proposed without opportunity to study and understand its effect, I, for one, could not vote for the Senator's amendment without knowing what effect it would have upon those raw materials, which in some instances, I believe, were ruthlessly sacrificed and in other instances brought to the very verge of sacrifice under the Payne-Aldrich tariff bill.

Mr. NEWLANDS. I regret very much to hear the Senator announce that he can not vote for this amendment, for I thought it would meet his views. I know that he objected to certain provisions of the Payne-Aldrich bill upon the grounds which he asserts. But I suggest that there is no danger at all, even from his standpoint, in voting for this amendment, for he should recollect that it will not apply to any raw material, one-tenth of the consumption of which is now imported, for that raw material is now producing revenue and the duty imposed upon it is a revenue duty, and I imagine there is not a single raw material of which to-day one-tenth of the total domestic consumption is not imported from abroad.

But we will assume that none of these raw materials is imported from abroad. Is there any danger at all to the occupations that produce those raw materials in this country in permitting one-tenth of the total domestic consumption to come from abroad? Can such an invasion of foreign goods or foreign products be in the least degree destructive? The brake is applied just as soon as the importations equal one-tenth of the total domestic consumption. Nine-tenths, therefore, of the American market is secured to the American producer and only one-tenth of the foreign goods come in as competitive regulators. Under this amendment every prohibitory duty in the tariff will be gradually changed into a revenue duty; under this amendment every excessive duty will be gradually diminished until it reaches a revenue basis.

Under this amendment there can be no sudden invasion of foreign goods dislocating our enterprises and depriving American workingmen of employment, and both parties profess to be solicitous not only for the American workingmen but for American industries, the Democratic Party pledging to conduct this reduction in such a way as not to injure or destroy any legitimate American industry.

Now, I wish to say a word to my Democratic friends upon this subject. This bill may pass this body, though I hope it will be displaced by one which I understand is to be introduced later on as a substitute for it and which will make a greater reduction.

But this bill may pass, and if it does pass it will probably be the only tariff bill that will pass at this session of Congress, with the exception perhaps of the sugar tariff bill. We have the opportunity now to force a reduction which will ultimately reach 30 per cent upon over 3,000 articles enumerated in the different paragraphs of the Payne-Aldrich Act. Shall we not avail ourselves of that opportunity? If we come into power we can make further reductions if we deem them wise. We may take hold of the prohibitory duties and the highly excessive duties and reduce them in much greater degree than is called for by this amendment. It will not at all interfere with our freedom of movement or freedom of action if we come into power, and if we should not come into power we would have forced upon a Republican tariff bill a principle which within five years would accomplish a reduction in the present tariff of 30 per cent.

Were we in power it would be wise to pass such an amendment as this, because it would create alarm nowhere, and the Democratic Party must recollect that it has been defeated every time by the fears of the workingmen—the men employed in the protected industries—whose affiliations are naturally with our party. If we are defeated in the coming campaign it will be because our opponents are able to arouse the alarm not only of the manufacturers, but their employees, by the familiar dinner-pail argument addressed to the question of the daily bread of the laboring classes. Think how many of these men, whose affiliations with us are their natural affiliations, are employed in these protected industries—nearly 3,000,000, I am told, in the steel industry alone.

Would we put it in the hands of their employers to go to them and say, "The Democratic Party proposes such a radical reduction in the tariff as not only to imperil us as manufacturers, but to imperil your employment"? They have been moved by such considerations before, and it has been the scare created among the employees of protected industries in every campaign that has defeated the Democratic Party.

I urge, therefore, upon the Democrats of this body to support this amendment, because it gives an immediate relief, because it procures that relief through the adoption of the Democratic amendment on a Republican measure, because it is a substantial compliance with the pledge of our platform, and because it entirely robs the manufacturers of this country of their familiar argument that the incoming of the Democratic Party will bring destruction to the employees of the protected industries.

But it may be said that when you apply this rate it is a protective rate and Democrats can not in any case vote for protection. I deny that, in the sense that it is an indorsement of the protective policy. The Democratic Party refuses to indorse the protective policy, but it can not ignore the fact that our platform states that a protective policy has existed for years and that the industries of the country have become interwoven with it. Realizing that you can not in a moment destroy the entire protective tariff and bring down these protected industries in ruin upon our heads, we declared in our platform that we proposed to consider the fact that the industries of the country have been interwoven with the protective tariff and we propose to tear them apart gradually and in such a way so as not to injure or destroy any legitimate American industry.

Why did we put that plank in our platform if we did not recognize the fact of protection whilst repudiating the principle of protection? Why did we put that plank in the platform unless we intended in good faith to carry it out and to bring about ultimately a tariff for revenue only, without dislocating American industries?

So, Mr. President, this is an amendment which can be supported by every man who really wants a reduction of the tariff. The Republicans want it. They so declare. The President wants it. He so declares. The Democrats want it. They so declare, and they want it all along the line. Whilst there is a difference in the degree of the reduction, they all unite in demanding a reduction.

Now, here we are in Congress with these three forces opposed to each other—the Democrats, the stalwart Republicans, and

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the insurgent Republicans—each having different theories as to the amount of reduction, but all of them favoring a reduction. Here we have a political condition in which the House is of one political complexion, the Senate of another, and the President allied to the Senate in political affiliation. It is utterly impossible to carry any measure without the consent of these three parties, these parties who act as the agents of the people with a view to carrying out their demands upon an economic question; and are we to stand in the face of the American people and say that men of intelligence, men of patriotism, in these two bodies and in the executive department can not get together upon any reduction, though all declare themselves in favor of some reduction?

If we assume that position, will not the people be justified in the suspicion and distrust which they now entertain of their public servants? That suspicion and distrust are manifesting themselves now in efforts to take away from representative government the powers delegated and restoring them to the people themselves. Can a body of intelligence like this before the American people confess its inability to join with the President of the United States and the House of Representatives, both of them in favor of substantial reductions in the tariff, and say to the American people we are powerless to do anything? The American people will not say you are powerless to do anything; they will say you lack the sincerity which enables you to carry out your professions. Your action will simply increase the distrust now entertained of representative government.

Mr. President, I will ask for a quorum.

The PRESIDENT pro tempore. The Senator from Nevada makes the point that there is no quorum. The roll will be called.

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

Ashurst	du Pont	Massey	Smith, Ariz.
Bacon	Fall	Myers	Smith, Ga.
Bankhead	Fletcher	Nelson	Smith, Mich.
Borah	Gallinger	Newlands	Smith, S. C.
Bourne	Gronna	O'Gorman	Smoot
Bradley	Guggenheim	Oliver	Stephenson
Brandegee	Hitchcock	Overman	Stone
Briggs	Johnson, Me.	Page	Sutherland
Bristow	Johnston, Ala.	Paynter	Swanson
Bryan	Jones	Penrose	Thornton
Burnham	Kenyon	Perkins	Townsend
Burton	La Follette	Poindexter	Warren
Catron	Lippitt	Pomerene	Watson
Chamberlain	Lodge	Reed	Williams
Clapp	McCumber	Root	Works
Clark, Wyo.	McLean	Sanders	
Crawford	Martin, Va.	Shively	
Dillingham	Martine, N. J.	Simmons	

The PRESIDENT pro tempore. Sixty-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment submitted by the Senator from Nevada [Mr. NEWLANDS].

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

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. The bill is still in the Senate and open to amendment.

Mr. LA FOLLETTE. Mr. President, I move to strike out all after the enacting clause and insert what I send to the desk as an amendment.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Wisconsin will be read.

The SECRETARY. Strike out all after the enacting clause and insert the following:

The act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

SCHEDULE K. WOOL AND MANUFACTURES THEREOF.

360. All wool, hair of the camel, goat, alpaca, and other like animals, shall be divided, for the purposes of this act, into the three following classes:

361. Class 1, that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool, or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood and usually known by the terms herein used, and all wools not hereinafter included in class 2.

362. Class 2, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for; the hair of the camel, Angora goat, alpaca, and other like animals.

363. The standard samples of all wools which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they shall be needed.

364. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood, from their present character as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

365. The duty on wools of the first class shall be 35 per cent ad valorem.

366. The duty upon wools of class 2 shall be 10 per cent ad valorem.

367. The duty on wools on the skin shall be as follows: Class 1, 30 per cent ad valorem; class 2, 10 per cent ad valorem; the quantity and value of the wool to be ascertained under such rules as the Secretary of the Treasury may prescribe.

368. Top waste, slubbing waste, roving waste, ring waste, and garnetted waste, 30 per cent ad valorem.

369. Shoddy, noils, wool extract, yarn waste, thread waste, and all other wastes composed wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, 25 per centum ad valorem.

370. Woolen rags, mungo, and flocks, 25 per centum ad valorem.

371. Combed wool or tops, and all wools which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, 40 per centum ad valorem.

372. On yarns made wholly of wool or of which wool is the component material of chief value, the duty shall be 45 per centum ad valorem.

373. On cloths, knit fabrics, blankets, and flannels for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, clothing, ready made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, any of the foregoing made of wool or of which wool is the component material of chief value, whether containing india rubber or not, 55 per centum ad valorem.

374. Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; Brussels carpets, figured or plain, and all carpets or carpeting of like character or description; velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description; tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise; treble ingrain, three-ply, and all chain Venetian carpets; wool Dutch and two-ply ingrain carpets; carpets of every description, woven whole for rooms; oriental, Berlin, Aubusson, Axminster, and similar rugs; druggets and bockings, printed, colored, or otherwise; all the foregoing, made of wool, or of which wool is the component material of chief value, 35 per centum ad valorem.

375. Carpets and carpeting of wool or of which wool is the component material of chief value, not specially provided for in this section, 35 per centum ad valorem.

376. Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

377. Whenever, in any schedule of this act, the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other animal, whether manufactured by a woolen, worsted, felt, or any other process.

378. All manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 363 forms the component material of chief value, shall be subject to a duty of 30 per cent ad valorem.

That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported, and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act, and no other duty, upon the entry or the withdrawal thereof.

That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1912.

Mr. LODGE. I move to amend the substitute just offered by inserting the amendment which I send to the desk, to come in before the repealing clause. It need not be read again. It is the Tariff Commission act which the Senate has just adopted.

The SECRETARY. At the end of section 2, it is proposed to insert the following:

SEC. 2. That a board is hereby created, to be known as the Tariff Board, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. The members first appointed under this act shall continue in office from the date of qualification for the terms of two, three, four, five, and six years, respectively, from and after the 1st day of October, A. D. 1912, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the

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member whom he shall succeed. The President shall designate a member of the board to be the chairman thereof during the term for which he is appointed. Any member may, after due hearing, be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three members of said board shall be members of the same political party. Three members of said board shall constitute a quorum. The chairman of said board shall receive a salary of $7,500 per annum and the other members each a salary of $7,000 per annum. The board shall have authority to appoint a secretary and fix his compensation, and to appoint and fix the compensation of such other employees as it may find necessary to the performance of its duties.

SEC. 3. That the principal office of said board shall be in the city of Washington. The board, however, shall have full authority, as a body, by one or more of its members, or through its employees, to conduct investigations at any other place or places, either in the United States or foreign countries, as the board may determine. All the expenses of the board, including all necessary expenses for transportation incurred by the members or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman of the board. Should said board require the attendance of any witness, either in Washington or any place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

SEC. 4. That it shall be the duty of said board to investigate the cost of production of all articles which by any act of Congress, now in force or hereafter enacted, are made the subject of tariff legislation, with special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the cost of transportation from the place or places of production to the principal areas of consumption, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said board shall also make investigation of any such subject whenever directed by either House of Congress.

SEC. 5. That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States which discriminates against the United States or the products thereof, and to assist the President in the application of the maximum and minimum tariffs and other administrative provisions of the customs laws, the board shall, from time to time, make report, as the President shall direct.

SEC. 6. That for the purpose of this act said board shall have power to subpœna witnesses, to take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation to produce books and papers relating to any matter pertaining to such investigation. In case of failure to comply with the requirements of this section, the board may report to Congress such failure, specifying the names of such persons, the individual names of such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to such article.

SEC. 7. That in any investigation authorized by this act the board may obtain such evidence or information as it may deem advisable, but said board shall not be required to divulge the names of persons furnishing such evidence or information; and no evidence or information so secured under the provisions of this section from any person, firm, copartnership, corporation, or association shall be made public by said board in such manner as to be available for the use of any business competitor or rival.

SEC. 8. That said board shall submit the results of its investigations, as hereinbefore provided, including all testimony, together with any explanatory report of the facts so ascertained, to the President or to either House of Congress, from time to time, when called upon by the President or either House of Congress.

SEC. 9. That upon the taking effect of this act the body now known as the Tariff Board shall transfer to the Tariff Board hereby created all such property and equipment, books, and papers as are now possessed or used by said first-mentioned board in connection with the subjects for which the Tariff Board is hereby created, and thereupon the said first-mentioned board shall cease to exist.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. LA FOLLETTE. Mr. President, I wish to change one word in the amendment which I offered in order to perfect it. I have not the copy before me, but I wish to change the last word in the amendment offered from "twelve" to "thirteen," so that it will read that it will go into effect "January, 1913," instead of "January, 1912."

The PRESIDENT pro tempore. The Senator has a right to modify his amendment.

Mr. LA FOLLETTE. The print of the bill which I have was offered as an amendment on the 27th day of July, 1911. I will say to the Senate that the amendment as now offered is exactly in the same form in which it was adopted on the 27th day of July, 1911—not one word or figure is changed in the bill as it was then adopted excepting the change which I have just now suggested.

Mr. STONE. I was out of the Chamber for a while during the reading of the amendment. Some one has said that the provisions contained in the amendment authorize the appointment of a tariff board.

Mr. LA FOLLETTE. I will say that the Senator has been misinformed. This amendment is identical with the bill which was passed by the Senate on the 27th day of July, 1911.

Mr. SIMMONS. But, if the Senator from Wisconsin will permit me, as I understand the Senator from Missouri, he means that an amendment has been offered to the substitute creating a tariff board.

Mr. LA FOLLETTE. I understand that the Senator from Massachusetts [Mr. LODGE] has offered an amendment to the amendment which I have proposed, but that has not yet been adopted. The amendment as I propose it is in exactly the same form in which it passed the Senate on the 27th of July, 1911.

The PRESIDENT pro tempore. The question is upon the amendment to the amendment submitted by the Senator from Massachusetts [Mr. LODGE] to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. CLAPP. I ask for the yeas and nays.

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

Mr. BURNHAM (when his name was called). I make the same announcement as before with reference to my pair.

Mr. DILLINGHAM (when his name was called). Because of my pair with the senior Senator from South Carolina [Mr. TILLMAN] I withhold my vote; otherwise I should vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I will transfer that pair to the senior Senator from Washington [Mr. JONES] and vote. I vote "yea."

Mr. WILLIAMS (when Mr. PERCY'S name was called). My colleague [Mr. PERCY] is absent and paired, as stated, with the Senator from North Dakota [Mr. McCUMBER]. If my colleague were present, he would vote "nay."

Mr. DU PONT (when Mr. RICHARDSON'S name was called). My colleague [Mr. RICHARDSON] is not in the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If he were present and free to vote, my colleague would vote "yea."

Mr. SANDERS (when his name was called). I would vote "yea" were it not for my pair with the junior Senator from Indiana [Mr. KERN].

The roll call was concluded.

Mr. BRADLEY. I again announce my pair with the Senator from Maryland [Mr. RAYNER], but for which I should vote "yea."

Mr. SMITH of South Carolina (after having voted in the negative). I inadvertently voted. I wish to announce that I am paired with the Senator from Delaware [Mr. RICHARDSON], but I transfer that pair to the Senator from Maine [Mr. GARDNER] and will allow my vote to stand.

The result was announced—yeas 31, nays 35, as follows:

YEAS—31.

Borah	du Pont	McLean	Root
Bourne	Fall	Massey	Smith, Mich.
Brandegee	Gallinger	Nelson	Smoot
Briggs	Guggenheim	Oliver	Stephenson
Burton	Heyburn	Page	Sutherland
Catron	Lippitt	Penrose	Thornton
Clark, Wyo.	Lodge	Perkins	Townsend
Cummins	McCumber	Pomerene	

NAYS—35.

Ashurst	Fletcher	Myers	Smith, Ariz.
Bacon	Gronna	Newlands	Smith, Ga.
Bankhead	Hitchcock	O'Gorman	Smith, S. C.
Bristow	Johnson, Me.	Overman	Stone
Bryan	Johnston, Ala.	Paynter	Swanson
Chamberlain	Kenyon	Poindexter	Watson
Clapp	La Follette	Reed	Williams
Crawford	Martin, Va.	Shively	Works
Culberson	Martine, N. J.	Simmons	

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Jones	Sanders
Burnham	Dillingham	Kern	Smith, Md.
Chilton	Dixon	Lea	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So Mr. LODGE'S amendment to Mr. LA FOLLETTE'S amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment submitted by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCUMBER. I offer the amendment which I send to the desk to be inserted at the end of the substitute.

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The PRESIDENT pro tempore. The Senator from North Dakota offers an amendment to the amendment, which will be stated.

The SECRETARY. At the end of the bill it is proposed to insert the following:

That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and the same is hereby, repealed: *Provided*, That from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in section 2 of said act.

Mr. CLAPP. Mr. President, I have not kept advised as to the result of the conference upon the previous tariff bill. As I understand, a similar amendment was added to one of the tariff bills. Is not that so?

Mr. STONE. To the steel bill.

Mr. CLAPP. It was added to the steel bill. I ask if that bill has yet been reported from the conference?

Mr. PENROSE. For various reasons the conferees on that bill have not yet met. In order to make this very praiseworthy amendment absolutely secure, I would urge its being added to this bill.

Mr. CLAPP. I certainly commend the interest of the Senator from Pennsylvania in repealing the so-called Canadian tariff bill. Half of that effort last year would have prevented its passage.

Mr. SIMMONS. Mr. President, I have always voted against reciprocity; but I am satisfied that this amendment is offered for the purpose, or if not for the purpose it might have the effect, of defeating the bill which the Senate may pass to-night. For that reason I shall vote agains it.

Mr. McCUMBER. If the Senator would look at the amendment he would see that notice was given over a month ago that it would be offered as an amendment to the wool bill, so that it is not an amendment merely urged at this particular moment.

Mr. SIMMONS. It is offered here to embarrass this bill, and I shall vote against it.

Mr. McCUMBER. If it would embarrass your bill I think it would operate very well, indeed, and I should be very glad to see it adopted for that purpose.

Mr. SIMMONS. I have no doubt the Senator thinks that way.

Mr. THORNTON. Mr. President, like the Senator from North Carolina [Mr. SIMMONS], who has just spoken, I also have always voted against Canadian reciprocity, and last year I set forth my reasons very fully for doing so. I have done so because in my opinion it is a most unjustifiable discrimination against the agriculturists of this country, forcing them to sell their products in a free market and then to buy everything they use in a protected market. For that reason I voted against it, and unlike the Senator from North Carolina, I shall continue to vote against it just as long as I can stand up.

Mr. CLAPP. Mr. President, while there may be such a thing as future punishment for those who are gifted with immortality—that is, the human race—I do not think it pertains to a tariff bill. I do not believe in pounding a dog after it has been killed. So far as the Senate is concerned, we have already passed an amendment repealing the Canadian tariff bill. It is asserted, as a great many things during the last three years have been asserted, that the measure containing that amendment will be vetoed. If that is true, this measure also will be vetoed if it contains that amendment, and, as I believe, we should try to get some reduction from the tariff bill of 1909, having already voted to repeal the Canadian tariff bill which no man ever heard me mischaracterize as "reciprocity"—we might as well call a one-handled jug a pair of apothecary's scales as to call the Canadian tariff bill reciprocity. I shall vote against embarrassing this bill by putting that amendment upon it.

Mr. McCUMBER. If the Senator is very certain that this bill as it will be passed is going to be vetoed and is certain that the other will be vetoed also, why can not the Senator vote his sentiments against reciprocity on this bill the same as on any other?

Mr. CLAPP. Mr. President, the Senator in his zeal has fallen into the habit of being incorrect. My suggestion was that this bill might be vetoed if it contained the amendment repealing the Canadian tariff bill.

Mr. McCUMBER. I can assure the Senator that I do not believe it will be vetoed for that reason, though it may be vetoed for other reasons.

Mr. CLAPP. Oh, Mr. President, a new light dawns upon the situation.

Mr. McCUMBER. I hope if there is a new light the Senator will follow that light.

Mr. CLAPP. Then we do have authority as to what the President will do with these tariff bills.

Mr. McCUMBER. I am very certain that this tariff bill will not be vetoed, because it contains a repeal of the reciprocity law which now stands as an offer to Canada.

Mr. REED. Mr. President, I merely wish to remark that it is refreshing to find some gentleman who can speak with authority as to the inner consciousness of the President.

Mr. NEWLANDS. Mr. President, I am not willing to vote for any amendment that will embarrass this bill. With that view, whilst I have always favored a tariff board, I vote against an amendment providing for a tariff board in this bill, assuming that if a tariff board amendment were attached to this bill it would fail to receive a good deal of support it would otherwise receive.

Mr. McCUMBER. I ask for the yeas and nays on my amendment.

Mr. SMITH of Michigan. Mr. President, so long as the reciprocity measure remains as it is to-day, it is within the power of Canada to adopt it and make it effective as an international regulation, and in view of the unanimity with which this measure is condemned on both sides of the Chamber and in the agricultural communities of the United States it looks a little like trifling with a very dangerous question to leave entirely in the hands of a foreign government the right to give effect to a measure that is so generally repudiated in this Chamber and throughout the country.

A few days ago in some of the northern Provinces of Canada, notably Saskatchewan, they again voted their approval of the reciprocity arrangement of the Laurier government with the United States, and we can not tell when that people may determine to give effect to this law; and to leave it lingering on the statute books where vitality may be given to it at any moment by a foreign people surprises me greatly, especially when the sentiment on both sides of this Chamber is against it. For one I shall never lose an opportunity to recall that measure and to invalidate that act.

Mr. CLAPP. Mr. President, so far as it is proper within the rules of senatorial discussion, I will say I am surprised that those who have already voted to reduce the tariff should seek to embarrass a real substantial reduction by trying to force men into the false attitude of voting against the Canadian tariff bill. I for one will not be driven into any such position, and as long as we have already passed an amendment denouncing the Canadian tariff bill, and that is already in conference, I am not going to be deterred from an effort to get a fair, substantial reduction upon a schedule that has been denounced by men in both parties, by the effort to throw me into the false attitude of voting against the Canadian tariff bill.

I believe if ever there was a wrong committed it was in forcing that bill through the Senate, a measure which in 1904 had been denounced in the Republican textbook as a Democratic fraud, and yet a Republican President, with all the vainful lure of patronage, forced that measure through the Congress with a Republican Senate a year ago. No threat, no intimation, no suggestion, and no effort by those who are not really in earnest in a fair tariff reduction for which the people are looking, having appealed to the Senate for a relaxation and a lessening of the burdens of the wool schedule, will deter me from unmasking at this time the efforts to embarrass this measure now pending by attempting to throw Senators into the attitude of being hostile to the repeal of the Canadian tariff bill.

Mr. WILLIAMS. Mr. President, to lapse into southern dialect for a minute, "it is mighty pore policy and pore ethics to beat the devil round the stump."

Mr. CLAPP. That is right.

Mr. WILLIAMS. Gentlemen need not rise here and attempt to fool the country, they need not even attempt to fool themselves, with the pretense that the object in offering this amendment is to secure the repeal of the Canadian reciprocity law. They know, we all know, and the most ignorant human being in the United States will know, that the object in offering this amendment is to prevent the measure to which this is sought to be attached from becoming a law, to prevent, if possible, its passage through the House of Representatives.

It is mighty good policy and mighty good ethics to be honest with one another and to be honest with the country. There is not a man within the sound of my voice who does not know that the object in offering this amendment and the object in supporting it is not the amendment itself, but to embarrass the measure upon which it is proposed that it shall be ingrafted.

Mr. THORNTON. As one Member of the Senate, I deny the correctness of that statement as applied to myself.

Mr. WILLIAMS. There may be now and then somebody so innocent as to be totally ignorant of the transaction, but that is the transaction. That will be the effect of this transaction. Every man in the world is charged with knowledge of the natural consequences of his own act, and when it is offered here at this particular juncture, and when it is voted for at this par-

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ticular juncture, that is the natural and necessary consequence in the opinion of almost everybody, to wit, to prevent the passage of this measure through the House, and therefore to prevent its going to the White House.

The President vetoed a similar bill that came from the conference, upon the ground that the Tariff Board had not had time or opportunity to report; upon the ground that he did not possess the information, without the aid of the Tariff Board, upon which he could base his action. The Tariff Board has reported, and this bill can not, in my opinion, be pronounced by anybody to be in conflict with their final report.

The last pretext, therefore, that the President has for vetoing this bill has passed into history and out of sight. If he be sincere in desiring to get the advice of a Tariff Board, the benefit of its investigation and its judgment, those will now be before him, although they were not before him when the bill was last passed, and he will have to take the responsibility before the country, or else he will have to confess that the pretext of being guided by the Tariff Board was a pretext and is a pretext.

Mr. CUMMINS. Mr. President, I suppose there is not a Senator here who opposed the reciprocity measure more than I, and there is no Senator here who desires more earnestly to see it repealed and removed from the law of the Nation, but it seems to me unnecessary to attach its repeal to every measure that may come before the Senate. We have already attached it to one measure, and I think I am violating no confidence when I say that before this debate shall have come to an end—I mean the debate upon the three measures covered by the unanimous-consent agreement—there will be another opportunity for Senators to vote for the repeal of the reciprocity act, and for that reason I do not intend to vote to attach it to this bill.

Mr. McCUMBER. Mr. President, the devil seems to be chasing himself around the stump without anybody getting after him. I first find the Senator from Minnesota [Mr. CLAPP] objecting to this proposition because he is afraid that the President will veto the bill. Then I find another chasing him around under the proposition that it is introduced for the purpose of preventing the bill passing the House.

Mr. CLAPP. I rise to a question of personal privilege.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CLAPP. I have at no time in this debate or any other debate suggested that the President would veto a bill. To me it is a matter of no consideration. His is the function to sign or veto; mine to vote for or against the measure. What I said was if he was going to veto another bill because it contained this amendment, the same argument would apply to this bill with the amendment attached.

Mr. McCUMBER. Then we have another one chasing him in the same direction and suggesting another reason why the bill in which the provision repealing the reciprocity act had already been inserted will be vetoed. Very well; if it will be vetoed in that bill, then there is no excuse for not putting it on another bill, and that is all there is to it.

Mr. CLAPP. It would embarrass this bill.

Mr. McCUMBER. It will embarrass this bill? If the Senate and House are in favor of the repeal of that reciprocity provision, there is an opportunity now to put it through both Houses; and if the Senator would not vote for a proposition, no matter what the President would do or what the other House would do, then he should not talk about embarrassing this bill. He should vote according to his own conscience and his own judgment as to whether it is a proper measure in either instance, and let the House take care of itself. I would vote for this bill and this proposition if I stood alone. I am not in favor of the bill as it now comes before the Senate because I think it is a little too low; that is all. I do not think it gives adequate protection. The Senator who introduced it thinks that it does. Neither of us believes that the Democratic measure gives the adequate protection.

I hope the Senators will give every one the same credit for trying to act according to his own judgment in matters of this kind. I am perfectly free to say that I would hope that the bill would be defeated in the House; but whether it should be defeated or not, I shall vote for the repeal of this reciprocity provision on every bill to which it can properly be attached, and if it fails in one it may stand a chance of passing through in the other. That is all there is to it.

When it was voted on before the Senator who then offered it, although it had been offered in the Senate before, declared that he would move it upon every tariff bill that came before the Senate. I did what he stated he would do—move it upon each one, or one that was similar to it. I am willing to vote for it. Undoubtedly the majority is against putting it on this bill, but I do not think that the motive of any Senator ought to be challenged.

Mr. FLETCHER. May I ask the Senator if he will vote for the measure now pending if the amendment he proposed is attached to it?

Mr. McCUMBER. I would not vote for it if I thought it was wrong. If I thought it was wrong, then I would make it just as near right as I could. If there is any other good feature that I could attach to it I would do it.

Mr. FLETCHER. That is the question I was asking, whether he would or would not. He knows whether it is right or wrong now, I presume.

Mr. McCUMBER. I thought I made it quite plain that I believed the amendment was a little too low, and as such I was not in favor of it. I do not think that it is anywhere near as low as the Democratic bill.

Mr. SMOOT. Mr. President, the Senator from Mississippi [Mr. WILLIAMS] made the statement that no one could say but that the bill under consideration was not in conformity with the Tariff Board report. I say that the Tariff Board report not only once but more than once denounces the ad valorem duties of a wool tariff bill, and I will read from just one part of the report in relation to the ad valorem duties which the proposed bill carries. On page 394 of the report the board says:

> The economic objection to an ad valorem duty on wool arises from the fact that the amount of duty paid, since it fluctuates with the foreign value of the commodity, would not be adjusted to the needs of the Government, of the consumer, nor of the American woolgrower. A speculative change in the market which increased the price of wool would automatically lead to an increase in the amount of duty at the very time that the manufacturer is most hampered by the existing high price, when the consumer most needs relief, and the woolgrower is most prosperous. On the other hand, a fall in price brings a reduction of duty at a time when the woolgrower is at greatest disadvantage and when manufacturers can best afford to pay the tax.

Specifically disagreeing to any kind of plan of an ad valorem duty upon the woolen schedule. That is only one of the many instances in this report where the board takes that same position.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded on agreeing to the amendment of the Senator from North Dakota [Mr. McCUMBER] to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE]?

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

Mr. BRADLEY (when his name was called). I again state my pair with the senior Senator from Maryland [Mr. RAYNER]. I would vote "yea" if I were at liberty to vote.

Mr. BURNHAM (when his name was called). I make the same announcement as on the previous vote with reference to my pair with the Senator from Maryland [Mr. SMITH].

Mr. DILLINGHAM (when his name was called). Because of my pair with the Senator from South Carolina [Mr. TILLMAN], as already announced, I withhold my vote. If I were not paired I would vote "yea."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY] and the transfer of that pair to the senior Senator from Washington [Mr. JONES]. I vote "yea."

Mr. WILLIAMS (when Mr. PERCY's name was called). I again announce that my colleague [Mr. PERCY] is absent on emergent business; that he is paired with the Senator from Wyoming [Mr. WARREN]; and that if my colleague were present and not paired he would vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). I again announce the absence from the city of my colleague [Mr. RICHARDSON] and his pair with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "yea."

Mr. SANDERS (when his name was called). I am paired with the Senator from Indiana [Mr. KERN]. I would vote "yea" if I were not paired.

Mr. SMITH of South Carolina (when his name was called). I beg to announce my pair with the Senator from Delaware [Mr. RICHARDSON] and the transfer of my pair to the Senator from Maine [Mr. GARDNER]. I vote "nay."

The roll call was concluded.

Mr. TOWNSEND. The senior Senator from Washington [Mr. JONES], who has been here all day and all the evening, was necessarily called from the Chamber. For that reason he did not answer to his name.

The result was announced—yeas 30, nays 36, as follows:

YEAS—30.

Borah	Fall	McLean	Smith, Mich.
Bourne	Gallinger	Massey	Smoot
Brandegee	Gronna	Nelson	Stephenson
Briggs	Guggenheim	Oliver	Sutherland
Burton	Heyburn	Page	Thornton
Catron	Lippitt	Penrose	Townsend
Clark, Wyo.	Lodge	Perkins	
du Pont	McCumber	Root	

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NAYS—36.

Ashurst	Cummins	Myers	Simmons
Bacon	Fletcher	Newlands	Smith, Ariz.
Bankhead	Hitchcock	O'Gorman	Smith, Ga.
Bristow	Johnson, Me.	Overman	Smith, S. C.
Bryan	Johnston, Ala.	Paynter	Stone
Chamberlain	Kenyon	Poindexter	Swanson
Clapp	La Follette	Pomerene	Watson
Crawford	Martin, Va.	Reed	Williams
Culberson	Martine, N. J.	Shively	Works

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Jones	Sanders
Burnham	Dillingham	Kern	Smith, Md.
Chilton	Dixon	Lea	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So Mr. MCCUMBER's amendment to Mr. LA FOLLETTE's amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Wisconsin [Mr. LA FOLLETTE], on which the yeas and nays have been ordered. The roll will be called.

The Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. RAYNER]. I would vote "nay" if I were not paired.

Mr. BURNHAM (when his name was called). I make the same announcement as on the previous vote of my pair with the Senator from Maryland [Mr. SMITH].

Mr. WATSON (when Mr. CHILTON's name was called). I again announce the absence of my colleague [Mr. CHILTON]. If he were present he would vote "yea." He is paired with the Senator from Illinois [Mr. CULLOM].

Mr. DILLINGHAM (when his name was called). I withhold my vote on account of my pair, as already announced, with the Senator from South Carolina [Mr. TILLMAN]. I would vote "nay" if he were present.

Mr. MCCUMBER (when his name was called). Again announcing my pair with the senior Senator from Mississippi [Mr. PERCY], I transfer that pair to the senior Senator from Washington [Mr. JONES] and vote "nay."

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). I again announce the pair of the senior Senator from Oklahoma [Mr. OWEN] with the senior Senator from Nebraska [Mr. BROWN].

Mr. DU PONT (when Mr. RICHARDSON's name was called). I again announce the absence from the city of my colleague [Mr. RICHARDSON] and his pair with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "nay."

Mr. SANDERS (when his name was called). I again announce my pair with the Senator from Indiana [Mr. KERN]. I would vote "nay" if not paired.

Mr. SMITH of South Carolina (when his name was called). I again announce the transfer of my pair with the Senator from Delaware [Mr. RICHARDSON] to the Senator from Maine [Mr. GARDNER]. I vote "yea."

The roll call having been concluded, the result was announced—yeas 39, nays 27, as follows:

YEAS—39.

Ashurst	Cummins	Myers	Smith, Ariz.
Bacon	Fletcher	Newlands	Smith, Ga.
Bankhead	Gronna	O'Gorman	Smith, S. C.
Borah	Hitchcock	Overman	Stone
Bristow	Johnson, Me.	Paynter	Swanson
Bryan	Johnston, Ala.	Poindexter	Thornton
Chamberlain	Kenyon.	Pomerene	Watson
Clapp	La Follette	Reed	Williams
Crawford	Martin, Va.	Shively	Works.
Culberson	Martine, N. J.	Simmons	

NAYS—27.

Bourne	Fall	McLean	Root
Brandegee	Gallinger	Massey	Smith, Mich.
Briggs	Guggenheim	Nelson	Smoot
Burton	Heyburn	Oliver	Stephenson
Catron	Lippitt	Page	Sutherland
Clark, Wyo.	Lodge	Penrose	Townsend
du Pont	McCumber	Perkins	

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Jones	Sanders
Burnham	Dillingham	Kern	Smith, Md.
Chilton	Dixon	Lea	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So Mr. LA FOLLETTE's amendment was agreed to.

The PRESIDENT pro tempore. The bill is still in the Senate and open to amendment. If there be no further amendments proposed, the question is, Shall the amendment be engrossed and the bill be read a third time?

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

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. WARREN. I ask for the yeas and nays on the passage of the bill.

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

Mr. BRADLEY (when his name was called). I make the same statement as before regarding my pair with the senior Senator from Maryland [Mr. RAYNER]. I would vote "nay" if he were present.

Mr. BURNHAM (when his name was called). I withhold my vote for the reason before stated, being paired with the Senator from Maryland [Mr. SMITH].

Mr. LODGE (when Mr. CRANE's name was called). My colleague [Mr. CRANE] is unavoidably detained from the Chamber. He is paired with the Senator from Oklahoma [Mr. GORE]. If my colleague were present, he would vote "nay."

Mr. DILLINGHAM (when his name was called). I withhold my vote on account of the pair already announced. Otherwise I would vote "nay."

Mr. SHIVELY (when Mr. KERN's name was called). I again announce the unavoidable absence of my colleague [Mr. KERN]. If he were present, he would vote "yea." He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. MCCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. I transfer that pair to the senior Senator from Washington [Mr. JONES] and vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). I again announce the absence from the city of my colleague [Mr. RICHARDSON] and his pair with the Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote he would vote "nay."

Mr. SANDERS (when his name was called). I again announce my pair with the junior Senator from Indiana [Mr. KERN]. The senior Senator from that State advises me that his colleague would vote "yea" if present. So I am obliged to withhold my vote. Otherwise I would vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair and the transfer as before to the Senator from Maine [Mr. GARDNER]. I vote "yea."

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Louisiana [Mr. FOSTER]. I withhold my vote in his absence.

The roll call having been concluded, the result was announced—yeas 40, nays 26, as follows:

YEAS—40.

Ashurst	Culberson	Martine, N. J.	Simmons
Bacon	Cummins	Myers	Smith, Ariz.
Bankhead	Fletcher	Newlands	Smith, Ga.
Borah	Gronna	O'Gorman	Smith, S. C.
Bourne	Hitchcock	Overman	Stone
Bristow	Johnson, Me.	Paynter	Swanson
Bryan	Johnston, Ala.	Poindexter	Thornton
Chamberlain	Kenyon	Pomerene	Watson
Clapp	La Follette	Reed	Williams
Crawford	Martin, Va.	Shively	Works

NAYS—26.

Brandegee	Gallinger	Massey	Smith, Mich.
Briggs	Guggenheim	Nelson	Smoot
Burton	Heyburn	Oliver	Stephenson
Catron	Lippitt	Page	Sutherland
Clark, Wyo.	Lodge	Penrose	Townsend
du Pont	McCumber	Perkins	
Fall	McLean	Root	

NOT VOTING—28.

Bailey	Cullom	Gardner	Rayner
Bradley	Curtis	Gore	Richardson
Brown	Davis	Jones	Sanders
Burnham	Dillingham	Kern	Smith, Md.
Chilton	Dixon	Lea	Tillman
Clarke, Ark.	Foster	Owen	Warren
Crane	Gamble	Percy	Wetmore

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 340) making appropriation to be used in exterminating the army worm, in which it requested the concurrence of the Senate.

RAVAGES OF ARMY WORM.

H. J. Res. 340. Joint resolution making appropriation to be used in exterminating the army worm, was read twice by its title.

Mr. SMITH of South Carolina. I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

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count of my smoking habit, I care less about the Tobacco Trust than I do about any other trust in existence, because whatever a man pays to it or whatever a man pays to the Government in the way of taxation on tobacco is a voluntary payment. We are not compelled to patronize it, though the habit of using tobacco has become so general that a tax upon it is a tax of almost universal application. If the Senate desires to make an experiment of this kind it ought to select some enterprise in whose prices the people have a deeper interest.

Of course, every Senator knows that I am bound by my rules against using the taxing power to accomplish what the Senate has no power to accomplish directly. The Senate would have no power to say that no tobacco company should manufacture beyond a certain quantity of tobacco, cigars, or cigarettes, and I think it dangerous to assume that power by indirection, because I think it will be extended just as the Senator now proposes to extend it.

I resisted the tax on oleomargarine. I contended what the Senator now says, that the whole purpose of it was to give the dairies an advantage in competition with the manufacturers of oleomargarine. I resisted the tax obviously levied for the purpose of preventing the manufacture of matches by a certain process. And so I will resist this tax.

If the Democratic Party has any principle left and well settled, it is that the Government ought to do directly whatever it does, so that whatever it does can have a fair scrutiny and a fair determination in the courts of the land. But if we have this power and are to exercise it, I am very much inclined to make the tax on cigarettes absolutely prohibitory. If we are going into this business, let us destroy all commerce in that injurious article.

But I am one of those old-fashioned Democrats who believe that the best way to correct a bad habit is to leave it to a wholesome public sentiment, and if we must invoke any law I am inclined to invoke the police power of the State. But if we are to concede it to the Federal Government, why not dig up the cigarette industry by the root and throw it away? I want to admonish my friend from Nebraska and all my other friends here that as soon as they establish this principle our prohibitionists will be clamoring at the doors of the Senate Chamber for a tax on the manufacture of liquor, on the sale of it, and on the transportation of it that will be in effect a national prohibition law; and you will not be able to place any limit to this kind of legislation.

I want to say to the Senator from Nebraska, besides, that to levy a tax of this kind is simply to give one dealer an advantage over another dealer. Now, if the Senator answers that statement with the reply that it is giving an advantage to a lawful dealer as against an unlawful dealer, I say that the way to end unlawful business transactions in this country is not through the taxing power, but it is through criminal prosecutions under the antitrust law itself.

I have about reached the point where I am willing to take out of the antitrust law its fines and compel the men who organize and operate the trusts of this country to face prosecution in the criminal courts, and, in my opinion, that is the only way to finally and effectively establish the policy of that law. As long as men are permitted to form and operate these trusts and to pay a fine to the Government they will continue to organize and operate them, because when the Government fines them they simply fine the people; and the very purpose of a trust being to obtain such a control over the market that it can limit supply and fix prices, of course whenever the Government punishes a corporation or a combination of that kind by a mere fine, that combination possesses the power to take that fine out of the pockets of the people, and it will always take it out with a usurious interest.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Nebraska?

Mr. BAILEY. Certainly.

Mr. HITCHCOCK. I call the Senator's attention to the fact, however, that the method which I propose here is one which the trust can not use in that way. It can not pass the tax on to the consumer.

Mr. BAILEY. That will depend on whether the independents, having the price of their chief competitors' articles raised, will follow that rise in the price. Now, unless human nature has changed it will do it, because we know what has happened. For instance, in the steel industry all the independents say that they follow the prices fixed by the great corporation. We know what has happened in the oil industry. All independents follow its prices.

Mr. HITCHCOCK. Let me stop the Senator right here.

Mr. BAILEY. Yes.

Mr. HITCHCOCK. That happened for the reason that the Steel Trust and the Oil Trust are able to manufacture much cheaper, as we have demonstrated, than the smaller independent companies. But by this tax we propose to make the manufacture so much more expensive that that will now be impossible. It will not be possible for the Tobacco Trust to hold an umbrella over those small companies, as the expression goes, for the reason that the tax is so high as to make the manufacture so inviting that the field will undoubtedly be filled, and these independent companies, now numbering even less than a hundred, certainly only 48 of any size, will increase and multiply and restore the condition which existed prior to 1890, when, as we all know, the conflict between them was fierce and broad.

Mr. BAILEY. I think the Senator will find himself mistaken in the assertion that the Steel Corporation, which is commonly called the Steel Trust, manufactures all of its commodities more cheaply than do some of the independents.

I think it will be found upon an investigation that this enormous organization has not economized the cost of production to anything like the extent it was prophesied; and whether it has or not, it is still true, as I said a moment ago, that the smallest concerns follow its price list, and the testimony is abundant in the hearings before the committees of the two Houses of Congress that there is no substantial competition, some of the smaller concerns going so far as to say that if they attempted to undersell the greater concern the greater concern would undersell them and take their trade away from them.

I do not believe we can safely calculate that the independent or smaller concerns, when the price of tobacco is raised by their larger competitor, will necessarily stop where they are now and suffer their competitors to be destroyed by the tax.

Mr. HITCHCOCK. I think the Senator possibly has misunderstood the effect of this amendment. I had intended to make it so high as to become prohibitory and force a dissolution of the trust.

Mr. BAILEY. In other words, the Senator is trying by a tax to control the manufacture of an article in a State. I think Congress has no power to do that.

Mr. HITCHCOCK. It is now highly profitable to manufacture on an enormous scale, and it will, by operation of this tax, become unprofitable to do it. It will become more profitable to the smaller companies to manufacture in smaller amounts.

Mr. BAILEY. That is simply a confiscation of property. If the companies against which this amendment is aimed are guilty of a crime, I would not only confiscate their property in fines and penalties, but I would put the men who have organized and who are operating those combinations in the penitentiary. That is the way to do that—not misuse the taxing power of the Government. If these tobacco companies are still in an unlawful combination, the antitrust law can be enforced against them, and it ought to be enforced against them with the greatest severity; but if they are now conducting their business in obedience to the law, this discriminating tax upon them is indefensible from every point of view.

Mr. HITCHCOCK rose.

Mr. BAILEY. If the Senator will permit me just to finish——

Mr. HITCHCOCK. Certainly.

Mr. BAILEY. Mr. President, I have heard much about the necessity of amendments to the antitrust law. I am one of the men who believe that it needs thorough enforcement rather than amendment. If the men who are engaged in violating it were properly admonished—and there is but one admonition that is sufficient to them, and that is to put every one of them in the penitentiary as fast as you can get to them—if they are properly admonished that it is just as dangerous to the liberty of a man to organize and operate a trust in this country as it is to steal a horse, I think they will desist. I believe it is worse, morally and legally, because the theft of a horse inflicts an injury only upon the man whose horse is stolen, while a violation of the antitrust law in this country, assuming that that law is founded upon a just and wise policy, not only inflicts an injury upon the thousands and millions of men and children from whom it exacts unlawful tribute, but it works an injury to the Government itself in a hundred ways; and in no way is that injury more impressively illustrated than by the proposition now presented to the Senate by the Senator from Nebraska. We are tempted to wrest the law from its true course and make it serve a purpose outside of its true function and its constitutional authority.

The one amendment to the antitrust law that I would make would be this: I would provide—and it would be merely a short additional section to the bill—that whenever any firm, corporation, or person should be found guilty of violating that law the

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court should forthwith appoint a receiver, and that the receiver should proceed without undue delay to dispose of the property at public sale and distribute the proceeds among the stockholders, after the expenses of the proceeding has been satisfied. If we adopt that amendment, and if we will enforce the criminal provisions of that law, trusts will disappear from our commercial life. Just as now the managers and owners of those trusts go as far beyond the law as they dare to go without compelling the Government to take notice of their transgressions, so under a system such as I have suggested they will keep as far inside the law as is necesary to insure their safety against prosecution by a reasonable officer and insure their requittal if they happen to be prosecuted by some man who is unreasonable.

These men for the sake of enormous profits promised by these combinations will not take the chance of individual imprisonment, nor will they take the chance of the destruction of their property values. If we will adopt that simple amendment and set our faces resolutely to the enforcement of the law, we can destroy the trusts.

If we do not do that, the trusts will destroy this Government. The injustice which they practice upon their customers and the destruction wrought among their competitors are all stupendous and awful in their consequences; but, sir, to see a great government like this confess before the world its impotency to deal with any crime, admitting that it can not enforce its statutes, to confess publicly to the world that it is so deficient in its wisdom that it can not devise a law to destroy these commercial outlaws without devising one that will likewise destroy this Government, is the tragedy of this century.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

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

The yeas and nays were not ordered.

The amendment was rejected.

Mr. FLETCHER. I desire to submit an amendment which I presented yesterday. It is printed, and is a reproduction of section 38 of the tariff law of 1909. I do not believe it will be objected to.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. On page 4, line 13, insert the following:

And provided further, That nothing in this act contained shall apply to labor, agricultural, or horticultural organizations, or to fraternal beneficiary societies, orders, or associations operating under the lodge system and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, and associations and dependents of such members, nor to domestic building and loan associations organized and operated exclusively for the mutual benefit of their members, nor to any corporation or association organized and operated exclusively for religious, charitable, or educational purposes no part of the net income of which inures to the benefit of any private stockholder or individual.

Mr. SIMMONS. Mr. President, I think this amendment is substantially the same as that in the present excise law applying to corporations. It extends that provision to these associations when not organized into corporations.

On the part of the minority members of the committee I am authorized to say we have no objection to the amendment.

The amendment was agreed to.

Mr. CLAPP. Mr. President, when the Payne-Aldrich bill was passed the so-called corporate tax came in with an exemption of holding companies from the payment of the tax for the privilege of doing business as a corporation.

On the floor of the Senate we struck out the exemption. It was put back in conference without any authority, in excess of the authority of the conferees. I gave notice the other day that I would offer an amendment to the House bill now under consideration, repealing the exemption in the tariff law on the holding company, but I find upon examining the House bill that that not only repeals it, but, I think, very much improves it, as it passes the tax, which under the law sought to be repealed would be paid by the holding company, over to be paid by the stockholders in the trust or holding company, and can not as easily be passed back upon the consumer.

Therefore I will not offer my amendment, and I commend the House bill in that particular respect.

Mr. CUMMINS. I offer an amendment to the House bill. It is the measure offered yesterday in connection with the wool bill, creating a tariff commission. I do not believe it is necessary to have it read to the Senate. It was read twice yesterday, I think. Every Senator is familiar with it. I hope the Senator in charge of the bill will accept it, so that we may avoid any more discussion about it.

The amendment of Mr. CUMMINS was to insert at the end of the bill the following additional sections:

That a board is hereby created, to be known as the Tariff Board, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. The members first appointed under this act shall continue in office from the date of qualification for the terms of two, three, four, five, and six years, respectively, from and after the 1st day of July, A. D. 1911, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate a member of the board to be the chairman thereof during the term for which he is appointed. Any member may, after due hearing, be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three members of said board shall be members of the same political party. Three members of said board shall constitute a quorum. The chairman of said board shall receive a salary of $7,500 per annum and the other members each a salary of $7,000 per annum. The board shall have authority to appoint a secretary and fix his compensation, and to appoint and fix the compensation of such other employees as it may find necessary to the performance of its duties.

SEC. —. That the principal office of said board shall be in the city of Washington. The board, however, shall have full authority, as a body, by one or more of its members, or through its employees, to conduct investigations at any other place or places, either in the United States or foreign countries, as the board may determine. All the expenses of the board, including all necessary expenses for transportation incurred by the members or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman of the board. Should said board require the attendance of any witness, either in Washington or any place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

SEC. —. That it shall be the duty of said board to investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation, with special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the cost of transportation from the place or places of production to the principal areas of consumption, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said board shall also make investigations of any such subject whenever directed by either House of Congress.

SEC. —. That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States which discriminates against the United States or the products thereof, and to assist the President in the application of the maximum and minimum tariffs and other administrative provisions of the customs laws, the board shall, from time to time, make report, as the President shall direct.

SEC. —. That for the purposes of this act said board shall have power to subpœna witnesses, to take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation to produce books and papers relating to any matter pertaining to such investigation. In case of failure to comply with the requirements of this section, the board may report to Congress such failure, specifying the names of such persons, the individual names of such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to said article.

SEC. —. That in any investigation authorized by this act the board may obtain such evidence or information as it may deem advisable, but said board shall not be required to divulge the names of persons furnishing such evidence or information; and no evidence or information so secured under the provisions of this section from any person, firm, copartnership, corporation, or association shall be made public by said board in such manner as to be available for the use of any business competitor or rival.

SEC. —. That said board shall submit the results of its investigations, as hereinbefore provided, including all testimony, together with any explanatory report of the facts so ascertained, to the President or to either House of Congress, from time to time, when called upon by the President or either House of Congress.

SEC. —. That upon the taking effect of this act the body now known as the Tariff Board shall transfer to the Tariff Board hereby created all such property and equipment, books, and papers as are now possessed or used by said first-mentioned board in connection with the subjects for which the Tariff Board is hereby created, and thereupon the said first-mentioned board shall cease to exist.

Mr. SIMMONS. Mr. President, I regret that I am not able to accept that amendment. I have no authority to accept the amendment.

Mr. CUMMINS. I do not intend to submit the matter at any length at all. The subject has been debated here very often. I believe there is a great necessity for the tribunal that is created by this measure, and therefore upon my amendment I ask for the yeas and nays.

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

Mr. BAILEY (when his name was called). I announce my pair with the Senator from Montana [Mr. DIXON] and withhold my vote.

Mr. BRADLEY (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER] and withhold my vote. I would vote "yea" if I could.

Mr. WATSON (when Mr. CHILTON's name was called). I desire to announce the absence of my colleague [Mr. CHILTON]

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on account of illness. He is paired with the Senator from Illinois [Mr. CULLOM]. If my colleague were present, he would vote "nay."

Mr. CULLOM (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CHILTON] and therefore withhold my vote. I will allow this announcement to stand for the day.

Mr. MARTINE of New Jersey (when Mr. DAVIS's name was called). I desire again to announce the pair of the Senator from Arkansas [Mr. DAVIS] with the Senator from Kansas [Mr. CURTIS].

Mr. FOSTER (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. WARREN]. He notified me that he would be absent from the Senate this evening on public business. I therefore withhold my vote.

Mr. CRAWFORD (when Mr. GAMBLE's name was called). I desire to announce that my colleague [Mr. GAMBLE] is necessarily absent. He has a general pair with the Senator from Oklahoma [Mr. GORE]. I will allow this announcement to stand for further roll calls.

Mr. LODGE (when Mr. MCCUMBER's name was called). The Senator from North Dakota [Mr. MCCUMBER] is necessarily absent to-day from the Senate Chamber. He is paired with the Senator from Mississippi [Mr. PERCY].

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). The senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. If the senior Senator from Oklahoma were here, he would vote "nay." I desire to make this announcement for the day.

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. Were my colleague present and free to vote, he would vote "yea."

Mr. SANDERS (when his name was called). I am paired with the junior Senator from Indiana [Mr. KERN] and therefore withhold my vote. I would vote "yea" if I were at liberty to vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER], and vote. I vote "nay." I will allow this announcement to stand for the balance of the day.

Mr. WETMORE (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE], and therefore withhold my vote. If I were at liberty to vote, I would vote "yea."

I desire to state that my colleague [Mr. LIPPITT] is unavoidably detained from the Senate, and that he is paired with the junior Senator from Tennessee [Mr. LEA].

The roll call having been concluded, the result was announced—yeas 38, nays 29, as follows:

YEAS—38.

Borah	Crawford	La Follette	Pomerene
Bourne	Cummins	Lodge	Root
Brandegee	Dillingham	McLean	Smith, Mich.
Briggs	Du Pont	Massey	Smoot
Bristow	Fall	Nelson	Stephenson
Burton	Gallinger	Oliver	Sutherland
Catron	Gronna	Page	Townsend
Clapp	Guggenheim	Penrose	Works
Clark, Wyo.	Jones	Perkins	
Crane	Kenyon	Poindexter	

NAYS—29.

Ashurst	Hitchcock	Paynter	Swanson
Bankhead	Johnson, Me.	Reed	Thornton
Bacon	Johnston, Ala.	Shively	Tillman
Bryan	Martin, Va.	Simmons	Watson
Chamberlain	Martine, N. J.	Smith, Ariz.	Williams
Culberson	Myers	Smith, Ga.	
Fletcher	O'Gorman	Smith, S. C.	
Heyburn	Overman	Stone	

NOT VOTING—27.

Bailey	Curtis	Kern	Rayner
Bradley	Davis	Lea	Richardson
Brown	Dixon	Lippitt	Sanders
Burnham	Foster	McCumber	Smith, Md.
Chilton	Gamble	Newlands	Warren
Clarke, Ark.	Gardner	Owen	Wetmore
Cullom	Gore	Percy	

So Mr. CUMMINS's amendment was agreed to.

Mr. GRONNA. I offer the following amendment, which I ask to have read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. At the end of the bill, after the amendment just agreed to, insert:

SEC. 10. That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and is hereby, repealed: *Provided*, That from and after the passage of this act the duty on chemical wood pulp shall be one-twelfth of 1 cent per pound, dry weight, if unbleached, and one-eighth of 1 cent per pound if bleached; and the duty on printing paper, as described in paragraph 409 of the act approved August 5, 1909, shall be one-tenth of 1 cent per pound if valued at not above 3 cents per pound, two-tenths of 1 cent per pound if valued above 3 cents and not above 5 cents per pound, and 7½ per cent ad valorem if valued above 5 cents per pound.

Mr. GRONNA. Mr. President, I am not going into a discussion of this question, but I wish to say that it is one in which the people of the entire West are much interested and I trust the Senator in charge of the bill will accept the amendment. I ask the Senator from North Carolina if he will be kind enough to accept the amendment.

Mr. SIMMONS. The Senator from North Carolina has no authority from the minority members of the committee to accept the amendment.

Mr. GRONNA. I then ask for the yeas and nays on the amendment.

Mr. BACON. Mr. President, I offer an amendment to the amendment. It is to strike out the proviso and insert in lieu thereof the words I send to the desk.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. Strike out the proviso and insert in lieu thereof the following:

Except so far as the same concerns the provisions of said act relating to wood, wood pulp, and printing paper.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment. [Putting the question.] The "noes" appear to have it.

Mr. BACON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BACON. Mr. President, I simply want to say that of course the amendment is very hastily drawn, but I think it is in language which covers the point. I have not the act before me, and I do not know that I correctly designate the several subjects, but it is according to my recollection of the provisions in that act so far as they relate to the importation of wood, wood pulp, and print paper. I am not sure whether there is any other subject which should be designated in order to cover the design of the exception.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. BACON. I do.

Mr. CUMMINS. I want to know just what the Senator from Georgia intends by this amendment? Does he intend to establish free print paper?

Mr. BACON. I intend that the act known as the reciprocity act shall remain unchanged so far as its present terms relate to those subjects. In other words, if we repeal the act generally, I propose that that much of it shall be retained.

Mr. CUMMINS. As I remember it, the act provides that from certain parts of Canada and under certain conditions paper may come in free, but from all other parts of Canada and in the greater part of Canada the paper does not come in free, but comes in under a duty of $3.75 a hundred, or $6 a hundred.

Mr. BACON. I have not the act before me, but I will state as plainly as I can that the purpose is to retain so much of the act as relates to those subjects. If hereafter——

Mr. CUMMINS. If the Senator desires a low duty on paper, does he not believe that the amendment proposed by the Senator from North Dakota, which makes a low duty upon all paper coming either from Canada or anywhere else, without regard to conditions, will be better for those who use paper than though the free entry of paper from a small part of Canada were to continue and the high duty remain as to all other parts of the world?

Mr. BACON. My idea is this: So far as the repeal of the reciprocity agreement with Canada is concerned, I care nothing for it; I am perfectly willing to vote to repeal that part of the act. But the other part is a part which really belongs to a revenue bill. In fact, it does not belong here. It does not affect the question of the repeal of the reciprocity features of the act, so far as they are limited to the questions of reciprocity. Therefore I am ready to join the Senators who desire to repeal so much of the act as proposes to establish reciprocal relations in matters of imports and exports between the two countries. I am ready to join with them on that; but this is a separate and independent matter, and we can very well leave all the questions as to duties on wood pulp and wood and print paper to be dealt with in connection with the tariff bills.

Why should we force the question now as to what customs duties shall or shall not be imposed on any particular articles, when the purpose of this proposed legislation is simply to get rid of the matter of reciprocity? I am ready to join with Sen-

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ators and vote for a repeal of the reciprocity act as to everything which properly and exclusively belongs to reciprocity.

But here is a matter which does not belong exclusively to that. It is a matter in which very large industries in this country are very closely concerned. Even if it is not now in the shape the Senator from Iowa and others might desire it should ultimately be, let us confine ourselves to the question of the repeal of the reciprocity law, so far as it proposes to establish reciprocity in the matter of customs duties, and save all these other things for future consideration.

I am not prepared to discuss the question which the Senator now suggests to me as to whether there should be a change in that particular part of the law which relates to wood, wood pulp, and free paper, but it does not properly belong to what is the actuating motive of Senators. Senators are opposed to the provision under which reciprocity is made possible whenever Canada shall agree to it, if she should ever do so. I want to exclude the possibility that by Canada's action we may be hurried into that.

I will say that I speak only for myself, because I have never had an opportunity to confer with Senators on my side of the Chamber. I did not know that this matter was to be now brought up; but it does strike me, Mr. President, if the purpose of Senators who propose this amendment and who desire to support it is that reciprocity shall be repealed, they can do it by adopting my amendment; and then hereafter let us meet the question as to what duty shall be imposed upon wood and wood pulp and print paper and not destroy the whole of it when it is not within the contemplation and purpose of Senators to do that, when their main purpose is simply to get rid of reciprocity. For myself, I am ready to join them on that, but I do not think we ought now to go further than that.

Mr. WILLIAMS. Mr. President, I am in favor of keeping this free-print-paper provision as passed in the Canadian reciprocity act upon the statute books as an everlasting demonstration of the falsity of Republican pretenses. While the matter was up for consideration in the Committee on Finance and in the Senate we were told every day that if that provision were passed all the paper manufacturers in the United States would have to go out of business. The provision was passed. It has been in existence now for a long time—just exactly how long I do not remember; I believe a year or more—and so far as I know no paper-manufacturing concern has gone out of business or has been in anywise disturbed except, perhaps, as to some undue profits; it has not been in anywise unduly disturbed, to use the proper language.

Whenever it is proposed to reduce a tariff tax some so-called witness comes up before the Finance Committee and bears so-called testimony to the effect that if taxes upon the people at large are reduced some particular business or industry will have to cease to exist. That is exactly what took place in this particular case, and here is the everlasting demonstration of the falsity of the pretense. I want it to stay upon the statute book as a demonstration for all time of the falsity of at least one of these hothouse-industry pretenses.

Moreover, Mr. President, the tax upon print paper is a tax upon knowledge, upon the spread and dissemination of information. It is a tax upon the newspaper business. I know that whenever a man seeks to be relieved of a tax he stands, in the minds of those on the other side of the Chamber at any rate, suspected of lack of patriotism; suspected of selfishness or something else; but whenever he seeks to have a tax increased in order that his business may be hothoused into a degree of prosperity which without law it could not enjoy, he is a patriot, taking care of American industries. When he comes forward seeking to have a tax removed in order that his business may be improved, he is suspected of all sorts of incivicism. I hope that the law removing this tax will be kept upon the statute books for all time, in order to prove how absolutely false were the pretenses of those who opposed the Canadian reciprocity bill in the only respect in which the Canadian reciprocity bill has taken effect.

Mr. SMITH of Georgia. Mr. President, I am not familiar with the details or the provisions contained in the reciprocity act as a consequence of which the price of paper has been somewhat lowered. I understand, however, that there is a provision lessening the tax upon wood pulp or some element used in paper manufacture which has caused the reduction in the price of paper. So I have been advised by men who purchase large quantities of paper.

I am opposed, as is the senior Senator from Georgia [Mr. BACON], to the repeal of any portion of the reciprocity act that in specific terms lowered the tariff tax and has gone into effect. I am perfectly willing to join the Senator from North Dakota [Mr. GRONNA] to repeal the remainder of the reciprocity act, and I will vote to do so.

It seems to me that the provision affecting wood pulp and paper could properly be eliminated from the amendment of the Senator from North Dakota. It also seems to me that this is a mighty good place to put on the other portion of his amendment, with a view of getting it through and having it approved. I do not believe that Senators on this side of the Chamber, or Democrats generally, can agree to a repeal of the reciprocity act carrying with it certain reductions in wood pulp and print paper. I understand that is the objection to repealing the reciprocity act; but modified in the manner indicated, I think the Senator can get all he is really desirous of accomplishing.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. Yes.

Mr. GRONNA. I will say to the Senator from Georgia that in the amendment I have offered there is a great reduction in the rates on wood pulp—a reduction from $3.75 to $2 a ton—and a reduction on print paper in proportion. So far as I am personally concerned I would have no objection to accepting the proposition made by the Senator from Georgia, but the question is whether or not it would be treating this industry right.

Mr. SMITH of Georgia. The reduction has gone into effect, but the industry is prospering; contracts have been made in consequence of it; there is no financial loss anywhere, and I know there is serious objection in certain quarters to a modification of that part of the reciprocity act.

Mr. GRONNA. I will say to the Senator from Georgia that the law has not been on the statute books long enough to have any effect. I know that under the favored-nation clause in certain treaties foreign countries are demanding the same right that Canada has under the reciprocity law. If their demands are granted, it will be shown whether the law will have a bad effect or not.

Mr. SMITH of Georgia. I do not believe it is going to be possible, or, at least, I am afraid it is not possible to get through the amendment of the Senator in the form it now is. I do think he can get through all of that portion in which he is especially interested. I think he can get through a provision which will repeal the features of the reciprocity act which concern the farmers of his State.

Mr. GRONNA. I can say to the Senator that, personally, I should have no objection to that, but I only have one vote, and I take it that other Senators would object.

Mr. BACON. The Senator has a right to modify his amendment if he wishes to do so.

Mr. SMITH of Georgia. If the Senator will modify his amendment along the lines suggested by the senior Senator from Georgia in the manner referred to by me, I will vote for it.

The PRESIDENT pro tempore. The Senator from Georgia demands the yeas and nays on the amendment to the amendment.

Mr. THORNTON. Mr. President, I wish to define my position on this matter. The Canadian reciprocity bill as passed provides that paper and wood pulp shall be admitted into the United States from Canada free of duty, while Canada still retains her tax against identically the same products going from the United States into Canada. For that reason I voted for the Root amendment, which would have removed that feature of the bill, stating when I did so that, in my opinion, the reciprocity agreement gave so many more advantages to Canada than it did to the United States I did not wish it to give any more than could possibly be helped. The Root amendment provided that the section of the bill relating to print paper and wood pulp should be operative only when Canada removed her restrictions against importations of the same products into her territory from the United States.

I am not willing to allow the free importation of anything from Canada into this country when Canada puts a tax on identically that same product imported from this country into Canada. For that reason, I am opposed to the amendment of the Senator from Georgia.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded?

Mr. SHIVELY. Mr. President, I should like to have the amendment to the amendment offered by the Senator from Georgia stated.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment offered by Mr. GRONNA by striking out the proviso in that amendment and inserting the words:

Except so far as the same concerns the provisions of said act relating to wood, wood pulp, and printing paper.

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So that if amended it will read:

SEC. 10. That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and is hereby, repealed except so far as the same concerns the provisions of said act relating to wood, wood pulp, and printing paper.

Mr. SHIVELY. Mr. President, I suggest to the Senator from Georgia that the word "pulp" ought to go in before the word "wood."

Mr. SMITH of Georgia. I was going to suggest that instead of the language used by the senior Senator from Georgia. I would say "with the exception of the provisions of section 2," which is the section on that subject and the only section which the amendment to the amendment affects.

Mr. BACON. Mr. President, I will read the second section of the act, if the Senate desires, to see whether that would be more desirable than the language proposed by me. The second section reads:

SEC. 2. Pulp of wood mechanically ground; pulp of wood, chemical, bleached, or unbleached; news print paper, and other paper, and paper board, manufactured from mechanical wood pulp or from chemical wood pulp, or of which such pulp is the component material of chief value, colored in the pulp, or not colored—

And so on.

I think, Mr. President, it is necessary to have the language which I have employed in the amendment, because of the fact that this section is not complete in itself. It necessarily relates to other parts of the act.

The Senator from Mississippi [Mr. WILLIAMS] suggests that the words should be "pulp wood, wood pulp, and print paper." I will change it in that respect.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The SECRETARY. As modified, the amendment to the amendment reads:

Except so far as the same concern the provisions of said act relating to pulp wood, wood pulp, and print paper.

Mr. REED. Mr. President, so far as I am concerned, I want the newspapers and periodicals of this country to be able to acquire their paper and the paper mills to acquire wood pulp as cheaply as possible. A trial of this feature of the law has wrought no devastation such as was prophesied. But, further than that, I believe that the people of the United States are entitled to buy foodstuffs as cheaply as they can; and if Canada shall hereafter accept the reciprocity proposition, and if it shall in some measure reduce the cost of living to the people of the United States, then, in my judgment, we ought to have that advantage. I do not believe that any nation ever enriched or blessed its population by making the food of the people higher than it ought to be.

I represent in part a great agricultural State, and I can say for the people of that State that they do not fear the competition of Canada. They do not fear the competition of any country; and if it be true that reciprocity with Canada would afford a wider market in which our people could buy the necessities of life, I am willing that they shall have that advantage, and I am not willing to vote for the amendment offered by the Senator from North Dakota.

Mr. WILLIAMS. Mr. President, I understand to some extent, not fully, the feeling that actuates a man when he has done a right thing and it is proposed to reverse it because some other party interested in the transaction has refused to join him in doing it. There is an imaginary line between the United States and Canada; conditions of labor are pretty much the same in both countries; social conditions are pretty much the same, especially after you leave the Province of Quebec toward the West. So far as I am concerned—and I wish to put the opinion upon record—I am perfectly willing to hold out the glad hand to Canada throughout all our national history. I am perfectly willing to allow an invitation to stay upon the statute books, to be accepted by her whenever she pleases, for free trade between the two countries, and, as next to that, a provision allowing opportunity for the kind of reciprocity to which we have agreed. I am myself a farmer.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. WILLIAMS. One word and I will yield to the Senator. I am myself a farmer. All of my income outside of my salary depends upon the production of textile stuff and foodstuffs. I am handicapped by the necessity of producing them with remarkably inefficient labor, a very cheap labor in the sense of being a low-cost labor per week, per month, and per year, but a very high-priced labor in the sense of being inferior; but, notwithstanding that handicap, I have never been able to see how any Canadian could hurt me in the production of any foodstuffs that I raise.

Moreover, I want to add this, Mr. President, whether any Canadian could or could not injuriously affect me, humanity speaks always in favor of cheap foodstuffs to the poor in every country. No man has a right by law to make the price of meat and bread higher than nature has made it for the poor who inhabit the great cities and work in the great factories. There are no great cities in my State; there are no great factories there; there is no labor vote there; so that I can not be suspected of knuckling to any demand from that class of people; but it is a demand of humanity, it is the demand of ordinary fellow-feeling between one man and another that men, women, and children shall have bread and meat just as cheaply as they can get it by the joint production of the entire world engaged in producing bread and meat. Now I yield to the Senator from North Dakota.

Mr. GRONNA. Mr. President, I understood the Senator from Mississippi to say that he was perfectly willing to have free trade between Canada and the United States. Am I right?

Mr. WILLIAMS. Perfectly.

Mr. GRONNA. Then, does not the Senator from Mississippi think that we ought to repeal the reciprocity law in order to get free trade?

Mr. WILLIAMS. If I thought——

Mr. GRONNA. The Senator from Mississippi knows, if he will allow me, that the present reciprocity law proposed to tax the American farmer on the manufactured article and to grant free trade only in agricultural products.

Mr. WILLIAMS. Mr. President, if I thought that by repealing the reciprocity law I could procure free trade across the great imaginary boundary between the United States and Canada, between two great English-speaking peoples, two great pioneer civilizations in the New World, I would be perfectly willing to repeal it.

The Senator adds that the reciprocity act proposed to tax the American farmer. When that act was passed nobody proposed to tax the American farmer. If the provisions of that act would have any effect at all it would be to untax the American consumer of meat and bread and other products affected by the Canadian reciprocity bill.

Mr. President, if anyone contends that because by operation of a tax law any man engaged in any species of production having received a legally conferred special privilege, is taxed by withdrawing in whole or in part that legally conferred special privilege, then the suggestion made by the Senator from North Dakota is well taken; but if that be not true, it is not well taken at all.

One more word in that connection. The Senator from Louisiana [Mr. THORNTON] a moment ago said—and in effect the Senator from North Dakota has followed it up—that since the Canadians would not agree to remove some duties existing there, we ought not to remove the duties existing here. In other words, if the Canadians are unwilling to relieve themselves as consumers of a tax burden, we therefore ought not to relieve ourselves as consumers of a tax burden.

I do not see any sense in that. I never have seen any sense in it. So far as I am concerned, I would have voted, without any reciprocity feature at all, for the reduction of every duty contained in the reciprocity bill if Canada had not been concerned in it. I would have done it, because it was a relief to the American people, and I do not conceive that this great Government was organized for the purpose of enabling a few people along the border to make undue profit in the industries in which they are engaged by aid of operation of law.

Gentlemen talk as if we were depriving them of some natural privilege. We are not. They talk as if we were depriving them of some vested right. We are not. We are merely putting them upon a footing of equality with their neighbors across the border. Equality, did I say? Yes; so far as law is concerned. Equality in any other way? No. You have the advantage of climate; you have an equally good soil; you have equally efficient and equally intelligent labor; you have equally efficient and intelligent operators of capital. So far as nature is concerned you have the advantage which God has given you in sunlight, in heat, and in climate—in every way.

Mr. GRONNA. Does the Senator from Mississippi believe it is fair to the American farmer to compel him to buy his machinery in a protected market and to sell his products in a free-trade market?

Mr. WILLIAMS. No; I do not.

Mr. GRONNA. Is not that true in this particular case?

Mr. WILLIAMS. To a certain extent the Senator from North Dakota is now right, but the remedy for the evil is not by keeping upon the statute books a tax law which enables the farmer to enjoy an unnatural, artificial, law-conferred privilege, but the remedy consists in reducing to the revenue point the duty upon the articles which he must buy; and for that this

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side of the Chamber stands. After the 4th of March next we will give the Senator from North Dakota the relief which he is seeking. We will not give it to him in the way in which he is seeking it, but we will give it to him by reducing the duties upon the things which the farmer must buy.

It is absolutely unfair, it is absolutely inequitable, it is absolutely unequal, to make the farmer sell in a free market and buy in a protected market. But the remedy is not the remedy suggested by the Senator from North Dakota. The remedy is to keep upon the statute books what we have now in the interest of freer trade, and to follow it up with more statutes still more in the interest of freer trade upon certain articles, to wit, the articles which the farmer must buy.

Mr. GRONNA. May I further interrupt the Senator from Mississippi?

Mr. WILLIAMS. My friend the Senator from North Dakota may always interrupt me.

Mr. GRONNA. I do not think that the Senator and I differ upon the real fundamental principle. I am a protectionist and he is a free trader, and I will say this to the Senator from Mississippi——

Mr. WILLIAMS. I would be a free trader if I had any other way of getting national revenue, but I have not.

Mr. GRONNA. I will say to the Senator from Mississippi that if I can not have the protection of agricultural products as well as of the manufactured articles, then I want to be a free trader.

Mr. WILLIAMS. Now I am in still greater agreement with the Senator from North Dakota, and I hope that he can not have the protection upon agricultural products, because if he does not have it then he will join the right school of politics later on and will become a free trader to the full extent under the construction which the Supreme Court has placed upon the Constitution.

The Senator asked me if I was in favor of free trade. There are a whole lot of people now who pretend to be afraid of the word "free." I am in favor of a free press; I am in favor of free speech; I am in favor of freedom of religion; I am in favor of free ships, as some one says, to the utmost extent which can be had under existing conditions. Nobody but a fool now would be in favor of free trade, with the decision of the Supreme Court on the income tax and other decisions of the Supreme Court staring them in the face. Nobody anywhere, not even in England, is in favor of absolute free trade, because you must have taxes upon imports at least sufficient to countervail internal taxes upon articles which are subject to internal taxation.

I am in favor of a tax for revenue, and I will not say in this connection that I am right now in favor of a tax for revenue only even, because I realize that a man has very little practical constructive statesmanship sense who would proceed to a tariff for revenue only to-morrow morning, if he could, because due regard must be paid to existing conditions.

If a man wants to build a new house upon the site of an old house, he will not set fire to the old house, with the inhabitants in it, for the purpose of getting a free place upon which to build a new house. He will take his time, give notice sufficient for the inhabitants to move, at any rate, before he builds his new house.

But I have no sort of fear, as many seem to have, to answer the question of the Senator from North Dakota. I am in favor of as near free trade as I can go consistently with existing conditions, and consistently with the common-sense limitation of not creating an absolute revolution—a bouleversement of all existing industries. My ultimate aim under existing Supreme Court decisions is tariff for revenue only overnight, and I would not go even to that extent overnight—ueber nacht, as the Germans say, as my friend will understand. I am glad to know and to have known for a long time my friend from North Dakota. We are not very far apart about a great many things. He calls himself a Progressive Republican and I call myself a Democrat, but fundamentally, in principle, I find myself very much more nearly related politically to him than to a great many men on that side of the Chamber, than I do to some men on this side of the Chamber who, in my opinion, are unduly retroactive in many ways. I hope, Mr. President, that the motion of the Senator from Georgia will be defeated. I think it is a good deal better than the motion first presented, before it was modified, but I want to hold out a hand to all nations of the earth that mean peace and fellowship and amicable and friendly relations and mutual interchange of products. I do not want either physical war or commercial war with any nation on the surface of this earth, unless it be some nation not belonging to the white race, outside of the sphere of the white man's civilization, whose conditions are so absolutely dissimilar to ours that any sort of reciprocity between us commercially or otherwise is impossible.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Georgia [Mr. BACON] to the amendment of the Senator from North Dakota [Mr. GRONNA], on which the Senator from Georgia demands the yeas and nays.

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

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE] and therefore withhold my vote.

Mr. FOSTER (when his name was called). I again announce my pair and withhold my vote.

Mr. SHIVELY (when Mr. KERN's name was called). I desire to announce that my colleague is unavoidably absent from the city. He is paired with the junior Senator from Tennessee [Mr. SANDERS].

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and transfer it to the Senator from Maine [Mr. GARDNER] and vote. I vote "yea."

The roll call was concluded.

Mr. BRADLEY. I again announce my pair with the senior Senator from Maryland [Mr. RAYNER].

Mr. WATSON. I desire to announce the pair of my colleague [Mr. CHILTON] with the Senator from Illinois [Mr. CULLOM]. If my colleague were present he would vote "yea."

Mr. LODGE. I desire to announce again the pair of the Senator from North Dakota [Mr. MCCUMBER], necessarily detained from the Senate, with the Senator from Mississippi [Mr. PERCY].

The result was announced—yeas 27, nays 37, as follows:

YEAS—27.

Ashurst	Hitchcock	Overman	Smith, Ga.
Bacon	Johnston, Ala.	Paynter	Smith, S. C.
Bankhead	Martin, Va.	Poindexter	Swanson
Bristow	Martine, N. J.	Pomerene	Tillman
Chamberlain	Myers	Shively	Watson
Clapp	Newlands	Simmons	Works
Fletcher	O'Gorman	Smith, Ariz.	

NAYS—37.

Borah	Cummins	Kenyon	Smith, Mich.
Bourne	Dillingham	Lodge	Smoot
Brandegee	du Pont	McLean	Stephenson
Briggs	Fall	Massey	Sutherland
Bryan	Gallinger.	Nelson	Thornton
Burton	Gronna	Page	Townsend
Catron	Guggenheim	Penrose	Williams
Crane	Heyburn	Perkins	
Crawford	Johnson, Me.	Reed	
Culberson	Jones	Root	

NOT VOTING—30.

Bailey	Curtis	La Follette	Richardson
Bradley	Davis	Lea	Sanders
Brown	Dixon	Lippitt	Smith, Md.
Burnham	Foster	McCumber	Stone
Chilton	Gamble	Oliver	Warren
Clark, Wyo.	Gardner	Owen	Wetmore
Clarke, Ark.	Gore	Percy	
Cullom	Kern	Rayner	

So Mr. BACON's amendment to Mr. GRONNA's amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from North Dakota [Mr. GRONNA]. [Putting the question.] The ayes appear to have it.

Mr. SIMMONS. I ask for the yeas and nays.

Mr. NELSON. I ask for the yeas and nays, too.

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

Mr. BRADLEY (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER]. If that Senator were present I would vote "yea."

Mr. BURNHAM (when his name was called). I make the same announcement as before of my pair with the Senator from Maryland [Mr. SMITH]. I desire this announcement to stand for all subsequent votes.

Mr. WATSON (when Mr. CHILTON's name was called). I desire to announce the absence of my colleague [Mr. CHILTON] and to state that he is paired with the Senator from Illinois [Mr. CULLOM]. If my colleague were present he would vote "nay."

Mr. MARTINE of New Jersey (when Mr. DAVIS's name was called). I was requested to announce that the Senator from Arkansas [Mr. DAVIS] is paired with the Senator from Kansas [Mr. CURTIS].

Mr. FOSTER (when his name was called). I again announce my pair with the Senator from Wyoming [Mr. WARREN].

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Mr. SANDERS (when his name was called). I again announce my pair with the junior Senator from Indiana [Mr. KERN].

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and the transfer of my pair to the Senator from Maine [Mr. GARDNER]. I vote "nay."

The roll call was concluded.

Mr. DU PONT. My colleague [Mr. RICHARDSON] is absent from the city. He is paired with the Senator from South Carolina [Mr. SMITH]. If my colleague were present he would vote "yea."

Mr. LODGE. The Senator from North Dakota [Mr. MCCUMBER] is paired with the Senator from Mississippi [Mr. PERCY]. If present, the Senator from North Dakota would vote "yea."

The result was announced—yeas 37, nays 26, as follows:

YEAS—37.

Borah	Cummins	Kenyon	Smith, Mich.
Bourne	Dillingham	La Follette	Smoot
Brandegee	du Pont	Lodge	Stephenson
Briggs	Fall	McLean	Sutherland
Bristow	Gallinger	Massey	Thornton
Burton	Gronna	Nelson	Townsend
Catron	Guggenheim	Page	Works
Clapp	Heyburn	Penrose	
Crane	Johnson, Me.	Perkins	
Crawford	Jones	Root	

NAYS—26.

Ashurst	Hitchcock	Overman	Smith, S. C.
Bacon	Johnston, Ala.	Paynter	Swanson
Bankhead	Martin, Va.	Poindexter	Tillman
Bryan	Martine, N. J.	Pomerene	Watson
Chamberlain	Myers	Reed	Williams
Culberson	Newlands	Shively	
Fletcher	O'Gorman	Simmons	

NOT VOTING—31.

Bailey	Curtis	Lea	Sanders
Bradley	Davis	Lippitt	Smith, Ariz.
Brown	Dixon	McCumber	Smith, Ga.
Burnham	Foster	Oliver	Smith, Md.
Chilton	Gamble	Owen	Stone
Clark, Wyo.	Gardner	Percy	Warren
Clarke, Ark.	Gore	Rayner	Wetmore
Cullom	Kern	Richardson	

So Mr. GRONNA's amendment was agreed to.

Mr. NEWLANDS. I offer an amendment to the pending bill.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment, which will be read.

The SECRETARY. Add a new section, as follows:

SEC. —. That the revenue derived from the special excise tax imposed by this act shall constitute a special fund in the Treasury to be applied to making up any deficit in existing revenue caused by a reduction of customs duties, and any surplus derived from such excise tax above the amount necessary to make up such deficit shall be reserved and applied to the regulation of the navigable rivers, including the prevention of and protection against floods, and the improvement of post and interstate roads in cooperation with the States.

Mr. NEWLANDS. Mr. President, in connection with the excise tax, which I propose to support, arises the question as to whether any additional taxation is necessary to meet the expenses of the Government. The total revenue is about a billion dollars, of which about one-quarter is derived from postal receipts and expended in the postal service. About one-third is collected from internal-revenue taxes, about one-third from customs duties, and the balance from the corporation tax and other miscellaneous receipts.

It is clear that to-day there is no deficit in revenue. There is a surplus of revenue. To what purpose then will this additional tax, involving a burden of $60,000,000, be applied? The answer is that we expect to reduce the customs duties to such an extent as will necessitate the imposition of this tax. The reduction in duties already effected by the action of the House aggregates about seventy million dollars. The increase of duties accomplished by the House bills amount to about $4,000,000. The revenue to be derived from this tax will equal about $60,000,000. So we will have nearly enough derived from this tax and derived from an increase of duties to take the place of the diminished revenue caused by a reduction in duties. That diminished revenue involves a loss of over $50,000,000 on sugar and $16,000,000 on other articles.

Mr. President, it is probable that this tax bill will pass, but I am not sure that the reduction in duties called for by the House action will take place. The legislation in that direction may fail in Congress and legislation in that direction may be vetoed by the President. Yet it is a wise thing in advance to provide additional revenues so that we can accomplish a reduction in the customs duties.

The purpose of this amendment, therefore, is to prevent this additional revenue, in case there should be no reduction in customs duties, from being expended in current administration, in perhaps wasteful administration, and to impound this money in the Treasury of the United States in such a way as that it shall be applied in the future to any deficit in revenue caused by a reduction of customs duties, and that any surplus may be applied to the constructive work of the Nation instead of to mere administration.

The constructive work which the Nation has in view involves the regulation of our rivers, the prevention of floods and protection against floods, and also the improvement of post roads and interstate roads in cooperation with the States. At least $75,000,000 will be required for those two purposes annually if we enter upon that work. So the $60,000,000 can be applied to that work if it is applicable to the deficit in revenue.

I will ask the Senator who has charge of the bill, the Senator from North Carolina [Mr. SIMMONS], whether he can accept this amendment?

Mr. SIMMONS. Mr. President, as I stated before, except where the minority members of the Finance Committee have considered an amendment, I do not feel that I have any authority to accept or to decline to accept an amendment. They have not considered this amendment, and therefore I can not comply with the request of the Senator.

Mr. NEWLANDS. In view of the Senator's statement, I shall not press this amendment now, but I would suggest to the Senator from North Carolina that this amendment can be put upon subsequent revenue bills. It can be put upon the bill that will be before us to-morrow and, perhaps, upon the cotton bill if it comes from the House; and I will ask the serious consideration by the Finance Committee of this amendment as a means of preventing a wasteful use of this revenue in case it should be secured and if, at the same time, our legislation for a reduction of customs duties should temporarily fail.

The PRESIDENT pro tempore. The Senator from Nevada withdraws his amendment.

Mr. BORAH. I move to strike out sections 1 to 9, inclusive, of the bill and insert in lieu thereof the amendment which is at the desk.

Mr. CUMMINS. Will the Senator from Idaho withhold his amendment just a moment while I offer a verbal amendment to the House bill, to make the meaning clear?

Mr. BORAH. Very well.

Mr. CUMMINS. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Iowa will be read.

The SECRETARY. Insert, after the word "paid," in line 12, page 4, the words "upon such amounts."

Mr. CUMMINS. I call the attention of the Senator from Georgia to the amendment.

Mr. SMITH of Georgia. I think that makes the language clearer, and, so far as I am concerned, I shall vote for the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from Idaho wishes to modify his amendment?

Mr. BORAH. I move to strike out of the original bill sections 1 to 9 and to insert what is at the desk.

The PRESIDENT pro tempore. It is within the Senator's right to modify his amendment as he chooses.

Mr. BORAH. I offer the amendment in lieu of sections 1 to 9 of the original bill.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. Strike out all of the House text down to section 9 of the bill, on page 12, line 24, and insert the following——

Mr. SMITH of Georgia. The "following" is substantially the substitute that the Senator before offered.

Mr. BORAH. It is precisely the substitute which I offered, and I wish to do it in a different way for the reason that I do not desire that it shall take the place of some of the amendments which have been agreed to.

Mr. SMITH of Georgia. So, really, the vote now is upon the Senator's substitute to the original bill.

Mr. BORAH. It is.

Mr. WILLIAMS. I should like to ask the Senator what the nature of the substitute is. Is it the Senator's income-tax amendment?

Mr. BORAH. Exactly.

Mr. MARTINE of New Jersey. Mr. President, I desire that my position may be known on the proposition that is now before the Senate, the amendment of the Senator from Idaho [Mr. BORAH]. I want to state primarily that I am a Democrat and proud of it. I want to be with my party; I love it, and I

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have made sacrifices for it equal to those of any other Member of this body; but, beyond and above all, I want to be right. I desire that the burdens of government shall be shared by all. I realize that under our present system such is not the case. That is provoking more discontent throughout the length and breadth of this land than any other one thing; and I insist that those who love their country should endeavor to secure legislation that shall contemplate the sharing of the burdens of government equally by all. I believe an income tax is a step in that direction.

I am aware that my fellow Senators on this side of the Chamber will not vote for the amendment of the Senator from Idaho. I should love to be with them, but I can not follow them. For 25 years I have declared for an income tax; I have written over my own signature articles urging an income tax which have gone throughout the length and breadth of my little Commonwealth; I have spoken for it on a hundred platforms. Every national convention of our party for the past 25 years has peremptorily and positively declared for it. In my campaign for Senator recently, in a platform of principles which I published and declared for, I pledged myself to it. I believe in it; I believe it is right; I believe it is just; and at this stage of the proceedings I should be a coward if I should vote against it because it happens to come from a Republican source.

I know scores of men in my own home town and many within our Commonwealth who roll in wealth, and yet who contribute scarce a pittance to the needs of the Government. I insist that it is my duty not only as a Democrat, but that it is my duty as a patriotic citizen to sustain this method of taxation, and I shall vote for the amendment.

Mr. SIMMONS. Mr. President, I desire to make an inquiry of the Senator from Idaho. I understand the Senator proposes to strike out all of the original House bill and to substitute his amendment for it.

Mr. BORAH. I propose to strike out all of the original House bill and to insert in lieu of it the amendment which was read from the desk earlier to-day.

Mr. SIMMONS. Does the Senator also include section 9? Does he propose to strike out the whole House bill?

The PRESIDENT pro tempore. Does the Senator from Idaho include section 9 in his motion?

Mr. BORAH. I think I do; because the provisions of the amendment that I have submitted, in my judgment, cover that feature of the bill.

The PRESIDENT pro tempore. The question, then, is upon the amendment submitted by the Senator from Idaho to strike out all after the enacting clause and to insert the amendment which he has offered.

Mr. NELSON. Mr. President, is not that a mistake? The bill has been amended, as I understand, and this is a substitute only for that part of the bill which came from the other House—the excise-tax portion.

The PRESIDENT pro tempore. The Senator is correct. The question is on agreeing to the amendment.

Mr. MASSEY. I call for the yeas and nays on the amendment, Mr. President.

Mr. NEWLANDS. Mr. President, like the Senator from New Jersey [Mr. MARTINE], I favor an income tax, but I shall vote against the amendment offered by the Senator from Idaho [Mr. BORAH], because, if successful, it will accomplish the defeat of a measure which will impose upon wealth a considerable proportion of the burdens of government. The position which I have taken is that stated in a resolution adopted in a conference of the Democratic Senators to-day, to the following effect:

> That, while favoring an income tax, they realize that, with the pending amendment to the Constitution authorizing an income tax now requiring the favorable vote of only two States, it is preferable to support the pending bill for an excise tax, which, with the existing corporation excise tax, will raise approximately an equivalent amount of revenue.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Idaho [Mr. BORAH] in the nature of a substitute, on which the yeas and nays have been demanded.

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

Mr. BAILEY (when his name was called). I again announce my pair with the Senator from Montana [Mr. DIXON] and withhold my vote.

Mr. BRADLEY (when his name was called). I again announce my pair and withhold my vote.

Mr. WATSON (when Mr. CHILTON's name was called). I desire to announce that if my colleague [Mr. CHILTON] were present he would vote "nay."

Mr. LODGE (when Mr. MCCUMBER's name was called). The Senator from North Dakota [Mr. MCCUMBER], as I have already announced, is absent. He is paired with the Senator from Mississippi [Mr. PERCY].

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is absent from the Chamber. If he were present he would vote "yea" and I should vote "nay."

Mr. REED (when his name was called). I have a pair for to-day with the Senator from Michigan [Mr. SMITH], but upon this particular amendment I have his authority to vote. I vote "nay."

Mr. SANDERS (when his name was called). I again announce my pair and withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] has been called from the Chamber. I am requested to say that if he were present he would vote "nay" on this amendment. He is paired with the junior Senator from Missouri [Mr. REED].

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and the transfer of that pair to the Senator from Maine [Mr. GARDNER]. I vote "nay."

The roll call was concluded.

Mr. FOSTER. I again announce my pair and withhold my vote.

Mr. DILLINGHAM. I notice that the senior Senator from South Carolina [Mr. TILLMAN] has left the Chamber. I desire to announce my pair with him and to say that if he were present I would vote "nay" on this amendment. I make this announcement for the evening and to hold good on the passage of the bill.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER] and, therefore, withhold my vote.

Mr. MYERS (after having voted in the negative). I ask if the Senator from Connecticut [Mr. MCLEAN] is recorded as having voted?

The PRESIDENT pro tempore. The Chair is informed he is not.

Mr. MYERS. During his temporary absence from the Chamber I have a pair with that Senator, and I ask leave, therefore, to withdraw my vote.

The result was announced—yeas 23, nays 33, as follows:

YEAS—23.

Ashurst	Clapp	Hitchcock	Page
Borah	Crawford	Jones	Perkins
Bourne	Culberson	Kenyon	Poindexter
Bristow	Cummins	La Follette	Townsend
Burton	Fall	Martine, N. J.	Works
Catron	Gronna	Massey	

NAYS—33.

Bacon	Johnson, Me.	Pomerene	Stephenson
Bankhead	Johnston, Ala.	Reed	Sutherland
Brandegee	Lodge	Root	Swanson
Briggs	Martin, Va.	Shively	Thornton
Bryan	Nelson	Simmons	Watson
du Pont	Newlands	Smith, Ariz.	Williams
Fletcher	O'Gorman	Smith, Ga.	
Gallinger	Overman	Smith, S. C.	
Heyburn	Penrose	Smoot	

NOT VOTING—38.

Bailey	Curtis	Lea	Richardson
Bradley	Davis	Lippitt	Sanders
Brown	Dillingham	McCumber	Smith, Md.
Burnham	Dixon	McLean	Smith, Mich.
Chamberlain	Foster	Myers	Stone
Chilton	Gamble	Oliver	Tillman
Clark, Wyo.	Gardner	Owen	Warren
Clarke, Ark.	Gore	Paynter	Wetmore
Crane	Guggenheim	Percy	
Cullom	Kern	Rayner	

So Mr. BORAH's amendment was rejected.

Mr. HEYBURN. Mr. President, just a moment, before the closing scene in regard to this bill. There are some anomalous conditions to which I desire briefly to call attention. I looked in the dictionary to ascertain the accurate technical definition of the words "excise tax," and I find this:

> An excise tax is an inland duty or impost operating as an indirect tax on the consumer.

I merely read that for the comfort of those who have been talking about the consumer. Now, they propose to reduce duties, and thus reduce prosperity, and then tax on their income the people whose prosperity they have reduced.

The Senator from Nevada [Mr. NEWLANDS] confessed that the probabilities were that we would have no use for this money, and he suggested by an amendment that we should use it, in the event it transpires that we have no occasion for it in paying the expense of the Government, for the improvement of waterways. Why not loan it to the farmers, according to the

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proposition of about 15 years ago, or devote it to any other useless purpose?

Mr. President, just a few thoughts that occur to me. It is proposed by this legislation to tax our people directly and to relieve foreigners of the taxes, or that which they call taxes, through the customs duties; in other words, to transfer the taxation from the foreigner to our own people directly. We have the power, perhaps; but it is not necessary to exercise it.

I believe in an income tax levied by the State at any time that in its judgment it is wise or necessary. I do not believe in an income tax levied by the General Government in time of peace. I believe in having the power and reserving its exercise for times of stress and necessity only.

Mr. President, this measure proposes merely a slowing down process of prosperity. It is proposed to put a direct tax upon those whose incomes exceed $5,000, with the power remaining in those people, who are admittedly the business people of the country, to charge it up through additional profits to be paid by the down-trodden and oppressed people. It does not appeal to me. I feel no patriotic impulses to support such a measure, and there is no necessity for it. It emanates from two sources; first, those who have an unreasoning dislike to other people's prosperity. I do not know that I ever knew a prosperous man to hate another man because he was prosperous; if I have, it is a rare exception; but there is a class of people in this country who are always trying to drag down the man who is in front of them. They would not stand on their own solid ground if they could; they want to stand on the wreck of somebody else. It is an instinct that I can not account for. They are only comfortable when they are dragging somebody down and posting themselves on top of the wreck of their fellow men. That is one source from which it emanates. The other is the desire upon the part of those who have no other political issue, except that of free trade and enmity toward the protective-tariff policy, to find or create an excuse for destroying the system of taxation upon the foreigner who enters our market in competition with the American producer. It is used to make a political issue. It is an old cry upon an old horn that has been out of order so often and tinkered up so often that to-day it is scarcely recognizable; but it is the same old horn upon which they are sounding this note.

They will call it any name to accommodate you; they will call it free trade; they will call it tariff for revenue; and when they get among those who like to dally between the lines of responsibility, they will then call it tariff reform. It has no baptismal name, but it is the name that means destruction to the industries of the American people.

Now, out of the very necessity for creating a political cry or issue they will destroy the income of the Government from the legitimate and natural resources in order that they may substitute an income derived from direct taxation upon our own people. They would rather tax our people than tax the foreigner who seeks to enter and take advantage of our market. They are the two classes of people from whom this demand emanates, and from nowhere else. The opposition to-day would not dare to put in force the doctrine they preach here and elsewhere, but they would like to ride into power upon it, upon high-sounding phrases, upon stern denunciation of the successful party of this country, upon a condemnation of the principles that have been tried and tested and found to be sound, conservative, and sufficient for the maintenance of a Government such as ours.

I will support no measure that has no other or better principle than that.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. SIMMONS, Mr. SMITH of Georgia, and others demanded the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BRADLEY (when his name was called). I again announce my pair. If I were allowed to vote, I would vote "nay."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were present and I were permitted to vote, I would vote "yea."

Mr. WATSON (when Mr. CHILTON's name was called). My colleague if present would vote "yea." He is paired with the Senator from Illinois [Mr. CULLOM].

Mr. GARDNER (when the name of Mr. Johnson of Maine was called). My colleague is unavoidably absent. If he were present, he would vote "yea."

Mr. MYERS (when his name was called). I have a pair on this vote with the Senator from Connecticut [Mr. MCLEAN]. If he were present and I were at liberty to vote I would vote "yea."

Mr. PAYNTER (when his name was called). Has the Senator from Colorado voted?

The PRESIDENT pro tempore. The Chair is informed that the Senator from Colorado has not voted.

Mr. PAYNTER. I have a general pair with him, and for that reason withhold my vote. If he were present, he would vote "nay" and I should vote "yea."

Mr. REED (when his name was called). Upon this vote I am paired with the Senator from Michigan [Mr. SMITH]. If I were at liberty to vote, I would vote "yea," and if the Senator from Michigan were here, he would vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague is absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "nay."

Mr. SANDERS (when his name was called). I am paired with the Senator from Indiana [Mr. KERN].

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan is unavoidably absent. He is paired with the junior Senator from Missouri [Mr. REED]. As stated by that Senator, my colleague if present would vote "nay" on this proposition.

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

The roll call was concluded.

Mr. BURNHAM. I again announce my pair with the junior Senator from Maryland [Mr. SMITH] and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. MARTINE of New Jersey. I again announce the pair existing between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS].

Mr. BAILEY. I again announce my pair with the Senator from Montana [Mr. DIXON] and withhold my vote.

Mr. FOSTER. I again announce my pair. If I were at liberty to vote, I would vote "yea."

Mr. DILLINGHAM. I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "nay."

Mr. LODGE. I again announce the pair of the Senator from North Dakota [Mr. MCCUMBER] with the Senator from Mississippi [Mr. PERCY].

The result was announced—yeas 37, nays 18, as follows:

YEAS—37.

Ashurst	Fletcher	Nelson	Smith, S. C.
Bacon	Gronna	Newlands	Swanson
Bankhead	Hitchcock	O'Gorman	Thornton
Bourne	Johnson, Me.	Overman	Townsend
Bristow	Johnston, Ala.	Poindexter	Watson
Bryan	Jones	Pomerene	Williams
Clapp	Kenyon	Shively	Works
Crawford	La Follette	Simmons	
Culberson	Martin, Va.	Smith, Ariz.	
Cummins	Martine, N. J.	Smith, Ga.	

NAYS—18.

Brandegee	Dillingham	Lodge	Root
Briggs	du Pont	Massey	Smoot
Burton	Fall	Page	Sutherland
Catron	Gallinger	Penrose	
Crane	Heyburn	Perkins	

NOT VOTING—39.

Bailey	Curtis	Lippitt	Richardson
Borah	Davis	McCumber	Sanders
Bradley	Dixon	McLean	Smith, Md.
Brown	Foster	Myers	Smith, Mich.
Burnham	Gamble	Oliver	Stephenson
Chamberlain	Gardner	Owen	Stone
Chilton	Gore	Paynter	Tillman
Clark, Wyo.	Guggenheim	Percy	Warren
Clarke, Ark.	Kern	Rayner	Wetmore
Cullom	Lea	Reed	

So the bill was passed.

MILITARY ACADEMY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DU PONT. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

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The motion was agreed to; and the President pro tempore appointed Mr. DU PONT, Mr. WARREN, and Mr. JOHNSTON of Alabama conferees on the part of the Senate.

EIGHTH INTERNATIONAL PRISON CONGRESS (H. DOC. NO. 890).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of Congress a report of the proceedings of the Eighth International Prison Congress, held at Washington in October, 1910, in pursuance of the invitation extended by the President in virtue of the joint resolution approved March 3, 1905.

The attention of Congress is invited to the accompanying report of the Secretary of State concerning the printing of the report of the proceedings of the Prison Congress.

WM. H. TAFT.

THE WHITE HOUSE, *July 26, 1912.*

[The report of the proceedings accompanies the message to the House of Representatives.]

IMPORTATION OF ADULTERATED SEEDS.

Mr. GRONNA, from the Committee on Agriculture and Forestry, to which was recommitted the bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes, reported it with amendments and submitted a report (No. 985) thereon.

THE SUGAR SCHEDULE.

Mr. NEWLANDS submitted an amendment intended to be proposed by him to the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was ordered to lie on the table and be printed.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Saturday, July 27, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 26, 1912.*

The House met at 12 o'clock noon.

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

O Thou, who art the beginning and the end, the alpha and omega; our God and our Father, whose patience is without end, whose mercy is from everlasting to everlasting, who beareth our burdens, comforteth our sorrows, chastiseth us when we do wrong, maketh the heart rejoice with gladness when we do right; Thy laws are inexorable. To keep them is heaven; to break them is hell. Continue, we beseech Thee, Thy ministrations unto us and bring us at last in harmony with Thee. For Thine is the kingdom and the power and the glory forever, amen.

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

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Military Academy appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to take from the Speaker's table the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. HAY, Mr. SLAYDEN, and Mr. PRINCE.

TARIFF DUTIES ON WOOL.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, disagree to the Senate amendments, and ask for a conference.

Mr. PAYNE. Mr. Speaker, reserving the right to object, if the gentleman will withhold that request until to-morrow morning, perhaps I will not object to it.

Mr. UNDERWOOD. Very well, Mr. Speaker, at the request of the gentleman from New York I will withdraw my request.

STANDARD APPLE BARRELS.

The SPEAKER laid before the House the bill (H. R. 21480) to establish a standard barrel and standard grade for apples when packed in barrels, and for other purposes, with Senate amendments thereto.

The Senate amendments were read.

Mr. SULZER. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. MADDEN, indefinitely, on account of sickness in his family.

To Mr. RODDENBERY, indefinitely, on account of sickness.

To Mr. TURNBULL, indefinitely, on account of sickness.

MRS. LOUISA J. ROSE—LEAVE TO WITHDRAW PAPERS.

Mr. LAFFERTY obtained unanimous consent to withdraw from the files of the Committee on Invalid Pensions, without leaving copies, the papers relating to H. R. 3629, granting a pension to Mrs. Louisa J. Rose.

CHANGE OF REFERENCE—HOUSE DOCUMENT 613.

By unanimous consent, the Committee on Appropriations was discharged from the further consideration of House Document No. 613, a letter from the Secretary of the Treasury, transmitting copies of a communication from the Secretary of War submitting estimates of appropriations required to meet certain claims against the United States in connection with the Engineer Department, and the same was referred to the Committee on Claims.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 340. Joint resolution making appropriation to be used in exterminating the army worm.

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

H. R. 22195. An act to reduce the duties on wool and manufactures of wool.

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

S. 7337. An act to provide for the purchase of a site and the erection of a building thereon at the city of West Point, State of Virginia.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 7337. An act to provide for the purchase of a site and the erection of a building thereon at the city of West Point, State of Virginia; to the Committee on Public Buildings and Grounds.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 24699. An act extending the time for the repayment of certain war-revenue taxes erroneously collected;

H. R. 24598. An act for the relief of Jesus Silva, jr.;

H. R. 20873. An act for the relief of J. M. H. Mellon, administrator, et al., all of Allegheny County, Pa.;

H. R. 18033. An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes;

H. R. 13938. An act for the relief of Theodore Salus;

H. R. 12375. An act authorizing Daniel W. Abbot to make homestead entry;

H. R. 1739. An act to amend section 4875 of the Revised Statutes to provide a compensation for superintendents of national cemeteries;

H. R. 644. An act for the relief of Mary E. Quinn;

H. R. 22111. An act for the relief of the Delaware Transportation Co., owner of the American steamer *Dorothy;*

H. R. 22043. An act to authorize additional aids to navigation in the Lighthouse Service, and for other purposes;

H. R. 20347. An act to authorize the Dixie Power Co. to construct a dam across White River, at or near Cotter, Ark.; and

H. J. Res. 340. Joint resolution making appropriation to be used in exterminating the army worm.

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bridges over navigable waters of March 23, 1906. It has the approval of the department and of the people of the city of Lewiston.

Mr. HEYBURN. A bridge with a draw is contemplated?

Mr. BORAH. Yes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE PANAMA CANAL.

Mr. BRANDEGEE. Before closing the morning business I wish to give notice that on Monday, immediately at the conclusion of House bill 16571, Calendar No. 446, the matter of the fur-seal convention, which the Senator from Massachusetts [Mr. LODGE] has given notice he will call up, I shall ask the Senate to proceed to the consideration of the unfinished business, and I shall try to keep it before the Senate until it is finally acted on.

THE SUGAR SCHEDULE.

The PRESIDENT pro tempore. The morning business is closed, and the unanimous-consent agreement will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Saturday, July 27, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties," etc. (known as the sugar bill), and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The PRESIDENT pro tempore. The bill will be read in full.

The SECRETARY. The Committee on Finance reported the bill with an amendment, to strike out all after the enacting clause and insert:

That six months from and after the passage of this act there shall be levied, collected, and paid the rates of duty which are prescribed in the paragraphs of this act upon the articles hereinafter enumerated, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), and the said paragraphs and sections shall constitute and be a substitute for paragraphs 216 and 217 of section 1 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

First. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete, and concentrated molasses, testing by the polariscope not above 75°, ninety-five one-hundredths of 1 cent per pound, and for each additional degree shown by the polariscope test, thirty-five one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion; molasses testing not above 40°, 20 per cent ad valorem; testing above 40° and not above 56°, 3 cents per gallon; testing above 56°, 6 cents per gallon; sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to polariscope test: *Provided*, That every bag, barrel, or parcel in which sugar testing by the polariscope less than 99° is packed shall be plainly branded by the manufacturer or refiner thereof with the name of such manufacturer or refiner, and the polariscope test of the sugar therein contained, accurately within one-half of 1°, and a failure to brand any such bag, barrel, or parcel as herein required shall be deemed and taken to be a misbranding of food within the meaning of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes." And the requirements of this proviso shall not apply to any sugar shipped or delivered to a refiner to be refined before entering into consumption.

Second. Maple sugar and maple sirup, 4 cents per pound; glucose or grape sugar, 1½ cents per pound; sugar cane in its natural state or unmanufactured, 20 per cent ad valorem; sugar cane defecated, shredded, artificially dried, or which has been subjected to any manufacturing or other process, 50 per cent ad valorem.

Third. That nothing in this act contained shall be so construed as to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on the 11th day of December, 1902, or the provisions of the act of Congress heretofore passed for the execution of the same, and that upon the taking effect of this act all acts and parts of acts in conflict with the provisions hereof shall be repealed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

Mr. LODGE. Mr. President, I am going to ask first that some graphic tables which I have had prepared, showing various statistics relating to sugar and comparing it with other products, may be reduced to small tables in black and white and printed as a Senate document. (S. Doc. No. —.)

The PRESIDENT pro tempore. Without objection, the request will be complied with.

Mr. LODGE. Mr. President, it is just a hundred years since Napoleon established in France the manufacture of beet sugar. That the beet contained sugar juice had long been known. Olivier de Serres, a distinguished French chemist, had pointed out this fact in 1600. In 1747 a Prussian chemist, Marggraf by name, had demonstrated that a true sugar could be extracted from beets. A pupil of Marggraf named Achard took up the work and made practical demonstrations of the practicability of extracting sugar from beets on a farm near Berlin. Although Achard received royal aid the industry languished and his labors bore little fruit until a letter which he addressed to Van Mons, and which was published in the annals of chemistry, led, in 1799–1800, to the appointment of a committee of the Institute of France to examine and report upon Achard's experiments. The committee reported that Achard overestimated the sugar extraction and underestimated the cost by one-half, but even a cost of 16 cents per pound was only one-half the price at which sugar was then selling, so two small factories were erected in the environs of Paris. Both were financial failures, and public attention was then concentrated on the hopeless plan of making a true sugar from grapes. Public events, however, soon forced active and practical measures which chemical knowledge and experiments, unassisted, had been unable to obtain. The control of the sea passed completely into the hands of England after the Battle of Trafalgar. Then followed Napoleon's continental blockade, and the Emperor's decrees and British Orders in Council between them made neutral commerce hazardous to the last degree and at times well-nigh impossible. One result was a sugar famine which soon prevailed in France and the small amount of sugar which reached the French market commanded fantastic prices. Trelawney, in his autobiography, called the "Adventures of a Younger Son," describes his getting into Cherbourg in a fast American schooner which managed to slip through the British cruisers and make a French port. He says that the vessel carried spices, silks, and other articles of both luxury and necessity, then bringing enormous prices, but that the greatest profit was on sugar, which alone made an immense return on the investment. Such a situation as this was obviously intolerable, and on March 25, 1811, Napoleon issued his first decree giving a bounty for the production of beet sugar, and followed it by another in January, 1812, enlarging the reward and founding factories for instruction in the art. Even in the midst of the great events then culminating in the invasion of Russia and destined to result in the fall of the empire, Napoleon gave close attention to the development of this industry, which he was convinced was essential to the military strength and economic independence of France. His efforts were crowned with quick success. In 1813, less than three years after the first attempts, France had 334 beet-sugar factories and produced 3,500 tons of beet sugar. After the fall of Napoleon his plan was, in large measure, abandoned; the beet-sugar industry was neglected, and it was not until the time of the second empire that the policy of the first Napoleon was revived. Since then the industry has grown steadily until in 1900 and 1901 it reached the enormous production of 1,000,000 tons.

The point to which I wish to call attention, however, is not the history of the beet-sugar industry in France, but the reasons which led to its foundation in that country. Owing to the English supremacy at sea Napoleon found that France was dependent on other countries for its sugar supply. He came to the conclusion that this was a serious national weakness, because sugar was one of the important necessities of life. He therefore was convinced that it was a political as well as an economic necessity to make France independent, so far as possible, in regard to her supply of sugar. He took the view that a small and practically unfelt tax, levied on the people of France for the purpose of creating a native sugar industry, was a very trifling price to pay for independence in the production of this important article, and that in the long run the people would pay a great deal more for their sugar if they were left dependent for their supply upon other countries and upon the fortunes of war. It will be generally admitted, I imagine, that the first Napoleon was a man of more than ordinary ability, and I think it is no reflection to say that his intelligence was perhaps as high as the average intelligence of the framers of this House bill, who appear to have overlooked the importance of industrial independence in the production of sugar, which is the fundamental condition involved in this question. The views of Napoleon, moreover, in this matter seem to have been generally accepted by continental Europe. Germany adopted the same policy in the early forties, and we are all familiar with the large proportions which the sugar industry has assumed in Germany, Austria, and Russia, under Government encouragement.

During this development it was found that the production of beet sugar, which it was feared would withdraw too much land from the production of wheat, an objection imperiously disregarded by Napoleon in 1812, had an exactly contrary effect.

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It was discovered that the production of the sugar beet, through the necessary deep plowing, thorough cultivation, and removal of foul growth, increased very largely the productive capacity of all other farming land, that it not only made the country independent in the production of sugar, but that it added enormously to its general agricultural capacity.

But the most striking support of the Napoleonic policy really has come from the English, who never accepted the French doctrine and whose policy for seventy years has been one of absolute hostility to the direct or indirect encouragement of industry by any form of legislation. The vast development of the beet-sugar industry in Europe resulted in a large surplus of bounty-fed sugar which the producing countries were enabled to pour into England at prices with which not even tropical cane sugar, unsustained by any bounty, could compete. The first effect of this under the English free-trade system was the practical ruin of her sugar islands in the West Indies. This her free-trade ministers bore with philosophy, pointing out that if those islands could not raise sugar in competition with the bounty-fed beet, it was their duty on the principles of free trade to turn their attention to other crops which they could raise at a profit. They overlooked the fact that there was no other crop in those islands to which the sugar planters could turn with the hope of profit—a fact more impressive, no doubt, to the inhabitants of the islands than to the free traders in London.

The next development was the gradual extinction of the English refineries. England had a very large business in refining cane sugar. A large part of the bounty-fed beet sugar, of course, came into England refined and the English and Scotch refineries began to go out of business. I think I am correct in stating that Glasgow and Greenock, which once had some 18 refineries, now have 6. This destruction of a home industry produced more effect in England than the misfortunes of the sugar islands, and the cherished doctrine of buying in the cheapest market and selling in the dearest began to look less desirable in this particular case. But that which finally turned the scale was that men of sense and foresight in England perceived that the country was becoming hopelessly dependent for a prime necessity of life upon European powers which were her rivals in trade and might very conceivably become her enemies in war. It was bad enough to be dependent for her wheat upon the United States and the Argentine, with whom there was no prospect of war, but to be dependent upon the Continent of Europe for an article like sugar gave pause even to the most ardent disciples of the doctrine of free trade.

The obvious relief of countervailing duties on bounty-fed sugar was, of course, suggested and was at once laid aside, because it was too clearly an abandonment of the free-trade principles. England then resorted to seeking an agreement among the nations producing a large surplus of bounty-fed sugars by which bounties should be restricted or abolished and the surplus available for introduction to her own markets limited. England labored in this direction for many years, and the result was the Brussels convention of 1902. It is not necessary at this point to go into the details of that convention with which I shall deal. Suffice it to say here that through the influence of England a system was established for the limitation of the artificial beet-sugar exportation. This was not as obvious a disregard of the principles of free trade as countervailing duties, but it was just as real and quite as effective. At the time of the Boer War England also put a small duty on sugar, and thus finally recognized, through her support of the Brussels convention and the imposition of a duty, that Napoleon was fundamentally right in the belief that it was for the best interest of a nation to make itself independent, so far as possible, in regard to this great necessity of life, and that sugar was eminently suitable for the production of revenue.

Therefore, in considering the question of the sugar duties, the first thing to be remembered is that the well-considered opinion of the entire world holds that it is important for a nation to be independent in the production of sugar, and yet it is only of late years that the United States, although its policy for a hundred years has been protective, has really adopted this principle in regard to sugar. During most of our history we have been dependent upon the West Indies for our supply, and it was not until the production of beet sugar began in this country that we realized that we were able to make ourselves entirely independent of the rest of the world in regard to sugar, if we would only give a reasonable protection by import duties sufficient to enable the beet-sugar industry to develop. That industry since its inception has made great strides, although it has been hindered in its progress by the constant threat of adverse legislation. There is no reasonable doubt that if the industry could be assured of sufficient protection for ten years the Nation would be entirely independent of the rest of the world for its sugar supply. These views, which the rest of the world have adopted, have been totally disregarded by the makers of the House bill. Under their scheme of free sugar the Louisiana cane and the American beet sugar would go out of existence, and the supply of tropical cane from Porto Rico, the Philippines, and Hawaii, while it might in part maintain a precarious existence, would be so trifling, compared to the total amount of our consumption, that we should be left dependent upon foreign nations for this great necessity of life.

I now come to the attitude of the world in regard to a tax on sugar as a means of raising revenue. Every civilized nation to-day imposes a tax on sugar. Europe derives over $200,000,000 in revenue from its taxes on sugar, and the United States collects over $50,000,000 from the same source. This fact alone shows that the opinion of the civilized world, without any reference to the question of encouraging or building up the industry, is in favor of raising revenue from sugar. The reason for this is obvious. The tax is easily and surely collected. Although so enormously productive, it is not, except in the case of one or two European countries, a heavy tax. It falls lightly on the people who pay it. It also, as nearly as possible with an indirect tax, distributes itself fairly, according to the paying capacity of the population. Those best able to pay pay most, because they are the principal purchasers of the many articles of luxury into the composition of which sugar enters. The rich and well-to-do households, moreover, consume naturally more sugar than the poorer ones.

Every nation lays a tax upon wines, liquors, and tobacco, and no one questions that they are proper subjects of taxation. In the case of wines and liquors, the subject of taxation is certainly a luxury and one which no man suffers from abandoning if he does not care to pay the tax. It is less easy to draw the line on tobacco, which in its simpler forms comes very near the point of being a necessity to those who work hardest and who lead lives of great exposure. Sugar is, of course, a necessity and not a luxury, but by the distribution of its consumption, to which I have just alluded, it bears a tax with as little injustice as possible and has all the other qualities which commend an article for taxation—ease and certainty of collection, lightness in the individual case, and great productiveness in the mass.

Contrary to the general view of all economists and of all civilized nations, the House of Representatives has thought it judicious to take sugar from the list as a revenue producer. They could not have been moved to this action by any idea that sugar bore an unusually heavy burden in this country, because with the exception of England and Denmark the duty or tax on sugar is less here than in any other beet-sugar country in the world. The following table shows the rates of import duties imposed by various European countries:

	Raw (cents per pound).	Refined (cents per pound).
Austria-Hungary	3.99	4.03
Belgium	1.75	1.75
Denmark	1.22	1.22
France	2.67	2.89
Germany	1.99	2.03
Italy	3.29	4.33
Netherlands (excise tax)	4.93	4.93
Russia	6.82	8.56
Spain	7.46	7.46
United Kingdom (98° or over)	.396	.396

The duty paid in the United States on imported sugar is, for the great mass of our importations which come from Cuba under the preferential duty of the reciprocity treaty, 1.34 cents per pound. Very little sugar comes into this country with the full duty paid, the full duty being 1.68 cents per pound for 96° sugar. The average rate of duty for the past eight years collected on all sugar imported into the United States was 1.4 cents per pound. England collects an import duty just short of 0.4 cent per pound; Denmark, 1.22 cents per pound, but a trifle less than is collected in this country; and all the rest collect more in import duties than here, ranging from 7.46 cents per pound in Spain to 1.75 cents in Belgium. It is also to be noticed that import duties are only part of the taxation which is imposed in other countries upon sugar. The European sugar-producing countries levy an excise tax, a direct tax, on the domestic sugar manufacture, and the amount of this excise tax is only half a cent a pound less than the import duty, so that the consumer in the beet-producing countries of Europe is obliged to pay a heavy tax on domestic sugar, while the foreign sugar is kept out by a surtax of one-half cent per pound. I think, therefore, that we

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I am a little bit afraid that so far as the Louisiana cane producers of sugar are concerned, when you come to those producers out on the outer edge, who are not handling their affairs well, who are not up to date, some of them may be hurt.

I am sorry that that should be the case, but laws ought not to be made for the ragged edges of an industry. They ought to be made, even by protectionists, for the industry taken by and large and not for its exceptions. If we had a duty of 100 per cent on sugar and were to reduce it to 75 per cent, I have no doubt that some few people, managing their business very badly and barely managing to live with 100 per cent, would have to go out of business. I have no doubt that that is true of every other industry as well as sugar, of wool and cotton and everything else. But to carry the doctrine of protection to the absurd point of wanting it to be high enough to protect the carelessly and ill managed enterprises is carrying it too far.

I do not think it will hurt any well-managed Louisiana cane-sugar producer. If it did hurt some of them, if in hurting them—and they were few—it had benefited a vastly greater number of American citizens, it would stand justified according to my political philosophy. But I do not believe it will, and I am confident that it will not hurt any of the others.

I think we ought to follow the precedent, time honored, when we have got a good revenue subject of keeping a duty upon it for the purpose of raising revenue for the use of the people, to be expended from their Treasury, and we ought to pay some heed not only to the recently announced Democratic platform, but to the one announced at Denver. Both of them say that we shall proceed toward and to a revenue basis gradually.

No man who has good sense, no man who has good feeling, will refuse, when undertaking any great reform, to consider present conditions, nor will he neglect to note in many cases that present conditions, if they are bad and to be remedied by legislation, were produced by legislation. People were induced by law—tariff laws—into artificial, naturally unprofitable pursuits. I mean by that pursuits that would not have been profitable save for the operation of law. They have been induced into them, and some regard, I think, ought to be paid by any sensible man to that fact, as some regard ought to be paid to all facts. So far as I am concerned, a fact is about the only thing in the world that I reverence. I never try to tunnel under it. I never try to jump over it. I never try to walk around it. I just bow to it and confess that it is there.

This is the condition of the sugar industry now. It seems to me it is a great pity that the duties have been kept so high for so long a time. So far as the Louisiana cane-sugar producer is concerned he, years ago, by insisting upon this high duty, cut his own throat—that is to say, if his throat is to be cut at all.

Now, how did he do it? You can not take cheap, inefficient, unintelligent colored labor and compete with the most intelligent, enterprising, energetic, and inventive white labor of the world. You can not do it. If the sugar duty had been fairly right and not too high, the Louisiana cane planter could have gone on forever making a reasonable profit in the sugar production, but the Republican Party and the cane men together managed to make it so high that it hothoused into existence a sugar-beet business, and the beet-sugar business, without the aid and operation of law, would have had difficulty in finding a beginning.

They have by this course built up for themselves, therefore, a competitor—that which will devour them. It is as certain as two and two make four that intelligent, enterprising, thrifty go-ahead, energetic, inventive white labor raising sugar beets in an American country can compete with any labor anywhere in the world engaged in that sort of business after they once get a foothold. They have now got that foothold and could stand to-day, so far as they are concerned, without a dollar of tax and make money and continue to make it; and they will stand as day follows day in a better and better condition, because they will improve the beet itself as to its saccharine contents, and they will improve their machinery. They are making their own machinery now, not buying it from abroad, and some people abroad have come here and bought it from us. American invention has gone to work upon it. They are not only able to stand by themselves in competition with the world, but at the same time in the future Louisiana will find that she has to change either the character of her labor or she will find her task of entering into competition with the American beet-sugar producer a hopeless task—absolutely hopeless. American white labor can raise sugar beets just like it does potatoes, like it does corn, like it does wheat, or any other farm product, in competition with anybody on the surface of the earth. They have demonstrated that they could do it. It is a farming process after all.

Mr. MARTINE of New Jersey. And I want to add that it is very unlike the product of corn and potatoes. They deplete the soil. The cultivation of the sugar beet adds to the fertility of it. So it is a benefit, even.

Mr. WILLIAMS. I have noted that point before. But sugar-beet raising is not the best way of keeping up the soil.

Mr. MARTINE of New Jersey. It will keep up and add to its fertility.

Mr. WILLIAMS. It does undoubtedly add to the fertility of the soil, but not as the raising of alfalfa or cowpeas, I mean any leguminous product, that puts enrichment into the soil does. The fact that it is not the cheapest and best way of enriching the soil is demonstrated by what I said some time ago when the Senator from New Jersey was not here. In Great Britain, where they do not raise any sugar beets at all, the production has increased per acre more than it has either in France, Germany or Russia, and the actual production per acre of every product is greater than it is in any of those countries which are raising sugar beets. But the sugar beet does enrich the soil.

Mr. TOWNSEND. Did I understand the Senator from Mississippi that the raising of beans also enriches the soil?

Mr. WILLIAMS. I said any leguminous plant enriches the soil. It puts nitrogen into the soil, taking it out of the air.

Mr. TOWNSEND. That is an agricultural fact that I think the country generally has not come to appreciate. We have felt that the raising of beans perhaps impoverished the soil about as much as any plant or product that we could produce.

Mr. WILLIAMS. It is an old and familiar fact known to every farmer that any sort of leguminous plant, and among them are cowpeas, alfalfa, red clover, anything of that sort, does take nitrogen out of the air and put it into the soil.

Mr. MARTINE of New Jersey. Infinitely good products are clover and cowpeas if they are plowed under as a fertilizer.

Mr. WILLIAMS. I do not want to get into a general agricultural argument, but I every year and my people have been enriching their soil by planting cowpeas and then cutting the peas off for hay, and the roots and the little that is left have enriched the soil because the little bug or microbe that is on the tubercle of the pea brings nitrogen into the soil.

When you cut off the peas the soil has been enriched both chemically and mechanically; that is, chemically by the process of putting nitrogen into the soil and then mechanically by the pea roots going away down and making the soil to a large extent porous so it takes the water down and gives the water up more easily to other plants.

Mr. TOWNSEND. I quite agree with the Senator from Mississippi if the products raised are given back to the soil, but that is not true of the bean crop. When the bean crop is produced the beans are pulled root and branch and so everything has to be taken off, and there is nothing that destroys the fertility of the soil so much as the raising of beans, at least no crop with us, because no part goes back into the soil.

Mr. WILLIAMS. Perhaps I have been misunderstanding the Senator. Is he speaking of beets?

Mr. TOWNSEND. Of beans.

Mr. WILLIAMS. That is all right. We will leave that out because it makes no difference. It is not relevant to this anyhow. I do not want to deliver an agricultural lecture. The way in which beets improve the soil is not owing to the fact that they put anything in it, as legumes do, but it is owing to the fact that there must be such splendid cultivation for beet raising, such intensive cultivation, such splendid care given to the soil, that it improves the character of the soil mechanically, and not in the way that cowpeas or alfalfa do, by direct addition of chemical properties.

Mr. President, I am very anxious, and I know all of us are, to get through with the question and the session. I feel like I have occupied more time than I ought. I have occupied more than I would have done but for these agricultural dissertations, and I shall surrender the floor.

Mr. SMOOT. Mr. President, I share the opinion of the Senator from Mississippi [Mr. WILLIAMS] that Senators are very desirous of getting through at an early hour to-day. I could address the Senate for the next two hours upon this question, but I hardly think it is necessary. The Senator from Massachusetts [Mr. LODGE] has covered the subject pretty thoroughly, and I shall therefore not undertake to go into a detailed discussion or argument of the sugar schedule at this time.

I did intend to answer some of the statements that have been made recently by circulars sent every day or so to Members of the Senate by a Mr. Lowry, representing an association formed by Mr. Spreckels, of the Federal Sugar Refining Co. The expense and maintenance of the organization is paid for by Mr. Spreckels alone. But I have concluded that it is un-

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necessary, and am informed by Senators that the statements made are not such that require an answer.

I believe, Mr. President, that Senators pretty well understand what it really costs to produce beet sugar and cane sugar in this country.

I have made a number of speeches in the past on the subject, showing what it actually costs to produce sugar in this country, both cane and beet. There is no change in those costs. They were taken from the books of the companies, showing the absolute cost at the time I addressed the Senate the last time upon the subject.

As far as I am personally concerned, all the protection that I desire for the sugar industry of this country is sufficient to enable it to hold its own against increased importation of sugar of foreign countries and enable it to develop in the future, and no more. The amount of protection required to accomplish this has been a somewhat disputed question. The sugar hearings in the House, in which the books of most of the sugar companies of the United States were produced, demonstrated that the cost of producing sugar in this country was $3.54 per 100 pounds, without depreciation charges. I believe that it is generally admitted that the production of beet sugar in this country costs about $3.75 to $3.80 per hundred, and it costs a little more to produce cane sugar in the South. All the protection that the sugar producers of this country desire is enough to measure the difference between the cost of producing sugar in this country and in foreign countries.

I believe, Mr. President, if it had not been for the attempts that have been made nearly every year for the last 10 years to reduce the prevailing rates on sugar there would have been sugar factories in all parts of this country, and in numbers sufficient to produce twice the amount of sugar that is being produced to-day.

Mr. President, if it were understood that the present duty imposed on sugar would remain unchanged for the next 10 or 15 years, every pound of sugar consumed by the people of this country would be produced in this country before the end of that period.

Mr. President, the Senator from Massachusetts asked the question: "Who is back of this move for free sugar?" That was demonstrated beyond a question before the hearings in the House and Senate. It is not the people who are crying for free sugar, but it is the great sugar refineries of this country. They want free sugar; and why? If they had free sugar, every producer of sugar in the United States would be destroyed, and when destroyed the few sugar refiners would have the absolute sugar market of this country in their control. They would name the price that the people would pay for sugar, just the same as they named it in the fall of 1911, when they purchased sugar from $3.86 to $5 a hundred and sold it as high as $7.50 a hundred. They were not then looking after the dear people of the United States. They were looking after their own coffers and charging all they thought the people would pay.

The statements of all the companies that are now so interested in the reduction of the price of sugar to the people show they did not make money by the hundreds of thousands, but by the millions of dollars, when they had it in their power to do so, and if it had not been for the fact that beet sugar produced in this country entered the market in the month of October the excessive prices would have continued and the refiners would have continued making their millions monthly.

So, Mr. President, I believe that if anything should happen to destroy the American manufacture of sugar and the great sugar refiners of this country had absolute control of the distribution of sugar, with the power to make the prices for all the sugar that was sold, in the end the American people would pay more for their sugar than they do now with the tariff added.

I shall not take any more of the time of the Senate to-day in discussing this question, because I believe that every Senator has made up his mind—as each Senator no doubt has studied the question—what rate of duty, in his opinion, is necessary for the preservation of the sugar industry in this country.

Mr. BRISTOW. Mr. President, I desire to offer an amendment to the amendment. I move that, on page 4, line 2, the word "thirty-five" be stricken out and the word "twenty-six" inserted.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Secretary will state the amendment to the amendment.

The SECRETARY. On page 4, line 2, in the amendment reported by the committee, strike out the word "thirty-five" and insert the word "twenty-six."

Mr. LODGE. Mr. President, I shall be glad if it should not be reduced to that point. I am very anxious that we should pass a proper sugar bill in the Senate to-day. So far as I have the power to do so, I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas to the amendment of the committee. Without objection, it is agreed to.

Mr. BRISTOW. Mr. President, the acceptance of the amendment makes the bill, as reported by the majority of the committee, satisfactory to me, but probably I should explain just what the amendment does.

As will be remembered by Senators who are present who were here three years ago, when the Payne-Aldrich bill was before the Senate, I offered an amendment to paragraph 216 which struck out the language in the first line as printed in the tariff bill—

Not above 16 Dutch standard in color.

And also the following provision I moved to strike from the bill:

And on sugar above 16 Dutch standard in color, and on all sugar which has gone through a process of refining 1.90 cents per pound.

The effect of these amendments, if adopted, would have been to reduce the duty on refined sugar from $1.90 to $1.82½ per hundred, and to remove the Dutch color standard, which imposed the same duty on light-brown sugar that was imposed on refined.

The bill, as reported by a majority of the Committee on Finance, omits these provisions in the law which I then moved to strike out. I think I held the attention of the Senate for about three days at that time in explaining what the Dutch standard was, and what I considered the iniquities of its incorporation into the sugar-tariff law, and explaining as best I could the reasons why no differential was needed.

Prior to the Payne-Aldrich law the Dingley law provided for a differential of 12½ cents per hundred pounds on refined sugar over the duty on pure sugar that had not gone through the process of refining. That 12½ cents, in my opinion, was purely a protective duty to a refining company that did not need any protection whatever. The Payne-Aldrich law reduced that from 12½ cents to 7½ cents per hundred pounds. I contended for the striking out of that 7½ cents differential, because, in my opinion, it was not needed and was purely a gratuity to a refining company that had proved itself to be a criminal organization.

In my judgment the provision relating to the Dutch standard was also in the interest of this same refining company, because it placed so high a duty on the light-brown sugars as materially to increase their price, so that they could not be successfully sold in competition with the refined. I was unable at that time to convince the Senate that these provisions should be stricken out, and they remained in the bill.

Last year, as Senators will remember, I again sought to have these provisions stricken out. Three years ago, if the amendments that I had offered to the bill had been adopted, the duty would have remained then on pure and refined sugar $1.82½ per hundred pounds.

Last year, in addition to striking out the differential and the Dutch standard, I sought to reduce the duty, making the maximum duty $1.75 per hundred; that is, reducing it 7½ cents per hundred pounds lower than the amendments I offered two years previously would have reduced it. I failed then to convince the Senate that such a reduction ought to be made.

I want to say that I was exceedingly gratified when the majority of the Committee on Finance reported this bill to find that the provision relating to the Dutch standard had been taken out of the law and that also the differential had been taken off, leaving the duty on pure sugar at 1.82½ cents per pound. I felt that in itself was a great advantage to the people and a very desirable step in our sugar tariff legislation, and I was very much gratified because it was the accepting by the committee of the identical amendments to the law that I had proposed in 1909. But I believe now that the duty can be still further reduced without endangering the sugar industry, especially the beet-sugar industry, that has been built up, in my opinion, as a result of the protective duty that was imposed in 1897 in the Dingley law.

I would not reduce the duty to a point that would endanger the successful operation or the normal and natural growth of the beet-sugar industry of the United States. I am desirous that the Louisiana cane-sugar industry should have the protection that is justified in undertaking to develop the sugar production of this country; but I do not believe that we are justified in maintaining an excessive tariff duty on sugar in order especially to encourage the development of the production of cane sugar in Louisiana, because the territory which can be utilized in the production of cane sugar is limited; so that a high protective duty could not give the country any great production of sugar. There is, however, opportunity for a very large development of the sugar-beet industry in the United

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sideration which would go a long ways with me in determining how I would vote upon this amendment.

Then, again, the reasons that are given for making a reduction by the other side of the Chamber do not appeal to me. Confessedly, according to some of the remarks of Senators on the other side yesterday, their purpose is to clear the way for the creation or substitution of another source of revenue to pay the expenses of the Government. It is proposed by the Democracy—and I will make it broad enough to cover Democrats in and out of Congress—to substitute direct taxation for the system of indirect taxation, if it is taxation, in providing for the revenues of the Government. I am unalterably opposed to making a condition in order that an undesirable condition may be brought about.

Of course it must be admitted that a reduction, whether it be five million or nine million or eleven million, is at the expense of our own producers. It is a fair deduction that if we reduce the duty we increase the imports of sugar or the opportunity to import sugar, and it will exert a pressure upon our own producers to compel them to accept less profit and less favorable conditions of production. I can not bring my mind to accept a proposition that will result in doing that thing.

It is probable that with this amendment adopted the legislation would still fail of enactment into law. If I were to vote for this amendment it would be because I believed it would be futile and that the legislation would fail, and I would vote for it if at all in order to defeat what is, in my judgment, a more dangerous and disastrous piece of legislation, namely, the House bill.

One of the most treasured resources of this Government for the production of revenue for the payment of the expenses of our Government has been the sugar tariff. It has been beneficial not only in protecting our market as it exists to-day, but it has been beneficial in building up the sugar industry in this country from a very small production 14 years ago to a very large production to-day, and an ever-increasing production, not only of sugar, but of the prosperity incident to an enlarged use of our land, our labor, and all that pertains to the growth of that industry.

It is conceded that within a very few years under existing conditions the United States would produce all the sugar it would consume, and as the years come after that would produce a surplus for sale in other markets that would add to the wealth of the people of this country who are interested in the production of sugar, the development of the industries that are dependent upon it, and an enlarged use of the lands of the country.

The State I represent is one of the large sugar-beet producing States of the Union. It has grown within a very few years from the beginning to the existing conditions of production. We have large counties in our State that had no substantial existence prior to the introduction of this industry which are to-day among the largest and most prosperous counties in the State. One of those counties is as large as some States in the Union. I have known it since it was in the primitive condition of sagebrush and cattle ranging. I have seen it developed into a fertile, thickly populated county, with large and growing towns, all because of the advantages offered to the American producer by reason of Republican tariff legislation.

I not only am not willing to strike down that industry, but I am not willing to diminish the prosperity of those people to the extent of a single dollar in response to a cry that comes from nowhere, that has no responsible thing behind it except a political scare based upon a desire to win in political controversy. Outside of the Chambers of Congress there are many millions of people who think upon this question. Heretofore their thoughts have led them to support by overwhelming majorities the party of protection, the party that gave us the tariff under which we now live. I do not believe that those people have changed their minds. I know that no responsible call has come up from them for change in legislation.

In the Republican platform there is a short paragraph suggesting that some duties are too high. It should not have been in a Republican platform. Some of those who were instrumental in making that platform tell me they did not know that it was to be contained therein. But it is there, and the question presented by it is one that seems to be considered of general application. Three days we have sat here considering reductions in the duties upon imports, and there have been found during those three days advocates of reduction in the several schedules that have been under consideration. I wonder when going down the list of schedules we would find one that would be considered an exception to that irresponsible statement that some duties are too high. We have not found one in three days, and perhaps if we were to go down the whole line of schedules we would find some one, perhaps many, admitting that all schedules were too high.

Can that possibly be the condition that exists in the minds of the Republicans of the United States? I do not say in the minds of the Republicans in Congress. I am inquiring as to the condition of the minds of Republicans in the United States. That is a larger question, and one more important to be given consideration than is the question as to the condition of the minds of Senators and Members of either House of Congress.

If the proposition contained in the amendment under consideration is one intended to defeat the enactment of a law placing sugar upon the free list, then if I were to vote for it it would be merely as a weapon used in that great and good cause. There are conditions under which a person might conscientiously vote for an amendment that they would not willingly see enacted into a law. Should I vote for this amendment, I propose that it shall be known here and everywhere that I do not vote for it because I approve of a reduction of the duties and a reduction of the revenue of the country at the expense of legislation providing for a substitute in the production of revenues of such a measure as was considered in this body yesterday. Yesterday the Senate of the United States voted in favor of substituting direct taxation upon the people of our own country for indirect taxation upon the people of other countries.

This is the hour of political madness. Men's minds have been wrought up by the discussion and consideration of questions of Government that are fraught with danger to the stability of our institutions until they seem to have lost sight of the old landmarks and to have broken away from the moorings of safety, tried and found to be safe. I deplore the condition. I do not expect to stem the tide to-day, because it is not the first time in the history of this Nation, or of other nations, that we have been forced to submit for a time to conditions of which we could not approve. Our hope is in the present until that hope is shown to be fruitless and without foundation; but still beyond that we have a further hope and an abiding faith that when the hour of sanity returns to the people the wrongs of to-day will be swept away before the wisdom of to-morrow.

I want it to be understood that if I vote for this amendment it will be only that we may use it as a weapon for the destruction of a greater evil threatened us, should the consideration of this question pass beyond the vote upon the amendment.

Mr. JOHNSTON of Alabama. Mr. President, will the Senator from Idaho permit me? I should like to ask him a question. I understood him to say just a few moments ago that he knew of no duties that were too high. I wish to read him what the President said in his message transmitting the Tariff Board report on wool. He said:

> On cheap and medium grade cloths, the existing rates frequently run to 150 per cent, and on some cheap goods to over 200 per cent.

Would not the Senator consider that too high?

Mr. HEYBURN. Mr. President, I am willing to accept the responsibility for my own judgment and my own act. I believe that every man in the party to which I belong is entitled to his own judgment upon these questions. I would like to believe that the wisdom of the question was to be found in the composite judgment of all Republicans. I am not to be led away or driven away from the doctrine of protection, to which I subscribe, to which I have subscribed during all the years of my responsible life, before the quotation of the opinion of any single man in the party. The Republican Party has many mansions. All Republicans do not dwell in the same house. It is the composite wisdom of the party that constitutes the lodestar that directs my course and not the wisdom of any one man. It must be indorsed and subscribed to by those who constitute the Republican Party.

I have the very highest personal regard for the views of the President of the United States. He speaks as an individual and not as a party. The Congress of the United States speaks more directly than does any man in the party, whatever his position may be. I intend to support loyally in the coming contest the nominee of the Republican Party. I intend to do it without apology or without defense. I have more than one reason for doing so aside from my confidence in the ultimate wisdom of the President of the United States in connection with the representatives of the Republicans of this country. I am not going to question it in this hour, neither am I going to cease to strive for the recognition of the principles that I believe to be sound and true.

There is another great reason why I am going to support the nominee of the Republican party, and that is that it will, I hope, prevent the Democratic party from obtaining the control or assuming the administration or legislation of this country.

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That is the greatest evil, in my judgment, that can befall the Americans. I do not expect Senators on the other side to agree with me—that is, not spontaneously, nor do they expect me to agree with their policies, but, Mr. President, anything that will keep the Democratic party out of power is a worthy thing to do, and in this is involved the welfare of the American people.

I heard statements upon this floor yesterday which would indicate that some Members seem never to have discovered the boundaries of the United States or to have learned what the boundary of a country such as ours means. They seem not to understand that it marks not only the geographical line, but the line of interest and the line of rights of the people. Senators who talk about the spirit of brotherly love, unbounded and undivided by geographical lines, are talking poetry and not reason. The American people, a nation distinct from every other nation in individual and personal character, necessity, ambition, and destiny, must not be confused with a country, even though inhabited by a like citizenship that exists under different laws and is governed under different principles.

I would make the boundary of our great country mean something not only upon the map, but in the transactions in the world between men. I would make it mean something to be an American citizen. I would make it stand for something that places the American citizen and his rights above the citizenship of any other country in the world. That is what it is to be an American citizen, entitled to participate in the counsels of the American people, to live under the laws of the American people, that are different in principle and application to the citizens than are the laws of any other country.

For that reason no conditions could arise under which I would advocate or support any proposition of legislation that would place the citizenship of any country upon an equal plane with the citizenship of our own country, either from a patriotic standpoint, a business or a personal standpoint. That is the standard that was set up by the founders of the country. That is the standard that was marked out by the Constitution of the United States. It was the purpose of the founders that we should be a distinct and separate nation, and that our citizenship should stand upon a better and higher plane than that of any other country.

I would never bring into competition with our own citizenship in the struggle for prosperity the citizenship of any other country. The rights of all men equal before the law are not equal in the great field of controversy and struggle. I would give the weakest American citizen higher rights and better protection than I would give the strongest foreigner, whether at home or abroad. I would not allow the most highly skilled and best equipped foreigner to compete at the expense of the less equipped American citizen. We legislate in order that all men can be equal before the law. Then we must give them all an equal opportunity before the law. In enacting tariff legislation we must give the weak the protection that will make him stronger than the strongest foreigner. That is the principle, that is the object, that is the purpose of our Government.

Mr. MARTINE of New Jersey. Mr. President, I desire to say that somewhere and somehow I want to vote for free sugar. Whether I shall have the opportunity or not I do not know, but I believe the time has come for free sugar and a free breakfast table to the American people.

I agree thoroughly in many ways with what is expressed by the Senator from Idaho, particularly where he says it means something to be an American citizen. I have no doubt from his standpoint and point of view the Havemeyers, sugar refiners, multimillionaires, of New York, who have robbed this country of millions of dollars, will think so, too.

I think the Senator will agree with me that Henry T. Oxnard is a pretty good authority on the question of sugar beets and sugar raising. It was his testimony that it cost not more than $2.80 a hundred to raise sugar beets. This was in 1898. At that time the sugar content of the American beets was no more than 8 to 9 per cent, and the yield per acre no more than 7 or 8 tons. At the hearings before the Ways and Means Committee of the House in 1909 Mr. Oxnard declared that when we attained the German average of sugar content and yield per acre we could stand against the world without any further assistance from the tariff. It developed before the Hardwick committee that this country had equaled, if not surpassed, the German average, the content of our beets having reached above 15 per cent and the yield per acre 14 tons, while in favorable localities of California, Colorado, Utah, and Michigan there had been as high as 22 per cent content and 20 tons' yield per acre.

If he was right about the cost to produce in 1898, how much more cheaply should his company be able to produce now, under these improved conditions? The Spreckels Beet Sugar Co. of California returned a cost of $2.70 per hundred pounds in the report to the trust, which owns a half interest, of its earnings for 1910. The Hardwick committee, in a unanimous report, placed the average maximum cost of all factories, good, bad, and indifferent, at $3.54 per hundred pounds.

Now, Mr. President, I am satisfied, and it seems to me fair-minded and impartial men must be satisfied, from this testimony that the public has been robbed in order to enrich the sugar refineries of the country, and their greed and avarice have not yet been satisfied. They are asking for more, and the pressure on all sides in legislation is for further privileges.

The Michigan Sugar Co., after sweating the people, paid a stock dividend in 1910 of 35 per cent in addition to regular dividends of 1¾ per cent upon both preferred and common, and transferred $1,025,000 to surplus. The Great Western of Colorado had a surplus of $5,500,000 in 1910, after paying 7 per cent upon $15,000,000 preferred and 5 per cent upon $10,000,000 common stock. It has lately been testified by Chester Morey, president of the latter company, in the suit brought by the Government to dissolve the American Sugar Refining Co., that he and H. O. Havemeyer, to use his term, "cut melons" at the rate of $52.25 per share.

Mr. President, I am unwilling, by my vote, to further swell their dividends, through burdening every breakfast table in the land. No other country in the world would have tolerated such a system of tariff a day. It is robbery pure and simple.

Last year the American Beet Sugar Co. earned $9,000,000, gross, upon a capitalization of $20,000,000. Mr. President, to foster through tariff such results and profits at the expense of the American consumer and toiler is brutal. I can not vote to continue such extortion.

Mr. President, I insist that the sugar-refining companies have reached their limit in fairness and common decency; and when I recall the method only a year or two ago, or less than three years ago, when the great refiners of Brooklyn, N. Y., and of Jersey City were found with their hands in the public purse, in the method of manipulating the scales on the wharves and docks in order to falsify the weight of sugars that came to them, they forfeit all respect and consideration at the hands of a fair people.

I believe the zenith of protection in the sugar schedule has been reached, and I shall vote with all earnestness and with a sense of patriotic duty to give the people of this country free sugar. I am as anxious as is the Senator from Idaho to build up industries, but when industries cease to maintain themselves upon proper lines of business methods, when they simply ask the extra pound of flesh in order that their purse may be better filled with the riches and toils of the people, I say it is not patriotism nor good citizenship to sustain them longer. I shall vote for free sugar if the opportunity shall be given me.

The PRESIDENT pro tempore. The question is on the amendment of the committee as amended.

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

The PRESIDENT pro tempore. The Senator from North Carolina raises the question of a quorum, and the roll will be called.

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

Ashurst	Cullom	Martin, Va.	Smith, Ariz.
Bacon	Cummins	Martine, N. J.	Smith, Ga.
Bailey	Dillingham	Massey	Smith, Mich.
Bankhead	du Pont	Myers	Smith, S. C.
Borah	Fall	Newlands	Smoot
Bourne	Foster	Overman	Sutherland
Bradley	Gallinger	Page	Swanson
Brandegee	Gronna	Paynter	Thornton
Bristow	Heyburn	Penrose	Townsend
Bryan	Hitchcock	Perkins	Warren
Burnham	Johnson, Me.	Poindexter	Watson
Catron	Johnston, Ala.	Pomerene	Wetmore
Chamberlain	Jones	Reed	Williams
Clapp	La Follette	Root	Works
Crane	Lodge	Sanders	
Crawford	McCumber	Shively	
Culberson	McLean	Simmons	

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the amendment of the committee as amended.

Mr. SIMMONS. Mr. President, I ask for the yeas and nays.

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

Mr. BAILEY (when his name was called). I am paired with the Senator from Montana [Mr. DIXON] and therefore withhold my vote.

Mr. BRADLEY (when his name was called). I am paired with the senior Senator from Maryland [Mr. RAYNER] and therefore withhold my vote. If at liberty to vote, I should vote "yea."

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Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the senior Senator from New Jersey [Mr. BRIGGS] and will vote. I vote "yea."

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Indiana [Mr. KERN] and will vote. I vote "nay."

Mr. WATSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is absent from the city on account of illness. He, however, is paired with the Senator from Illinois [Mr. CULLOM]. If he were present, my colleague would vote "nay."

Mr. CULLOM (when his name was called). As has just been stated, I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. If he were present, he would vote "nay," and I should vote "yea."

Mr. DILLINGHAM (when his name was called). I transfer the general pair I have with the senior Senator from South Carolina [Mr. TILLMAN] to the junior Senator from Iowa [Mr. KENYON] and will vote. I vote "yea."

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is unavoidably absent. If he were here, he would vote "yea."

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is unavoidably absent from the city. He is paired with the junior Senator from Tennessee [Mr. SANDERS]. I am authorized to say that were he present, my colleague would vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I understand he is absent. Were I at liberty to vote, I should vote "yea."

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is absent from the Chamber. If he were present, he would vote "yea" and I should vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent from the city. He has a general pair with the junior Senator from South Carolina [Mr. SMITH]. If he were present and free to vote, my colleague would vote "yea."

Mr. SANDERS (when his name was called). I have a pair with the junior Senator from Indiana [Mr. KERN]. I transfer my pair to the Senator from Pennsylvania [Mr. OLIVER] and will vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. However, under the transfer as stated by the Senator from Connecticut [Mr. BRANDEGEE], I am at liberty to vote. I vote "nay."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. If I were at liberty to vote, I should vote "yea."

I desire also to state that my colleague [Mr. LIPPITT] is unavoidably detained from the Senate and is paired. If he were present, my colleague would vote "yea."

The roll call was concluded.

Mr. CRAWFORD. I desire to state that my colleague [Mr. GAMBLE] is necessarily absent. He is paired with the Senator from Oklahoma [Mr. GORE]. If present, my colleague would vote "yea."

Mr. McCUMBER. I will transfer my pair with the senior Senator from Mississippi [Mr. PERCY] to the senior Senator from Minnesota [Mr. NELSON] and will vote. I vote "yea."

Mr. WARREN. My colleague [Mr. CLARK of Wyoming] is absent from the Senate and is paired with the Senator from Missouri [Mr. STONE].

Mr. REED. Mr. President, I rise for the purpose of making the same announcement that has just been made by the Senator from Wyoming [Mr. WARREN], that my colleague [Mr. STONE] is paired with the Senator from Wyoming [Mr. CLARK].

Mr. SHIVELY. The senior Senator from Maryland [Mr. RAYNER] is unavoidably absent from the city. He is paired with the junior Senator from Kentucky [Mr. BRADLEY]. I am authorized to say that if the senior Senator from Maryland were present, he would vote "nay."

Mr. CHAMBERLAIN. I am authorized to announce that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. If the Senator from Oklahoma were here, he would vote "nay."

Mr. MARTINE of New Jersey. I am authorized to announce the pair existing between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS]. I make this announcement for the day.

The result was announced—yeas 37, nays 25, as follows:

YEAS—37.

Borah	Dillingham	Massey	Smoot
Bourne	du Pont	McCumber	Stephenson
Brandegee	Fall	McLean	Sutherland
Bristow	Foster	Page	Thornton
Burton	Gallinger	Penrose	Townsend
Catron	Gronna	Perkins	Warren
Clapp	Heyburn	Poindexter	Works
Crane	Jones	Root	
Crawford	La Follette	Sanders	
Cummins	Lodge	Smith, Mich.	

NAYS—25.

Ashurst	Hitchcock	Overman	Smith, S. C.
Bacon	Johnson, Me.	Pomerene	Swanson
Bankhead	Johnston, Ala.	Reed	Watson
Bryan	Martin, Va.	Shively	Williams
Chamberlain	Martine, N. J.	Simmons	
Culberson	Myers	Smith, Ariz.	
Fletcher	Newlands	Smith, Ga.	

NOT VOTING—32.

Bailey	Cullom	Kenyon	Paynter
Bradley	Curtis	Kern	Percy
Briggs	Davis	Lea	Rayner
Brown	Dixon	Lippitt	Richardson
Burnham	Gamble	Nelson	Smith, Md.
Chilton	Gardner	O'Gorman	Stone
Clark, Wyo.	Gore	Oliver	Tillman
Clarke, Ark.	Guggenheim	Owen	Wetmore

So the amendment as amended was agreed to.

The PRESIDENT pro tempore. If there be no objection, the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended.

Mr. NEWLANDS. I offer the amendment which I send to the desk.

Mr. LODGE. Is the bill now in the Senate?

The PRESIDENT pro tempore. The bill is now in the Senate.

Mr. LODGE. And the amendment concurred in?

The PRESIDENT pro tempore. Not as yet. The amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. It is proposed to add to the bill the following section:

That the revenue derived from the special excise tax imposed by the act entitled "An act to extend the special excise tax now levied with respect to doing business by corporations to persons and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships" shall constitute a special fund in the Treasury to be applied to making up any deficit in existing revenue caused by a reduction of customs duties, and any surplus derived from such excise tax above the amount necessary to make up such deficit shall be reserved and applied to the regulation of the navigable rivers, including the prevention of and protection against floods, and the improvement of post and interstate roads in cooperation with the States.

The PRESIDENT pro tempore. If there be no objection, the amendment made as in Committee of the Whole will be concurred in in the Senate. The Chair hears none.

Mr. BACON. I understand if the amendment is concurred in that that will practically cut off amendments to that amendment.

The PRESIDENT pro tempore. The Chair would not think so.

Mr. BACON. There is no objection to that, if the Chair will so rule.

The PRESIDENT pro tempore. The Chair will hold that any amendment to the substitute will be in order in the Senate.

The question is upon the amendment submitted by the Senator from Nevada.

Mr. NEWLANDS. Mr. President, my understanding is that the bills which have heretofore passed the other House reducing customs duties, outside of the sugar bill, will produce a deficit in the revenue of about $16,000,000. I understand that whilst the free-sugar bill as it passed the House makes a reduction of about $53,000,000 more, that the reduction caused by the Lodge substitute, which will probably pass the Senate, will be about $16,000,000. I ask the Senator from Massachusetts whether that is correct?

Mr. LODGE. That this bill will do that?

Mr. NEWLANDS. So I understand.

Mr. LODGE. It is estimated that this bill, as it now stands, would reduce the revenue about five and a half million dollars.

Mr. NEWLANDS. All these bills united, then, will reduce the revenue a little over $20,000,000. We have passed an excise tax bill which, if it becomes a law, will probably raise

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$60,000,000, and our purpose in passing that bill was to make up any deficit caused by a reduction in customs duties. The intention of the Democratic Party is to gradually transfer a portion of the great burden of taxation now imposed upon consumption to wealth, such transfer to be accomplished as the customs duties are reduced. Thus as the burden on consumption is diminished the burden on wealth is to be increased. Naturally that will be a moderate and slow process, inasmuch as the Democratic Party expects to continue to obtain a very considerable portion of the national revenue from customs duties.

Mr. President, the situation then will be this: We will have a revenue of $60,000,000 from the excise tax to apply to a reduction in customs duties of a little over $20,000,000. The purpose of my amendment is to guard against employing that money in mere administration, in enlarging the expenses of administration, in, perhaps, wasteful administration. The purpose is to create in the Treasury a fund so that this money derived from wealth shall be applied either to a reduction of customs duties or to the permanently substantial and constructive work of the Nation.

We shall need additional moneys for the constructive work upon which the Government is about to enter. Public opinion is now formed with reference to the development of our waterways as instrumentalities of commerce and not as mere instrumentalities for the waste of public money. Public opinion is demanding continuous work, speedy work, and a large fund for that purpose—at least $50,000,000 annually for the next 10 years. Public opinion has also determined upon taking the public buildings out of the spoils system and putting them upon the merit system as our civil service has been.

In addition to river development, public opinion is demanding the expenditure by the National Government of a considerable portion of the public funds in post and interstate roads in cooperation with the States. Doubtless before long a bureau of architecture or a board of public works will be organized which, under the advice and with the aid of the best architects, artists, engineers, and constructors of the country, will enter upon a scheme of public buildings adapted to the use and the necessities of the public in the various localities, and doubtless that work will be conducted continuously and without the spasmodic breaks in legislation of which we have had experience in the past. There will be ample need, therefore, of taxing wealth in order to take care of this constructive work, apart from any question of supplying any deficit in the revenue caused by a reduction of customs duties. We will find that the wealth of the country will be less disposed to resist placing an additional burden upon them if they find that the money derived from the tax is to be applied to some substantial and useful purpose. So, Mr. President, in view of these facts, I ask for the adoption of the amendment, and I call for the yeas and nays upon it.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment of the Senator from Nevada, upon which he demands the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. NEWLANDS. Mr. President, I offer another amendment.

The PRESIDENT pro tempore. The Senator from Nevada offers an amendment, which will be stated.

The SECRETARY. At the end of the bill it is proposed to add the following:

That on the 1st day of January, 1913, a reduction of 10 per cent shall be made in the duties now imposed by law on articles imported into the United States from foreign countries, and that on the 1st day of January of each year thereafter for the period of four years a further reduction of 5 per cent shall be made on such duties until a total reduction of 30 per cent in such duties shall be made: *Provided, however,* That such reductions shall not apply to duties on articles which have been specifically fixed by law at this session of Congress or shall be hereafter specifically fixed by law: *And provided further,* That such reductions shall not apply to duties on articles the importations of which during the previous fiscal year have equaled one-tenth of the production of similar articles in the United States.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Kansas?

Mr. NEWLANDS. Certainly.

Mr. BRISTOW. I suggest to the Senator that, since we will import about two and one-half million tons of sugar and only produce about 800,000 tons, his amendment is wholly inapplicable to this bill.

Mr. CLAPP. The provisions of the amendment of the Senator from Nevada do not apply to any duties fixed at this session.

Mr. NEWLANDS. Of course, Mr. President, this amendment will not apply to sugar, because sugar is an article of which more than one-tenth of the total domestic consumption is imported from abroad. The purpose of the amendment is to confine the reduction by a graduated scale only to duties that are in a greater or less degree prohibitory of importations, and from which no adequate revenue is at present derived. The purpose is to bring every item in our tariff law gradually to a revenue basis. It is not intended to prevent special legislation upon gross abuses such as now exist with reference to the sugar tariff. We can legislate, as we are about to do, definitely and specifically with reference to such excessive duties as have assumed the form of an abuse of the taxing power.

This amendment, I admit, will not reach adequately such extortionate duties as that imposed on sugar, but, on the other hand, it does not prevent action upon such extortionate duties. Cotemporaneous with the reduction which will take place under this amendment, action can be taken by Congress upon each one of the great abuses that now exist under the tariff act, and meanwhile, if such action is not taken, such excessive and extortionate duties will be at least reduced within the period of five years 30 per cent by the action of this amendment.

Mr. President, the reason I urge this amendment now is because it is probable that the only revenue bill that will pass at this session of Congress and be signed is the one now pending. The President of the United States can not, in my judgment, refuse to sign a bill which reduces a duty of nearly 100 per cent only a moderate amount. It is extremely probable that all the other bills which we will pass will be vetoed. In that event, if this bill passes and is signed by the President, accompanying it should go this amendment making a gradual and substantial reduction in the tariff during the next five years and operating automatically without further legislation.

I have already suggested, Mr. President, that after four years of tariff discussion, after all the parties have declared themselves for tariff reduction, after each party to legislation, the House, the Senate, and the President, has declared in favor of reduction, we are about to adjourn without any substantial reduction in tariff duties. I can imagine no more lamentable indictment of representative government than such a contingency. We can not wonder that the people will lose confidence in their Representatives if they ascertain that the three parties entitled to participate in legislation, all agreeing that some reduction should be made, are unable to agree upon any reduction; and so far as I am concerned, I am not ready to stand in that position before the people of the United States without protest.

This amendment is objected to by some on this side of the House because it was what I have termed a "brake." Some Senators on this side have indicated to me that they would sustain the amendment if I would take off this brake. In other words, they want an absolute reduction of 30 per cent provided for, without guarding against any contingency of large importations which may endanger American industries. Let me say to them that they are more scrupulous, in my judgment, than the great party assembled at Baltimore was, for that party has declared that this reduction toward an ultimate tariff for revenue will be accomplished without injury to or destruction of any legitimate American industry.

Now, will such injury and destruction come? None will come except through excessive importations—through a flood of importations.

Many of us believe that the fear of these importations is an exaggerated one. I believe it is; but there is no question about it that in previous elections the imagination of the voters has been impressed by the fear of radical tariff reduction, and the vast body of the employees in the protected industries, naturally affiliated with the Democracy in sympathy, have been persuaded by their employers to vote against the Democratic ticket and for the Republican ticket by reason of such alarm.

Then, again, it will be impossible to get any Republican support for this amendment unless such a brake is applied, for Republican support is necessary to pass it, and the Republican stands for protection. He stands candidly for the protection of American industries. Whilst some, and perhaps all of them, desire a reduction in the tariff, they want to stop short of the point where such a reduction will imperil or destroy an American industry. And so I found upon inquiry amongst my Republican friends that they will not support an amendment making a gradual reduction unless it also provides that where you reach the importing level, when the duty is changed from a prohibitory or a highly protective duty into a revenue duty, at that point the reduction shall cease until at least the judgment of Congress shall be taken upon the subject. It seems to me, judging from their standpoint, that that is a rational demand.

So we find that Republican principles require such a brake, and the Democratic platform in its platform declaration justifies it. This brake is not an indorsement of the protective prin-

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ciple by Democrats. It is simply a recognition of the fact which our platform recognizes that the industries of the country have unfortunately become adjusted to a high protective tariff, and that in the process of readjustment we should be so moderate in our movements as not to destroy or impair the industries that are the creation of years, that have been built up upon the faith of the existing law, for which Congress is responsible and for which the people themselves are responsible, and that whatever may have been the exactions, whatever may have been the oppressions under the law, no vindictive, no compensatory action for past wrongs is justified.

Mr. President, I hope that this amendment will receive the support of the Senate.

Mr. CLAPP. Mr. President, I know the hour is late, and the Senate is impatient to have a vote upon this bill, but I am going to put on the record of the body a protest against the prevailing method of tariff revision, as I have often done before, and as other Senators in their experience in the House placed on the record theirs when they were Members of that body.

That the American people are agreed that we shall protect our industries I think goes without saying, and whether you call it a protective tariff or apply the appellation of a revenue tariff, it makes little difference, so long as it sufficiently protects. I believe in calling it a protective tariff, for this reason: If a man stands for protection and goes too high, his motive is readily detected, while if he stands assumedly for revenue he may go higher than he ought to and there is no method of detecting his motive. So, Mr. President, whether we call it a protective tariff or a revenue tariff, in the last analysis the subject reaches its settlement at the customhouse. The question of how much importation, as against our own products, must be finally settled by the result at the customhouse.

While the amendment of the Senator from Nevada may not have been worked out to its last analysis and refinement, I believe it is a start in the right direction. I have taken his amendment and gone over the subject until I am thoroughly satisfied that if the amendment went into operation it could at least do no harm to any American industry.

Mr. President, there is another reason why I am going to support the Senator's amendment. If it were not for the misery that comes to this country from panics, it would be utterly grotesque—the picture of a great Nation like ours alternating from panic to monopoly and back from monopoly to panic again through the radical changes to the extremes of tariff. The idea that we must swing the pendulum ever so far one way or the other as to produce a reaction will never bring about that stability in the subject of customs which ought to be established finally in this country, and established upon a reasonable unit alone relieve us of the effect of going from one extreme to the other.

I believe there is a great deal of unnecessary hysteria over this subject, and yet if hysteria produces on the one hand a panic or on the other a reaction which carries protection to the extreme of monopoly again resulting in a reaction to the other extreme, the fact of the panic or the fact of the monopoly is just as absolutely a fact, although it is a psychological condition or a condition of hysteria which produces it.

Now, Mr. President, I believe and I claim no originality in this suggestion; it was embodied in a bill offered in the House some years ago by the Senator who now very ably represents Michigan in this body, Mr. TOWNSEND, and by the senior Senator from Washington, Mr. JONES, three years ago in the Senate—I believe that sooner or later the American people are going to force us to stop making light of men and measures because they may be novel or supported only by a few, and will compel Congress to adopt a system of dealing with the tariff that will relieve it from this extreme of high tariff, then a reaction in favor of low tariff to the point of business depression, and then a swing upward again to monopoly.

We have established an Interstate Commerce Commission. Of course Congress can not delegate authority to fix rates, but Congress can prescribe a rule for railroad rates, and authorize a commission to ascertain the facts and apply the rule, and that is the spirit of our Interstate Commerce Commission and the law under which it acts. There the rule is a shadowy one. The rule is that the rate must be reasonable. It is difficult to ascertain. It is difficult to lay down. It is difficult to define, and it is somewhat shadowy, but answers the constitutional requirement that Congress must lay down a rule for the commission to act under.

I understake to say there is not a legal proposition involved in the creation of a Tariff Commission and the establishment by Congress of a rule for tariffs, and leaving to that commission the ascertainment of the facts and the application of the rule. That is not involved in that law under which we created an Interstate Commerce Commission and laid down a rule for the rate, and left it to the commission to ascertain the facts and apply the rule. While it would require more care to fix the rule, having regard to revenue and protection, yet the rule itself could be more clearly defined in regard to tariff rates than in regard to railroad rates.

I believe the time will come when the sentiment of the American people will drive Congress—if Congress can not go of its own motion—to that point where it will prescribe a rule for the tariff, create a commission, and leave it to that commission to ascertain and apply the rule.

That because the duty, for instance, upon mercerized cotton or upon any particular article is too high or too low 90,000,000 people should be thrown into the hysteria of a general tariff revision is to my mind absolutely absurd. That is a question which under this plan of a commission and this plan of a law could be settled by that commission, while the other great activities of this country could go on just as to-day a railroad rate from St. Paul to Spokane, for instance, can be settled and the other transportation activities of this country go on.

I believe that time is coming, and believing that the amendment of the Senator from Nevada [Mr. NEWLANDS] is a step in that direction, I for one shall most heartily and cheerfully support it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nevada.

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

The yeas and nays were not ordered, and the Chair declared the amendment rejected.

Mr. SIMMONS obtained the floor.

Mr. NEWLANDS. Some Senators around me doubt whether there were not sufficient hands up.

The PRESIDENT pro tempore. The Chair will again ask those in favor of ordering the yeas and nays to raise their hands. [After a count.] Nine have seconded the demand for the yeas and nays.

Mr. HITCHCOCK. There are Senators here seconding it.

The PRESIDENT pro tempore. Not one-fifth.

Mr. LODGE. Not one-fifth, or anything like it.

The PRESIDENT pro tempore. The amendment is rejected. The Senator from North Carolina [Mr. SIMMONS] will proceed.

Mr. SIMMONS. By direction of the minority members of the Committee on Finance, I offer the following amendment as a substitute.

The PRESIDENT pro tempore. The Senator from North Carolina offers an amendment in the nature of a substitute, which will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That on and after the day six months after the passage of this act there shall be levied, collected, and paid the rates of duty which are prescribed in the paragraphs of this act upon the articles hereinafter enumerated, when imported from any foreign country into the United States, or into any of their possessions (except the Philippine Islands and the islands of Guam and Tutuila), and the said paragraphs and sections shall constitute and be a substitute for paragraphs 216 to 219, inclusive, of section 1 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

1. Sugar, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 degrees, sixty-three one-hundredths of 1 cent per pound, and for every additional degree shown by the polariscope test, twenty-four one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion; molasses testing not above 40 degrees, 12 per cent ad valorem; testing above 40 degrees and not above 56 degrees, 1.8 cents per gallon; testing above 56 degrees, 3.6 cents per gallon; sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to the polariscope test: *Provided*, That sugar imported from the Republic of Cuba, being a product of the soil or industry of the Republic of Cuba, shall be admitted into the United States at a reduction of duty equal to 20 per cent of the rate of duty hereinbefore provided for.

2. Maple sugar and maple sirup, 2.6 cents per pound; glucose or grape sugar, 1 cent per pound; sugar cane in its natural state, or unmanufactured, 17 per cent ad valorem.

3. Saccharine, 65 cents per pound.

4. Sugar candy and all confectionery not specially provided for in this act, or in the first section of the act cited for amendment, valued at 15 cents per pound or less, and sugars after being refined, when tinctured, colored, or in any way adulterated, 2.6 cents per pound and 10 per cent ad valorem; valued at more than 15 cents per pound, 33⅓ per cent ad valorem. The weight and the value of the immediate coverings, other than the outer packing case or other coverings, shall be included in the dutiable weight and the value of the merchandise.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from North Carolina [Mr. SIMMONS].

Mr. SIMMONS. Mr. President, I desire simply to say that the substitute which I have offered on the part of the minority members of the Finance Committee upon an ad valorem basis reduces the present duty upon sugar 33⅓ per cent. The amount

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of money which will be saved by the taxpayers if this amendment is adopted, upon the basis of the importations of 1910, according to a statement furnished the minority members of the committee by an expert in the Treasury Department, will be $17,292,945.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from North Carolina [Mr. SIMMONS].

Mr. SIMMONS. On that I demand the yeas and nays.

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

Mr. BAILEY (when his name was called). I am paired with the Senator from Montana [Mr. DIXON] and withhold my vote.

Mr. BURNHAM (when his name was called). I withhold my vote because of a pair with the junior Senator from Maryland [Mr. SMITH].

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer it to the junior Senator from Indiana [Mr. KERN] and will vote. I vote "yea."

Mr. WARREN (when the name of Mr. CLARK of Wyoming was called). I again announce the pair of my colleague [Mr. CLARK] with the Senator from Missouri [Mr. STONE].

Mr. CULLOM (when has name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. If he were present and I was allowed to vote, I should vote "nay."

Mr. DILLINGHAM (when his name was called). I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the junior Senator from Iowa [Mr. KENYON] and will vote. I vote "nay."

Mr. CRAWFORD (when Mr. GAMBLE'S name was called). I again announce the pair of my colleague [Mr. GAMBLE] with the Senator from Oklahoma [Mr. GORE] and will allow this announcement to stand during the other roll calls on this bill.

Mr. CUMMINS (when Mr. KENYON'S name was called). My colleague [Mr. KENYON] is absent from the city and under the transfer just made he is paired with the senior Senator from South Carolina [Mr. TILLMAN]. If my colleague were present, he would vote "nay."

Mr. MCCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY], and transfer it to the senior Senator from Minnesota [Mr. NELSON] and will vote. I vote "nay."

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is absent. If he were present, he would vote "nay" and I should vote "yea."

Mr. WILLIAMS (when Mr. PERCY'S name was called). My colleague [Mr. PERCY] is necessarily absent on business. He is paired, but if he were present he would vote "yea."

Mr. SANDERS (when his name was called). I have a pair with the Senator from Indiana [Mr. KERN]. I transfer it to the junior Senator from Pennsylvania [Mr. OLIVER] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. WATSON (when his name was called). I again announce the transfer that I did on the previous vote, and I will vote. I vote "yea."

Mr. WETMORE (when his name was called). I make the same announcement that I did on the previous vote in regard to my colleague and myself. If I were at liberty to vote, I should vote "nay," and if my colleague were present and free to vote, he would vote "nay."

The roll call was concluded.

Mr. REED. I desire to announce the pair of my colleague [Mr. STONE] with the Senator from Wyoming [Mr. CLARK]. I will state that the Senator from Missouri is necessarily absent from the city.

Mr. CULBERSON. The Senator from Delaware [Mr. DU PONT] with whom I have a pair not having voted, I withhold my vote.

Mr. BRANDEGEE. How am I recorded, Mr. President?

The PRESIDENT pro tempore. The Senator from Connecticut is recorded in the negative.

Mr. BRANDEGEE. I have a pair with the junior Senator from New York [Mr. O'GORMAN]. I make the same announcement that I did on the last roll call with respect to the transfer of that pair, and will let my vote stand.

Mr. BRADLEY. I again announce my pair with the Senator from Maryland [Mr. RAYNER] and withhold my vote. I would vote "nay," if it were not for the pair.

Mr. CHAMBERLAIN. I again announce that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. If the Senator from Oklahoma were present, he would vote "yea."

The result was announced—yeas 24, nays 36, as follows:

YEAS—24.

Ashurst	Hitchcock	Newlands	Smith, Ariz.
Bacon	Johnson, Me.	Overman	Smith, Ga.
Bankhead	Johnston, Ala.	Pomerene	Smith, S. C.
Bryan	Martin, Va.	Reed	Swanson
Chamberlain	Martine, N. J.	Shively	Watson
Fletcher	Myers	Simmons	Williams

NAYS—36.

Borah	Cummins	Lodge	Sanders
Bourne	Dillingham	McCumber	Smith, Mich.
Brandegee	Fall	McLean	Smoot
Bristow	Foster	Massey	Stephenson
Burton	Gallinger	Page	Sutherland
Catron	Gronna	Penrose	Thornton
Clapp	Heyburn	Perkins	Townsend
Crane	Jones	Poindexter	Warren
Crawford	La Follette	Root	Works

NOT VOTING—34.

Bailey	Cullom	Kenyon	Percy
Bradley	Curtis	Kern	Rayner
Briggs	Davis	Lea	Richardson
Brown	Dixon	Lippitt	Smith, Md.
Burnham	du Pont	Nelson	Stone
Chilton	Gamble	O'Gorman	Tillman
Clark, Wyo.	Gardner	Oliver	Wetmore
Clarke, Ark.	Gore	Owen	
Culberson	Guggenheim	Paynter	

So the substitute offered by Mr. SIMMONS was rejected.

Mr. BRISTOW. I desire to ask permission to incorporate in the RECORD some tables I quoted from during my remarks.

The PRESIDENT pro tempore. Without objection, that order will be made.

Mr. MCCUMBER. I offer an amendment to be inserted at the end of the bill.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to add at the end of the bill the following:

That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and the same is hereby, repealed: *Provided*, That from and after the passage of this act there shall be a duty of $2 per ton paid on the paper described in section 2 of said act.

Mr. BACON. I desire to offer an amendment to the amendment. I had no information that the matter was going to be brought up and I have had no opportunity to prepare it. I wish to offer the same amendment that I offered to a similar amendment yesterday.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment to the amendment, which will be read.

The SECRETARY. Strike out the proviso of the amendment and in lieu insert:

Except so far as the same concern the provisions of said act relating to pulp wood, wood pulp, or print paper.

Mr. BACON. Mr. President, I want to say one word about this matter. I have heard some Senators on the other side of the Chamber speak in regard to the reciprocity law as a great menace to some of the industries of this country. I have heard Senators speak most earnestly on that subject and advocate it with all the eloquence and all the vehemence, I might say, of manner which their sincerity and conviction would prompt, and yet on yesterday, when the opportunity was offered to practically do away with all the part of the reciprocity law which did furnish such a menace, such Senators voted against the amendment which would bring about that state of affairs.

Mr. President, as I have understood it, the part of the reciprocity bill which has excited the opposition of Senators—and I will be free to say that no one could criticize them for their opposition to it from their point of view and such dire and injurious effect as they thought would result from the operation of the law—the part of the law, I repeat, which I have understood was the part which furnished the menace which excited their opposition was the part of the law which, when agreed to by Canada, if it should ever do so, would afford the opportunity for the reciprocal interchange, according to the terms of that bill, of the products of Canada and the products of the United States. It has been most earnestly and most eloquently presented within the last few days that there was this menace, which menace might be a reality at any time when Canada should see fit to accede to our proposal for reciprocity; a menace so grave and serious that we should hasten to repeal the law.

Mr. President, I assume that the purpose of the amendment offered by the Senator from North Dakota is to get rid of that part of the reciprocity pact, if I may so call it, which would

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the article to the Senate, in which there was a general assault upon the political institutions and form of government of the United States. That is not a little paper, but it is one of the principal papers in Canada.

There was a general assault upon our form of Government, upon our method of administration, drawing the contrast between the features of this Government and the features of the Government of Great Britain which have been so closely copied by the Government of Canada, and showing such an utterly radical disagreement with the recognized ideas and policies of our institutions that the idea which I had previously conceived along the same line before that as to the governmental views and prejudices of the people of Canada was largely accentuated and intensified. Of course the utterances of one newspaper could not alone influence my conclusions on so grave a subject, but my previous personal observations and information received through others caused me to recognize and believe the views expressed in that article reflected what are really the views of the larger part of the people of Canada. If so, it is to our interest that they remain on the outside of our northern boundary, and, so far as I am concerned, I hope they will continue to be our good, friendly neighbors, and never a part of us.

I am satisfied, Mr. President, that the political education of that people has unfitted them as a people to come in and be a part of this Government and to be in sympathy with and promotive of the development of our institutions under our peculiar Government, founded upon the lines laid down in the Constitution of the United States.

I believe, Mr. President, that their differences with us on those lines go to an extent that amount to a prejudice which it would take generations ever to reconcile or to eradicate. For that reason I hope never to see the day when Canada will become a part of the United States. Unless I should most radically change my view, if the issue were raised and depended upon my single vote, she would certainly not be permitted to become a part of our sisterhood of States.

But, Mr. President, to come immediately to the question of reciprocity, the question of what we shall do to-day. The Senator speaks in earnest terms of the utmost importance that the reciprocity pact shall be abrogated so far as we are concerned; that our proposition for a reciprocity pact with Canada which has not been accepted should be recalled and the law upon which it is based should be repealed. I repeat, Mr. President, that every part of that proposed pact and every part of that law which is so objectionable and distasteful to the people on the northern border will be repealed if the amendment of the Senator from North Dakota is adopted with the amendment which I have proposed to it.

The Senator says a provision repealing the reciprocity law should be attached to every bill, but does the Senator wish to attach it in a way to accomplish no result, or does he wish the accomplishment of the great result of the repeal of that law? The Senator knows by the fact that such an amendment has been attached to a bill which has gone to the other House and to which the House will not agree. The Senator has every reason to know that so long as it stands in that shape, while the Senate may put it on every bill it is not going to pass; and the Senator has every reason to believe that if the amendment repealing the reciprocity law is put on with the amendment which I have proposed—and such an amendment will accomplish all that is desired in repealing the reciprocity law—it will pass and be agreed to and become law. Now, what is the proper course, if the repeal of the reciprocity law is the real purpose?

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. BACON. I do.

Mr. McCUMBER. If the Senator will allow me to ask a question, is there a greater probability of the amendment passing the House if it repeals all of the reciprocity agreement, leaving the duty on print paper at $3.75 per ton?

Mr. BACON. Mr. President, I am not prepared to go into details as to the rates of duty upon print paper.

Mr. McCUMBER. But does not the Senator agree that if the reciprocity law is repealed as a whole it reinstates the old duty of $3.75 per ton?

Mr. BACON. I mean to say that the Democrats are in favor of the retention, for the present at least, subject to future changes whenever it shall be shown that they are proper to be made, of that part of the reciprocity law which relates to wood pulp and print paper. I mean to say that if you will remove that from the contention at the present time, I have the utmost confidence that a provision repealing the other features of the reciprocity law can receive the support of both branches of Congress, and I have the same confidence that unless that is done it will not receive the support of Congress. If it is a matter of great, prime importance that the part of the reciprocity law which relates to the reciprocal interchange of products shall be repealed and there is an opportunity to do it and Senators will not avail themselves of that opportunity, upon whom rests the responsibility?

I want to say to Senators now that, unless we are disappointed as to the political control of this country in the near future, in my opinion, the reciprocity law will be repealed by the next Congress along the lines proposed by my amendment, and that Senators on the other side now have the opportunity to join in. I want to say that, so far as I am concerned—and I know I echo the feelings of a great many others—if Senators on the other side maintain their opposition to the repeal of the reciprocity law with the restriction which is suggested by my amendment, the time is not far away, if our anticipations are realized, when we intend to repeal it along those lines. I say we intend to repeal it—I judge so from what Senators and Representatives have said to me—and if we now give you an opportunity to join with us in accomplishing that result, and you will not now accept it, the responsibility is upon you; and when it is done hereafter by ourselves, when we have the power without your aid, you will have no part of the credit for assisting in doing it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Georgia [Mr. BACON] to the amendment of the Senator from North Dakota [Mr. McCUMBER].

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment submitted by the Senator from North Dakota.

Mr. WILLIAMS. Let us have the yeas and nays upon that.

The PRESIDENT pro tempore. The yeas and nays are demanded. Is there a second?

Mr. BACON. Mr. President, is the bill in the Senate or as in Committee of the Whole?

The PRESIDENT pro tempore. The bill is in the Senate.

Mr. BACON. If we are going to have the yeas and nays on the main amendment, I hope we may be allowed to have the yeas and nays on my amendment to the amendment of the Senator from North Dakota.

The PRESIDENT pro tempore. The Senator from Georgia demands the yeas and nays on his amendment to the amendment of the Senator from North Dakota.

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

Mr. BRANDEGEE (when his name was called). I again announce my pair and withhold my vote.

Mr. CULBERSON (when his name was called). In view of my pair, which I have already announced. I withhold my vote.

Mr. DILLINGHAM (when his name was called). I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the junior Senator from Iowa [Mr. KENYON] and will vote. I vote "nay."

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is absent. Through a transfer he is paired with the senior Senator from South Carolina [Mr. TILLMAN]. If my colleague were present and at liberty to vote, he would vote "nay."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY] and the transfer of that pair to the senior Senator from Minnesota [Mr. NELSON]. I vote "nay."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). My colleague [Mr. MARTIN] has been called from the Senate by important matters. If he were present, he would vote "yea."

Mr. PAYNTER (when his name was called). I withhold my vote because of the absence of the Senator from Colorado [Mr. GUGGENHEIM], with whom I have a general pair.

Mr. WILLIAMS (when Mr. PERCY's name was called). My colleague [Mr. PERCY] is necessarily absent and is paired. If my colleague were present, he would vote "nay."

Mr. SANDERS (when his name was called). I transfer my pair with the junior Senator from Indiana [Mr. KERN] to the junior Senator from Pennsylvania [Mr. OLIVER] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his named was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON], which I transfer to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. WATSON (when his name was called). I transfer my general pair with the Senator from New Jersey [Mr. BRIGGS]

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to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that to the Senator from Indiana [Mr. KERN] and allow my vote to stand. While I am on my feet I desire to make the same announcement as on previous roll calls in reference to the pair of the Senator from Oklahoma [Mr. OWEN] with the Senator from Nebraska [Mr. BROWN].

Mr. REED. I desire to announce the necessary absence of my colleague [Mr. STONE] and the fact that he is paired with the Senator from Wyoming [Mr. CLARK].

Mr. WARREN. I again announce the unavoidable absence of my colleague [Mr. CLARK] and his pair, as just stated by the Senator from Missouri, with the colleague of the Senator from Missouri [Mr. STONE].

Mr. SMITH of Michigan. The junior Senator from Kentucky [Mr. BRADLEY] is unavoidably absent. He is paired with the Senator from Maryland [Mr. RAYNER]. The Senator from Kentucky requested me to announce that if he were present and not paired he would vote "nay."

The result was announced—yeas 21, nays 34, as follows:

YEAS—21.

Ashurst	Hitchcock	Poindexter	Smith, S. C.
Bacon	Johnston, Ala.	Pomerene	Swanson
Bankhead	Martine, N. J.	Reed	Watson
Chamberlain	Myers	Shively	
Clapp	Newlands	Simmons	
Fletcher	Overman	Smith, Ariz.	

NAYS—34.

Borah	Dillingham	McCumber	Smoot
Bourne	Fall	McLean	Stephenson
Bristow	Foster	Massey.	Sutherland
Bryan	Gallinger	Page	Thornton
Burton	Gronna	Penrose	Townsend
Catron	Heyburn	Perkins	Warren
Crane	Johnson, Me.	Root	Williams
Crawford	Jones	Sanders	
Cummins	Lodge	Smith, Mich.	

NOT VOTING—39.

Bailey	Cullom	Kern	Percy
Bradley	Curtis	La Follette	Rayner
Brandegee	Davis	Lea	Richardson
Briggs	Dixon	Lippitt	Smith, Ga.
Brown	Du Pont	Martin, Va.	Smith, Md.
Burnham	Gamble	Nelson	Stone
Chilton	Gardner	O'Gorman	Tillman
Clark, Wyo.	Gore	Oliver	Wetmore
Clarke, Ark.	Guggenheim	Owen	Works
Culberson	Kenyon	Paynter	

So Mr. BACON's amendment to Mr. MCCUMBER's amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from North Dakota [Mr. MCCUMBER].

Mr. WILLIAMS. Let us have the yeas and nays.

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

Mr. CHAMBERLAIN (when his name was called). I desire to announce again my pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the Senator from Indiana [Mr. KERN] and will vote. I vote "nay."

Mr. CULBERSON (when his name was called). In view of my general pair with the Senator from Delaware [Mr. DU PONT], in his absence I withhold my vote. I wish this announcement to stand for the day.

Mr. DILLINGHAM (when his name was called). In view of my pair with the senior Senator from South Carolina [Mr. TILLMAN], I withhold my vote.

Mr. JOHNSON of Maine (when Mr. GARDNER's name was called). My colleague [Mr. GARDNER] is necessarily absent from the city. If he were present, he would vote "yea."

Mr. MCCUMBER (when his name was called). I again announce my pair, and transfer it to the senior Senator from Minnesota [Mr. NELSON] and will vote. I vote "yea."

Mr. PAYNTER (when his name was called). I again withhold my vote by reason of my pair with the Senator from Colorado [Mr. GUGGENHEIM].

Mr. SANDERS (when his name was called). I transfer my pair with the Senator from Indiana [Mr. KERN] to the junior Senator from Pennsylvania [Mr. OLIVER] and will vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I announce my pair with the Senator from Delaware [Mr. RICHARDSON], and in his absence withhold my vote.

Mr. WATSON (when his name was called). Making the same transfer as upon the previous vote, I vote "nay."

The roll call was concluded.

Mr. SMITH of Michigan. I again announce the absence of the Senator from Kentucky [Mr. BRADLEY] and his pair with the Senator from Maryland [Mr. RAYNER]. If present, the Senator from Kentucky would vote "yea."

Mr. SWANSON. My colleague [Mr. MARTIN] has been called from the Senate by very important business. If he were present, he would vote "nay." He is paired with the Senator from New Jersey [Mr. BRIGGS].

Mr. REED. I desire to make the same announcement with reference to the absence of my colleague, and the fact that he is paired that I heretofore made.

The result was announced—yeas 24, nays 31, as follows:

YEAS—24.

Borah	Gallinger	McCumber	Smith, Mich.
Burton	Gronna	Massey	Smoot
Catron	Heyburn	Page	Stephenson
Clapp	Johnson, Me.	Penrose	Thornton
Crane	Jones	Perkins	Townsend
Foster	La Follette	Sanders	Warren

NAYS—31.

Ashurst	Cummins	Myers	Simmons
Bacon	Fall	Newlands	Smith, Ariz.
Bankhead	Fletcher	Overman	Sutherland
Bourne	Hitchcock	Poindexter	Swanson
Bristow	Johnston, Ala.	Pomerene	Watson
Bryan	Lodge	Reed	Williams
Chamberlain	McLean	Root	Works
Crawford	Martine, N. J.	Shively	

NOT VOTING—39.

Bailey	Cullom	Kenyon	Percy
Bradley	Curtis	Kern	Rayner
Brandegee	Davis	Lea	Richardson
Briggs	Dillingham	Lippitt	Smith, Ga.
Brown	Dixon	Martin, Va.	Smith, Md.
Burnham	du Pont	Nelson	Smith, S. C.
Chilton	Gamble	O'Gorman	Stone
Clark, Wyo.	Gardner	Oliver	Tillman
Clarke, Ark.	Gore	Owen	Wetmore
Culberson	Guggenheim	Paynter	

So Mr. MCCUMBER's amendment was rejected.

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

The bill was read the third time.

Mr. BACON. Mr. President, I wish to say just one word before the bill is put upon its passage. If I had had the opportunity in the parliamentary changes which have been presented I should have voted for the House bill and would still vote for the House bill if given an opportunity to do so.

I voted for the amendment proposed by the minority members of the Finance Committee, because it reduced the rate below the present rate. I voted against the substitute proposed by the Senator from Massachusetts [Mr. LODGE], because while it reduced the rate of duty it was not so low as the rate in the bill for which it was proposed as a substitute.

I wish to say that now that the substitute of the Senator from Massachusetts has been adopted over my vote to the contrary, and stands in the place of the House bill, and now that the alternative is between voting for the bill as it has been perfected by the adoption of the Lodge substitute on the one hand and the sugar duty of the Payne-Aldrich law on the other hand, I shall vote for the bill as now amended by the substitute, not because the rate of duty provided therein is satisfactory to me, but because that rate is lower than the rate in the existing law.

Mr. MARTINE of New Jersey. Mr. President, I desire to indorse the sentiment expressed by the Senator from Georgia [Mr. BACON]. I shall vote for the bill as a makeshift; it is by no means what I desire or that which I feel the American people have the right to expect.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

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

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

Mr. BRANDEGEE (when his name was called). I again announce my pair with the junior Senator from New York [Mr. O'GORMAN].

Mr. CHAMBERLAIN (when his name was called). I transfer my pair, as heretofore announced, and will vote. I vote "yea."

Mr. DILLINGHAM (when his name was called). I transfer the general pair I have with the senior Senator from South Carolina [Mr. TILLMAN] to the junior Senator from Iowa [Mr. KENYON] and will vote. I vote "yea."

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is necessarily absent. By transfer he stands paired with the Senator from South Carolina [Mr. TILLMAN]. If my colleague were here and free to vote, he would vote "yea."

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Mr. McCUMBER (when his name was called). I again announce my pair and transfer it to the senior Senator from Minnesota [Mr. NELSON] and will vote. I vote "yea."

Mr. SWANSON (when the name of Mr. MARTIN of Virginia was called). My colleague [Mr. MARTIN] has been called away from the Chamber on very important matters. He desired me to say that if he were present he would vote "yea," giving as a reason that this bill is a reduction on the present law.

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. If he were present, he would vote "yea," and I myself feel at liberty to vote. I vote "yea."

Mr. WILLIAMS (when Mr. PERCY'S name was called). I again announce the necessary absence of my colleague [Mr. PERCY], the fact that he is paired, and that if he were present, he would vote "yea."

Mr. SANDERS (when his name was called). I again announce the transfer of my pair, and I will vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the junior Senator from Delaware [Mr. RICHARDSON], and I withhold my vote.

Mr. WATSON (when his name was called). Upon this vote I am reliably informed that the senior Senator from New Jersey [Mr. BRIGGS] would vote "yea." I therefore feel at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. BRANDEGEE. I was requested to announce that the junior Senator from New Hampshire [Mr. BURNHAM] stands paired with the junior Senator from Maryland [Mr. SMITH]. If the junior Senator from New Hampshire were present and at liberty to vote, he would vote "yea."

Mr. SMITH of Michigan. I make the same announcement as on the previous vote in regard to the Senator from Kentucky [Mr. BRADLEY]. If he were present he would vote "yea." He is paired with the Senator from Maryland [Mr. RAYNER]. He is unavoidably detained from the Chamber.

Mr. REED. I desire to make the same announcement in reference to the absence and the pair of my colleague [Mr. STONE] that I have heretofore made.

Mr. LODGE. I desire to announce the pair of the Senator from Kansas [Mr. CURTIS] with the Senator from Arkansas [Mr. DAVIS] on this vote.

Mr. WARREN. My colleague [Mr. CLARK of Wyoming] is necessarily absent from the Chamber. He stands paired with the senior Senator from Missouri [Mr. STONE].

The result was announced—yeas 52, nays 3, as follows:

YEAS—52.

Ashurst	Cummins	Massey	Shively
Bacon	Dillingham	Myers	Simmons
Bankhead	Fall	Newlands	Smith, Ariz.
Borah	Fletcher	Overman	Smith, Mich.
Bourne	Gallinger	Page	Smoot
Bristow	Gronna	Paynter	Stephenson
Bryan	Hitchcock	Penrose	Sutherland
Burton	Jones	Perkins	Swanson
Catron	La Follette	Poindexter	Townsend
Chamberlain	Lodge	Pomerene	Warren
Clapp	McCumber	Reed	Watson
Crane	McLean	Root	Williams
Crawford	Martine, N. J.	Sanders	Works

NAYS—3.

Foster	Heyburn	Thornton

NOT VOTING—39.

Bailey	Cullom	Johnston, Ala.	Percy
Bradley	Curtis	Kenyon	Rayner
Brandegee	Davis	Kern	Richardson
Briggs	Dixon	Lea	Smith, Ga.
Brown	du Pont	Lippitt	Smith, Md.
Burnham	Gamble	Martin, Va.	Smith, S. C.
Chilton	Gardner	Nelson	Stone
Clark, Wyo.	Gore	O'Gorman	Tillman
Clarke, Ark.	Guggenheim	Oliver	Wetmore
Culberson	Johnson, Me.	Owen	

So the bill was passed.

STREET RAILWAY IN SOUTH HILO, HAWAII.

Mr. CLAPP. I entered yesterday a motion to reconsider the votes by which the bill (H. R. 18041) 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, was ordered to a third reading and passed. The bill has been returned from the House, and I ask for action on the motion to reconsider.

The motion to reconsider was agreed to.

Mr. CLAPP. On page 3, line 1, after the word "passengers," I move to insert the word "freight."

The amendment was agreed to.

Mr. CLAPP. I ask that the bill be put on its passage.

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

LANDS IN WYOMING.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming, 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 disagreement to the amendments of the House and agree to the same with an amendment as follows: Strike out of the House amendment the words "July 1, 1913," and insert in lieu of the words stricken out the words "otherwise provided by law"; and the House agree to the same.

REED SMOOT,
C. D. CLARK,
GEORGE E. CHAMBERLAIN,
Managers on the part of the Senate.

JOSEPH T. ROBINSON,
EDWARD T. TAYLOR,
F. W. MONDELL,
Managers on the part of the House.

The report was agreed to.

TARIFF DUTIES ON WOOL.

Mr. SMOOT. I ask that there be printed for the use of the Senate document room 200 copies each of the amendments offered by the Senator from Pennsylvania [Mr. PENROSE], the Senator from Wisconsin [Mr. LA FOLLETTE], and the Senator from Massachusetts [Mr. LODGE] to the bill known as the wool bill. At the document room there are no copies of the amendments left, and there is no authority to print them, as they were offered from the floor.

The PRESIDENT pro tempore. Without objection, that order will be made.

EXECUTIVE SESSION.

Mr. LODGE. 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 five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 12 minutes p. m.) the Senate adjourned until Monday, July 29, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 27, 1912.

COLLECTOR OF CUSTOMS.

Dascar O. Newberry, of North Carolina, to be collector of customs for the district of Albemarle, in the State of North Carolina. (Reappointment.)

PROMOTION IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Grover A. Kempf, of Ohio, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to take effect from date of oath.

UNITED STATES DISTRICT JUDGE.

John M. Cheney, of Florida, to be United States district judge, southern district of Florida, vice James W. Locke, resigned.

APPOINTMENTS IN THE ARMY.

To be second lieutenants with rank from July 22, 1912.

CAVALRY ARM.

Corpl. Roy Oscar Henry, Troop A, Eleventh Cavalry.
Pvt. William Earle Dorman, Troop D, Fifteenth Cavalry.
Corpl. John Coleman Prince, Troop G, Eleventh Cavalry.
First Sergt. Lindsley Dykeman Beach, Troop C, Thirteenth Cavalry.

FIELD ARTILLERY ARM.

Corpl. John Dilworth von Holtzendorff, Troop G, Eleventh Cavalry.

INFANTRY ARM.

Sergt. Ralph Samuel Kimball, Company E, Fourth Infantry.
Corpl. Francis Bernard Mallon, Company I, Fifth Infantry.
Sergt. Lathrop Boyd Clapham, Company M, Twenty-ninth Infantry.
Pvt. Carl James Adler, Company M, Twenty-ninth Infantry.
Corpl. Otto Godfrey Pitz, Battery F, Second Field Artillery.
Corpl. Theophilus Steele, Company G, Seventh Infantry.

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Quartermaster Sergt. Burton Young Read, Troop F, Seventh Cavalry.

Corpl. George Hubert Gardiner, Company B, Twenty-ninth Infantry.

Corpl. Dabney Carter Rose, Fifteenth Recruit Company.

PROMOTIONS IN THE NAVY.

Commander George R. Evans to be a captain in the Navy from the 1st day of July, 1912, to fill a vacancy.

Lieut. Julius F. Hellweg to be a lieutenant commander in the Navy from the 10th day of May, 1912, to fill a vacancy.

Lieut. (Junior Grade) John S. McCain to be a lieutenant in the Navy from the 1st day of July, 1912, to fill a vacancy.

Midshipman Albert C. Roberts to be an ensign in the Navy from the 8th day of June, 1912, in accordance with the provisions of an act of Congress approved March 7, 1912.

POSTMASTERS.

ALASKA.

Augustus E. Kindell to be postmaster at Skagway, Alaska, in place of Augustus E. Kindell. Incumbent's commission expired May 20, 1912.

ILLINOIS.

Hugh P. Faught to be postmaster at Tower Hill, Ill., in place of Hugh P. Faught. Incumbent's commission expired March 10, 1912.

Zeno J. Rives to be postmaster at Litchfield, Ill., in place of William T. Thorp. Incumbent's commission expired March 12, 1912.

LOUISIANA.

Mary G. Pearsall to be postmaster at Bogalusa, La., in place of Mary G. Pearsall. Incumbent's commission expired May 14, 1912.

MISSOURI.

Dwight L. Bishop to be postmaster at Garden City, Mo., in place of Dwight L. Bishop. Incumbent's commission expired March 10, 1912.

NEW MEXICO.

John Becker to be postmaster at Belen, N. Mex., in place of John Becker. Admission of Territory as State.

Fred O. Blood to be postmaster at East Las Vegas, N. Mex., in place of Fred O. Blood. Admission of Territory as State.

George L. Bradford to be postmaster at Dawson, N. Mex., in place of George L. Bradford. Admission of Territory as State.

George M. Chandler to be postmaster at Cimarron, N. Mex., in place of George M. Chandler. Admission of Territory as State.

Louis Garcia to be postmaster at Springer, N. Mex., in place of Louis Garcia. Admission of Territory as State.

Spence Hardie to be postmaster at Vaughn, N. Mex., in place of Spence Hardie. Admission of Territory as State.

John M. Hawkins to be postmaster at Alamogordo, N. Mex., in place of John M. Hawkins. Admission of Territory as State.

Robert W. Hopkins to be postmaster at Albuquerque, N. Mex., in place of Robert W. Hopkins. Admission of Territory as State.

Lucius E. Kittrell to be postmaster at Socorro, N. Mex., in place of Lucius E. Kittrell. Admission of Territory as State.

Ignacio Lopez to be postmaster at Las Vegas, N. Mex., in place of Ignacio Lopez. Admission of Territory as State.

Joseph McQuillin to be postmaster at San Marcial, N. Mex., in place of Joseph McQuillin. Admission of Territory as State.

John S. Mactavish to be postmaster at Magdalena, N. Mex., in place of John S. Mactavish. Admission of Territory as State.

Piedad Medina to be postmaster at Wagon Mound, N. Mex., in place of Piedad Medina. Admission of Territory as State.

O. C. Officer to be postmaster at Raton, N. Mex., in place of Frank A. Hill. Admission of Territory as State.

J. P. Porter to be postmaster at Estancia, N. Mex., in place of Nicholas D. Meyer. Admission of Territory as State.

Arthur H. Rockafellow to be postmaster at Roswell, N. Mex., in place of Arthur H. Rockafellow. Admission of Territory as State.

NORTH CAROLINA.

Estella Cameron to be postmaster at Rockingham, N. C., in place of Estella Cameron. Incumbent's commission expired February 13, 1911.

Roy C. Flanagan to be postmaster at Greenville, N. C., in place of Roy C. Flanagan. Incumbent's commission expired March 2, 1912.

John R. Joyce to be postmaster at Reidsville, N. C., in place of John R. Joyce. Incumbent's commission expired January 28, 1912.

OHIO.

James D. Carpenter to be postmaster at Lodi, Ohio, in place of James D. Carpenter. Incumbent's commission expired May 16, 1910.

J. W. McKee to be postmaster at Celina, Ohio, in place of Charles A. McKim. Incumbent's commission expired May 16, 1912.

OKLAHOMA.

Jasper P. Grady to be postmaster at Hartshorne, Okla., in place of Merrel L. Thompson, resigned.

John L. Morgan to be postmaster at Waurika, Okla., in place of John L. Morgan. Incumbent's commission expired April 28, 1912.

Donald B. Munro to be postmaster at Frederick, Okla., in place of Frances K. Ahern. Incumbent's commission expired February 17, 1912.

OREGON.

Charles E. Culbertson to be postmaster at Clatskanie, Oreg., in place of Michor E. Page, resigned.

PORTO RICO.

Alfredo Gimenez y Moreno to be postmaster at Bayamon, P. R., in place of Alfredo Gimenez y Moreno. Incumbent's commission expired May 26, 1912.

Hortensia R. O'Neill to be postmaster at San German, P. R., in place of Hortensia R. O'Neill. Incumbent's commission expired May 26, 1912.

Simon Semidei to be postmaster at Yauco, P. R., in place of Simon Semidei. Incumbent's commission expired May 26, 1912.

SOUTH CAROLINA.

Walter E. James to be postmaster at Greer, S. C., in place of Isham A. Mayfield, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 27, 1912.

POSTMASTERS.

ALABAMA.

Thomas J. Kennamer, Ensley.
John H. McEniry, Bessemer.

IOWA.

Louis F. Bousquet, Pella.
John M. Wormley, Kingsley.

KANSAS.

Henry S. Mueller, Sedgwick.

NEW HAMPSHIRE.

Lafely Leroy Blodgett, Lisbon.

NEW MEXICO.

John Becker, Belen.
Fred O. Blood, East Las Vegas.
George L. Bradford, Dawson.
George M. Chandler, Cimarron.
Louis Garcia, Springer.
Spence Hardie, Vaughn.
John M. Hawkins, Alamogordo.
Robert W. Hopkins, Albuquerque.
Lucius E. Kittrell, Socorro.
Ignacio Lopez, Las Vegas.
Joseph McQuillin, San Marcial.
John S. Mactavish, Magdalena.
Piedad Medina, Wagon Mound.
O. C. Officer, Raton.
J. P. Porter, Estancia.
Arthur H. Rockafellow, Roswell.

NEW YORK.

David Akers, Hillburn.
Emily V. Auryansen, Sparkill.
Janet S. Green, Narrowsburg.
Louis M. Spaulding, Albion.
Francis Worden, Coxsackie.

WITHDRAWAL.

Executive nomination withdrawn July 27, 1912.

POSTMASTER.

WEST VIRGINIA.

M. F. Kiger, Williamstown.

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for the entryman to pay, who would claim such a proceeding would be right? If such a precedent is to be followed, the cost of a project can be made so high that it would be an absolute failure, so far as the entryman settling upon the land is concerned, and then, not only would the Government lose its $200,000, or whatever amount it may be, but it would lose all, perhaps, that it had put in the project, or the difference between the cost of the project and the point to which the price was lowered at least, to enable the entryman to locate upon the land. In a case of a $4,000,000 project the loss might be half a million dollars or even more. That is the trouble in passing this bill; not the $42,000 involved, but the precedent we are establishing.

I understand the Senator from Idaho [Mr. BORAH] desires to address the Senate a short time, and as we are to vote in a few moments, I will yield to him.

Mr. BORAH. I do not care to interrupt the Senator.

Mr. NEWLANDS. Mr. President, if the Senator from Utah will allow me, I wish to make one inquiry. Assuming that the principle is now established that hereafter wherever a man furnishes material and labor in connection with an irrigation project he must be paid, as he ought to be paid, does not the Senator think that the Reclamation Service, through precautions with reference to the contractor's bond, through seeing to it, as the owner of a piece of property upon which buildings are being constructed would see to it, that men furnishing material and labor are paid before the Government payments are made, can hereafter properly guard against any such danger as the Senator anticipates?

Mr. SMOOT. No; Mr. President——

Mr. NEWLANDS. Is it not the commonest thing in enterprises involving the construction of buildings in this country for the employer to guard himself even against the contractor, and to guard himself against the imposition of mechanic's liens and liens for supplies by withholding a certain amount of money, so that he can be assured before the enterprise is ended that every claim is paid?

Mr. SMOOT. Mr. President, that would perhaps be the case in constructing for the erection of a building, but on the great irrigation projects time checks are issued to men from all parts of the United States who carry those time checks from one place to another, believing, of course, that they are just as good as the money and that they can get the money for them whenever they want it. I know of railroad contracts where time checks have been issued and not paid for two or three years, the parties simply holding them the same as they would cash, thinking perhaps they are a little safer than cash, and the same thing is often true in the case of a project of this kind.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SMOOT. I do.

Mr. CHAMBERLAIN. I want to call the Senator's attention to the fact that in some of the States time checks, such as those to which the Senator refers issued in payment of material and labor, are made a preference lien against the railroad company and take precedence over its bonds.

Mr. SMOOT. I admit that, Mr. President, and so they were on Government projects, so far as the bondsmen of contractors were concerned, up to 1905; but the Congress of the United States changed the law of 1894 in 1905, and provided that they should not be a lien in preference to the lien of the Government of the United States. I wish to say that I do not approve of the change in the law. I think the laboring man ought to have the prior lien, and I think the law of 1894 was a better law than the law of 1905.

Mr. REED. Mr. President, if that is true then we can meet the very difficulties which the Senator said we could not meet when he was discussing the proposition of time checks being carried around, and so forth.

Mr. SMOOT. That would make no difference in this case.

Mr. BORAH obtained the floor.

Mr. SHIVELY. Mr. President——

Mr. BORAH. If the Senator from Indiana desires to ask a question, I yield for a moment.

Mr. SHIVELY. I merely wanted to ask whether there is any dispute at all about the fact that the $42,000 involved in this case went into the irrigation project?

Mr. SMOOT. There is no dispute on that question.

Mr. SHIVELY. It was furnished by the laborers and by those who provided the supplies?

Mr. SMOOT. There is no dispute as to that.

Mr. SHIVELY. And they have never received anything for it?

Mr. SMOOT. The Government has paid the amount to the contractor, but the people to whom it is due have not received payment.

Mr. SHIVELY. They have never received any part of it and it is in the land to-day?

Mr. SMOOT. Yes; but if it is paid the second time, as provided for in the bill, and charged to the land, it will be a double charge upon the land.

Mr. BORAH. Mr. President, everyone agrees that there has been a loss to the people who furnished supplies and labor for this irrigation project, and everyone, so far as I know, agrees that it is a great hardship for them to suffer this loss. In its effect it comes not in the way of a general distribution or to hundreds and hundreds of settlers, or to thousands and thousands of taxpayers, but it is gathered and concentrated and falls with its entire effect and weight upon a few individuals who are unable to sustain the loss. Recognizing the fact that a loss has been sustained, everyone feels, it seems to me, that it ought to be taken care of; but we have not been able to agree on just how we should take care of it. A bill was introduced in the Senate and was referred to the Senate Committee on Irrigation and Reclamation of Arid Lands. That bill was reported by the committee and passed by the Senate. It went to the House, where it was amended by the proper committee of the House, and as amended subsequently passed the House, and came back to the Senate and was agreed to in the form in which the House passed it. Had the bill passed as it was first presented to the Senate those who have been objecting to it in its present form would have been satisfied, but it was changed to satisfy those who had a different view. Between these different views, between these complicated propositions, the people who expended their money, their time, and their labor are suffering a loss which they can ill afford to stand and are not in a position to sustain.

Mr. President, they say that this burden will fall upon the settler. It will not fall upon the settler who has already made his contract; he is exempt and secure; it could at most only fall upon the man who goes upon the project hereafter, and who has full notice as to the value of the land, who knows whether he can afford to take the land, who is advised as to its price, and who takes the land with his eyes open and with a full understanding of what it is to cost him. I submit to the Senate, is it equitable to impose this entire loss upon these people, when the Government has received the benefit of the money, when some of the landholders have received the benefit of it, when the future landholders will receive the benefit of it, and when, in fact, everyone will receive a benefit, except those who have furnished it? Is it equitable to impose upon these people this loss without any compensation whatever?

Again, if we do not desire to impose the burden of the loss upon this irrigation project, all we have to do is to pass a simple bill relieving the project from the amount of money. After we have paid these people, we can follow this bill with another bill relieving the project. Such a bill will be offered here, not only with reference to this claim, but with reference to other claims, because in other cases costs have been incurred and expenditures have been made which ought not properly to fall upon the settlers; but, Mr. President, let us do one thing, and that is, as a Government, do justice to those who have furnished the means by which the settler and the Government have been benefited, and settle our difficulties hereafter in adjusting our bills. I am in favor and propose shortly to urge a measure which will relieve all these projects from unjust expenditures.

The PRESIDENT pro tempore (at 3 o'clock p. m.). The hour has arrived at which the vote is to be taken under the unanimous-consent agreement.

Mr. LODGE. I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his question of order.

Mr. LODGE. I call attention to the fact that this is a vote requiring two-thirds majority, and that under the practice of the Senate, Senators voting in the negative, or voting to sustain the message, are entitled to double pairs. That was the case in the veto message on the Fitz-John Porter bill and in connection with President Arthur's veto of the river and harbor bill. There have been cases, like the pension vetoes, during the administration of President Cleveland, where it was all one way and no point was made, but it has been the universal practice in regard to treaties, and I merely call attention to that fact before Senators vote. A Senator paired in the negative has a right to a double pair.

Mr. CUMMINS. I rise to a point of order also.

The PRESIDENT pro tempore. The Senator from Iowa will state his point of order.

Mr. CUMMINS. It is that the Senate has nothing to do with pairs. There is no rule which governs pairs, and therefore the subject is one that must be dealt with by individual Senators according to their own judgment of the case.

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Mr. LODGE. That is quite true; but I wished to call the attention of individual Senators to the universal practice.

CORBETT TUNNEL, WYOMING—VETO MESSAGE.

The PRESIDENT pro tempore. Morning business is closed.

Mr. MYERS. Mr. President, I ask that Senate bill 4862 and the President's veto thereof be now laid before the Senate for consideration.

There being no objection, the Senate resumed consideration of the bill (S. 4862) for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project, returned by the President of the United States with his objections thereto.

to pair with him?

Mr. LODGE. Under the practice of the Senate, if he does not have a double pair, he is at liberty to vote.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Debate is not in order.

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

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the Secretary will call the roll.

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

Ashurst	du Pont	Martin, Va.	Simmons
Bacon	Fall	Martine, N. J.	Smith, Ga.
Borah	Fletcher	Massey	Smith, Mich.
Bourne	Gallinger	Myers	Smith, S. C.
Bradley	Gronna	Nelson	Smoot
Brandegee	Guggenheim	Newlands	Sutherland
Bristow	Heyburn	Overman	Swanson
Bryan	Hitchcock	Page	Thornton
Burton	Johnson, Me.	Penrose	Townsend
Catron	Johnston, Ala.	Perkins	Warren
Chamberlain	Jones	Poindexter	Watson
Clapp	Kenyon	Pomerene	Wetmore
Crane	Kern	Reed	Williams
Culberson	La Follette	Root	Works
Cullom	Lippitt	Sanders	
Cummins	Lodge	Shively	

The PRESIDENT pro tempore. Sixty-two Senators have answered to their names. A quorum is present. The roll will be called.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. He went away a few days ago, and I told him that he could rely on me to protect him. I certainly did not anticipate this situation, where I should be held by only one Senator when I was entitled to two on this occasion, where it requires a two-thirds vote. I do not know what entered into the other Senator's mind, but inasmuch as I have not notified him that he must come here and protect himself, I do not feel at liberty to vote. I therefore withhold my vote and protect my pair.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer it to the junior Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. If he were present, I should vote "nay."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained, and therefore withhold my vote.

Mr. LIPPITT (when his name was called). I have a pair with the senior Senator from Tennessee [Mr. LEA], and in his absence, not having notified him of a situation like this coming up, I feel that I should protect him, and therefore withhold my vote.

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). I have been requested to announce that the Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. I desire this announcement to stand for the day.

Mr. WILLIAMS (when Mr. PERCY's name was called). My colleague [Mr. PERCY] is absent upon important business, and is paired with the Senator from North Dakota [Mr. MCCUMBER].

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is out of the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If present, my colleague would vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a pair with the Senator from Delaware [Mr. RICHARDSON], and in view of the statement made by his colleague [Mr. DU PONT] I withhold my vote. Were I at liberty, I should vote "yea."

Mr. REED (when Mr. STONE's name was called). My colleague [Mr. STONE] is necessarily absent, and is paired with the Senator from Wyoming [Mr. CLARK].

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Maryland [Mr. RAYNER], but under the arrangement which I have with that Senator, I am at liberty to vote on questions of this kind, where a two-thirds vote is required, when I vote in the negative, unless I am furnished with an additional pair. Not having been furnished with an additional pair, I am at liberty to vote. I vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. GRIGGS]. I transfer it to the senior Senator from Maryland [Mr. RAYNER] and will vote. I vote "yea."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. BURNHAM. I have a pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. WATSON. I desire to announce the necessary absence of my colleague [Mr. CHILTON]. He is paired, as stated, with the Senator from Illinois [Mr. CULLOM]. If present, my colleague would vote "yea."

Mr. MARTINE of New Jersey. I announce a pair between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS]. This is for the day.

The vote resulted—yeas 42, nays 17, as follows:

YEAS—42.

Ashurst	Cummins	La Follette	Simmons
Bacon	Fall	Martin, Va.	Smith, Ariz.
Bankhead	Fletcher	Martine, N. J.	Smith, Ga.
Borah	Gronna	Massey	Smith, Mich.
Bourne	Heyburn	Myers	Swanson
Bristow	Hitchcock	Newlands	Thornton
Bryan	Johnson, Me.	Overman	Warren
Catron	Johnston, Ala.	Poindexter	Watson
Chamberlain	Jones	Pomerene	Williams
Clapp	Kenyon	Reed	
Culberson	Kern	Shively	

NAYS—17.

Bradley	Gallinger	Perkins	Townsend
Burton	Lodge	Root	Works
Crane	Nelson	Sanders	
Dillingham	Page	Smoot	
du Pont	Penrose	Sutherland	

NOT VOTING—35.

Bailey	Cullom	Lea	Rayner
Brandegee	Curtis	Lippitt	Richardson
Briggs	Davis	McCumber	Smith, Md.
Brown	Dixon	McLean	Smith, S. C.
Burnham	Foster	O'Gorman	Stephenson
Chilton	Gamble	Oliver	Stone
Clark, Wyo.	Gardner	Owen	Tillman
Clarke, Ark.	Gore	Paynter	Wetmore
Crawford	Guggenheim	Percy	

The PRESIDENT pro tempore. Forty-two Senators have voted in the affirmative and 17 in the negative and the bill is passed, notwithstanding the objections of the President.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DU PONT 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. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, 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 10.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 7, 8, 9, and 11, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 11 of the matter proposed to be inserted by said amendment, after the word "hereafter," strike out the word "graduates" and insert in lieu the words "a graduate"; in line 13, after the word "from," strike out the words "West Point, New York" and insert in lieu the words "his home"; in line 14, after the word "which," strike out the words "they first join" and insert in lieu the words "he first joins"; and in line 14, beginning after the word

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The SECRETARY. At the end of the proposed committee amendment, as printed in the bill at the top of page 37, line 1, after the word "copies," insert:

Provided further, That when such members pay therefor as a part of their dues or assessments, individual subscriptions or receipts shall not be required.

Mr. SMITH of Michigan. I should like to ask the Senator from Oregon if that amendment does not vest a wide discretionary power in the department, and if it is not substantially what it exercises now.

Mr. BOURNE. I would far rather the Senator from Michigan should propound that inquiry to the Senator from Iowa, who is the father of the amendment.

Mr. SMITH of Michigan. I was not looking so much for the father as I was after the welfare of the child and to the effect of the legislation. I asked my question of the honored Senator from Oregon because I knew he had given a great deal of thought to the subject. It seems to me that the amendment makes little concession and practically reiterates the present law.

Mr. CUMMINS. The present law in that particular respect is not objectionable. The only thing in the present law which is objectionable and which is found to be a very great obstacle and, I think, an unjust hardship to the circulation of these publications is that they are not permitted to carry advertisements. The purpose of the change of the law is to remove that obstacle, but in removing it it is sought to attach other conditions, many of which I think are very wise; but among those conditions you will find language which will bear the interpretation that there must be some direct communication between the publisher of the paper and the member of the society—some receipt, some individual subscription. It is to remove any such possible interpretation in what we are now doing that I have proposed the amendment which has just been accepted by the chairman of the committee.

Answering, now, directly the question of the Senator from Michigan, I will say that the law now is that there need be no individual receipt. That is the ruling of the Post Office Department. But unfortunately that ruling applies only to papers published by fraternal societies and other societies which contain no advertising matter. We want to preserve the present interpretation of the law, so far as treating membership in a society and the payment of dues in that society as a subscription to the paper are concerned. So I think there will be no trouble along the line suggested by the Senator from Michigan.

Mr. SMITH of Michigan. My only concern in asking the question is that a bona fide circulation may not be the subject of continual review by the Post Office Department to the annoyance and injury and detriment of the publishers. Every few weeks some one is summoned before the department and required to produce again the receipts of subscribers. If they do not happen to have them on the day they are summoned they are criticized, restrained, and perhaps forbidden the appropriate use of the mails.

I have many instances in my own mind now where that has been done. I would much prefer to see the law plain, direct, and positive. If we are to enlarge the scope of the present law by providing admission of these publications to the mails, I should like to see it done in language that can not be mistaken, and not left discretionary with the Postmaster General.

These publications are entitled to fair treatment and the widest possible liberty consistent with the economical administration of the Post Office Department. I hope the law may not be left indefinite, and that discretionary power may not again be vested by Congress in these officials who, while honest, are vexatious and unnecessarily annoying to people whose vocation and employment is deserving of our solicitude. I favor the Dodds amendment, so called, in the House bill and hope it will be retained in the bill.

Mr. CUMMINS. Mr. President, I quite agree with the Senator from Michigan, but he will at once see that my amendment or the amendment which has been accepted by the Senator from Oregon, whatever else it does, restricts the field of discretion and provides positively that under certain conditions individual subscriptions shall not be required.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator from Iowa a question. Following the same line of argument that he has outlined in his amendment, does he not think that the House provision restricting the circulation to bona fide members of the organization is a more direct and better provision than what we are attempting to enact by this amendment?

Mr. CUMMINS. Undoubtedly; I am for the House provision; but I am doing what little I can to amend a substitute for the House provision which has been proposed by the Senate committee.

Mr. SMITH of South Carolina. I should like to ask the Senator from Iowa another question. There is not a single amendment that has been proposed, either in committee or on this floor, the effect of which can not be avoided by the unscrupulous who may do the very thing that we are trying to keep them from doing. Does the Senator not agree with me there?

Mr. CUMMINS. Not wholly. I think——

Mr. SMITH of South Carolina. What would prevent what might be called a fake society, with only a nominal membership fee, declaring that in that nominal fee were included membership dues and pay for the paper? We do not prescribe how much the subscription shall cost; we do not prescribe how much the membership dues shall be; but we simply say 50 per cent of the regular subscription price. If they desired to send advertisements at the expense of the Government, could they not under any provision that we may make organize societies with nominal dues and load the mails, a practice which we are trying to prevent now?

Mr. CUMMINS. Undoubtedly there is a door there that might be opened by the unscrupulous, and there could be some abuse of the privilege granted; but I think, if we are not to have the House provision, that the Senate committee provision does guard to a degree the public and the Government.

Mr. SMITH of South Carolina. Mr. President, I should like to go on record here on this matter. I was in the committee when the bill was considered and, perhaps, I should have reserved the right not to accept the amendment, but in view of my study of this question I am persuaded that the discretionary powers that would necessarily arise under any amendment restricting circulation would give rise possibly to abuse on the part of the post-office authorities. I think the most direct way to reach the matter is to adopt the House provision, which says that publications may be sent to bona fide subscribers. I would prefer to see the House provision agreed to than to adopt any amendment to shut off, on the one hand, the unscrupulous and at the same time restrict the right worthy societies ought to have. I do not believe it is good policy to penalize institutions of great worth to the people because there are others that are not of great worth, and I do not see how we can afford to restrict meritorious societies by virtue of our legislation for the sake of attempting to save the Government a few dollars and in an effort to shut out some unworthy societies.

Mr. BOURNE. If the Senator will permit me, I will state that we are trying to prevent discrimination, and the remedy we think is a reclassification of the second-class mail matter under which the Government is now carrying the publications of these organizations, allowing benevolent and fraternal societies to carry advertisements, but requiring a subscription list.

Mr. SMITH of South Carolina. You have allowed them all to carry advertising.

Mr. BOURNE. No; we have not. They come here and ask to be permitted to carry advertising.

Mr. SMITH of South Carolina. But it is proposed in this bill to remove that restriction. You allow them, under this bill, to carry advertising and then provide restrictions; that is what this bill proposes.

Mr. BOURNE. This bill proposes to put them on a par with other periodicals and magazines coming under the second-class mail privilege, and nothing else whatever.

Mr. SMITH of South Carolina. Now, let us refer for a moment to those magazines and periodicals which are put on a par with the publications now accorded the second-class privilege. The latter class are not the periodicals of a society or an organization.

Mr. BOURNE. They are second-class mail matter, Mr. President.

Mr. SMITH of South Carolina. I understand; but here is the point I want to bring before the Senate: The individual publications that have the second-class mail privilege are private ventures; they have got to have pay for their publication. The others are the organs of societies or organizations, and the dues that are paid stand in lieu of the subscription price in the case of the others. They are on exactly the same plane. The dues of the organization pay for the subscription; the subscription price of the private publication is paid by the individual. Now, you extend the privilege of advertising to both and yet you do not pretend to try to control the subscription price of the private paper, but you do provide a restriction in connection with the subscription price of the organization paper.

Mr. HITCHCOCK. Mr. President, the Senator is entirely mistaken there. The Post Office Department now exercises

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and has always exercised a power of supervision and inspection over newspapers and magazines. It does not hesitate to send an inspector into a newspaper office to examine its subscription list, to check up its cash receipts, and learn whether the paper is going to bona fide subscribers or not.

Mr. SMITH of South Carolina. What minimum are they allowed to charge a year?

Mr. HITCHCOCK. That varies somewhat, and I am not able to state. Of course, it depends on the periodicity, the size of the publication, and so forth. The privileges of the second-class mail have been refused to those publications that merely charge a nominal price and are essentially advertising publications.

Mr. SMITH of South Carolina. But they have no strict supervision over what shall be charged.

Mr. HITCHCOCK. They have, and they exercise it; and I think that the amendment which is offered by the Senator from Iowa is quite a happy solution of this situation. Just as the Post Office Department now enters the newspaper office and the magazine office to see whether it has a bona fide circulation as manifested by cash receipts, so the Post Office Department will enter the offices of the fraternal organizations to see whether those who are receiving the publications of such organizations are members of the society and are paying their dues.

Mr. SMITH of South Carolina. Well, why would it not be exactly parallel for the inspector to go to the secretary of the organization and find out what are the membership dues?

Mr. HITCHCOCK. That will be the practice, I understand, under the Senator's amendment.

Mr. SMITH of South Carolina. Why would it not be the practice under the House provision?

Mr. HITCHCOCK. I am not discussing the House provision. I understand the committee has accepted this amendment; and I think, as modified by the amendment of the Senator from Iowa, it offers a very happy solution of the difficulty. I think that the House provision is rather too vague. I think it might leave even more power with the Post Office Department than would the Senate amendment.

Mr. SMITH of South Carolina. Well, Mr. President, I merely wanted to record myself here as being in favor of the broadest possible liberality to the fraternal organizations. I think the difficulty has been solved in the House provision, and, while I shall not discuss this amendment further, I shall reserve the right to vote against it.

Mr. STONE. Mr. President, I desire some information, and I think the Senator from Oregon can give it to me. As I understand, there are some sixteen or eighteen million people who belong to fraternal organizations or organizations of the different classes described and covered by the provisions of the bill we are considering.

Mr. BOURNE. Does the Senator from Missouri want the answer now?

Mr. STONE. I have not yet asked the question.

Mr. BOURNE. Very well.

Mr. STONE. The societies, with this enormous membership, are engaged in a business we all consider meritorious and highly worthy in every way. I am in sympathy with the general purpose of the Committee on Post Offices and Post Roads to eliminate from the second-class mail the great mass of matter that ought not to be admitted under that classification, burdening it and entailing an enormous expense on the Government, but the publications issued by fraternal societies, in numerous instances at least, do not come within that class. I understood the Senator to say that there were twenty-six or twenty-seven thousand publications issued by somebody that are, in the main, mere advertising publications; fake publications, in a way. I do not ask the Senator, unless he cares to tell me or to tell the Senate, to just what publications he refers, but I should like to have a little more definite information as to their general class. To what kind of publications does the Senator refer?

Mr. BOURNE. I stated that there were over 26,000 newspapers, magazines, and periodicals in the United States enjoying the privileges of second-class mail; but I did not refer to them as mere advertising sheets or fake publications, but as legitimate publications. I should like to say to the Senator from Missouri——

Mr. STONE. Do I understand the Senator to say that he would refuse the second-class mail privilege to all these publications?

Mr. BOURNE. No. I said that we required from these 26,000 and odd newspapers, magazines, and periodicals that they should have a bona fide subscription list in order to entitle them to come under the second-class mail privilege.

I will also state, in reference to the membership—I understood the Senator to say that these organizations had a membership of some sixteen or seventeen million, if I correctly understood him——

Mr. STONE. That is the information I had.

Mr. BOURNE. When we had our hearings, the information we received from the representatives of the various organizations in the United States was that they had in the aggregate about 8,000,000 members in all these organizations affected by the provisions of the Dodds amendment.

Mr. STONE. Mr. President, I do not know whether we shall have a yea-and-nay vote on this bill. If we do not have one, I desire to say that I shall vote to sustain the House provision.

Mr. BOURNE. Mr. President, I will ask to have the Secretary read the amendment proposed by the Senator from Iowa.

The PRESIDENT pro tempore. The amendment offered by the Senator from Iowa to the committee amendment will be read for the information of the Senate.

The SECRETARY. At the end of the proposed committee amendment, at the top of page 37, line 1, after the word "copies," it is proposed to insert:

Provided further, That when such members pay therefor, as a part of their dues or assessments, individual subscriptions or receipts shall not be required.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now recurs upon the adoption of the amendment as amended.

Mr. SMITH of Michigan. Mr. President, if in order, I move to strike out the amendment proposed by the committee, beginning with the proviso, in line 18, on page 36, and going down to the word "*Provided*," in line 1, on page 37. I make this motion for the purpose of restoring so much of the House bill as is known as the Dodds amendment, beginning in line 11 on page 36, and which reads as follows:

Provided, That the circulation through the mails of periodical publications, issued by or under the auspices of benevolent or fraternal societies or orders or trades-unions, or by strictly professional, literary, historical, or scientific societies, as second-class matter, shall be limited to copies mailed to members, exchanges, and bona fide subscribers, together with 10 per cent of such circulation in addition as sample copies.

By striking out the committee amendment we restore so much of the bill as I have just read, included in the House bill, known as the Dodds amendment.

Mr. GALLINGER. Mr. President, I suggest to the Senator from Michigan that a motion to strike out is not necessary. If the committee amendment is rejected it will restore the House provision. That is the proper parliamentary procedure.

The PRESIDENT pro tempore. The Senator is correct.

Mr. SMITH of Michigan. I quite agree with the Senator from New Hampshire.

Mr. GALLINGER. A vote to reject the committee amendment would accomplish the Senator's object.

Mr. SWANSON. Mr. President, I wish to state in connection with this matter that in the committee I offered an amendment to the House provision, which, in my opinion, would have effectually accomplished what we desire to accomplish and prevented the abuse that has been pointed out. That amendment was not adopted by the committee, and I reserved the right to urge it in connection with this matter when the bill came into the Senate. The amendment I suggested would enable a society like the National Geographic Society to send its publications to its members.

As between the Senate committee amendment and the House provision, I shall vote for the House provision in preference to the Senate committee amendment even as amended.

Mr. TOWNSEND. Mr. President, I rise to a parliamentary inquiry. As I understand, the question is upon the committee amendment as amended, and if that is voted down the House provision stands?

The PRESIDENT pro tempore. The Senator is correct. The question is upon the committee amendment as amended. [Putting the question.] The ayes appear to have it.

Mr. SMITH of Michigan and Mr. SMITH of South Carolina called for a division.

Mr. GALLINGER. I ask for the yeas and nays. A division is always unsatisfactory.

The yeas and nays were ordered.

Mr. JONES. The question is on restoring the part of the bill that was stricken out by the committee, as I understand?

Mr. SMITH of Georgia. The Dodds amendment.

Mr. BOURNE. As I understand, the vote is on the adoption of the Senate committee amendment as amended by the amendment offered by the Senator from Iowa [Mr. CUMMINS]. Is that correct?

The PRESIDENT pro tempore. That is correct. The Chair will state, in reply to the inquiry of the Senator from Wash-

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ington [Mr. JONES], that nothing has as yet been stricken out of the bill, so that the question of restoration does not apply.

Mr. JONES. So the amendment of the committee to strike out a portion of the bill is not being voted upon now?

The PRESIDENT pro tempore. The Chair so understands.

Mr. JONES. That is what I want to get at.

The PRESIDENT pro tempore. The amendment is to strike out and insert, the two joined together, and the question now is upon both.

Mr. JONES. Is that the amendment?

The PRESIDENT pro tempore. To strike out and insert.

Mr. JONES. Is that the amendment we are now voting upon?

The PRESIDENT pro tempore. The Chair so understands.

Mr. JONES. That is what I want to understand.

The PRESIDENT pro tempore. The Chair will state that a negative vote will leave in the bill all that is proposed to be stricken out. The question is on the adoption of the amendment to strike out and insert, upon which the yeas and nays were ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I announce my pair with the junior Senator from New York [Mr. O'GORMAN].

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr SIMMONS]. If he were present and I were at liberty to vote, I should vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. If he were present, I should vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I am informed by his colleague that he thinks the Senator from Mississippi would vote the same as I would upon this question, and therefore I think I am authorized to vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer the pair to the Senator from Maine [Mr. GARDNER], and will vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER]. I transfer the pair to the Senator from South Dakota [Mr. GAMBLE], and will vote. I vote "yea."

Mr. WARREN (when his name was called). I have a pair with the senior Senator from Louisiana [Mr. FOSTER], and therefore withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], which I transfer to the junior Senator from Indiana [Mr. KERN], and will vote. I vote "nay."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. If I were at liberty to vote, I should vote "yea."

I will also state that my colleague [Mr. LIPPITT], who is unavoidably detained from the Chamber, is paired with the senior Senator from Tennessee [Mr. LEA]. If my colleague were present and at liberty to vote, he would vote "yea."

The roll call was concluded.

Mr. OVERMAN (after having voted in the negative). I desire to inquire whether the senior Senator from California [Mr. PERKINS] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. OVERMAN. I have a general pair with that Senator, which I transfer to the senior Senator from Maine [Mr. JOHNSON], and will let my vote stand.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer it to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "yea."

Mr. CULLOM. In order to make a quorum, I transfer my pair to the Senator from Connecticut [Mr. McLEAN] and will vote. I vote "yea."

Mr. WETMORE. I transfer my pair with the senior Senator from Arkansas [Mr. CLARKE] to the Senator from Kentucky [Mr. BRADLEY].

The result was announced—yeas 27, nays 25, as follows:

YEAS—27.

Bourne	Crawford	Lodge	Sanders
Bristow	Cullom	McCumber	Smith, Ga.
Bryan	Fletcher	Martine, N. J.	Smoot
Catron	Gallinger	Massey	Sutherland
Chamberlain	Gronna	Nelson	Wetmore
Cark, Wyo.	Heyburn	Penrose	Williams
Crane	Hitchcock	Root	

NAYS—25.

Ashurst	Martin, Va.	Shively	Thornton
Bankhead	Myers	Simmons	Tillman
Cummins	Overman	Smith, Ariz.	Townsend
Johnston, Ala.	Page	Smith, Mich.	Watson
Jones	Poindexter	Smith, S. C.	
Kenyon	Pomerene	Stone	
La Follette	Reed	Swanson	

NOT VOTING—42.

Bacon	Clarke, Ark.	Gore	Paynter
Bailey	Culberson	Guggenheim	Percy
Borah	Curtis	Johnson, Me.	Perkins
Bradley	Davis	Kern	Rayner
Brandegee	Dillingham	Lea	Richardson
Briggs	Dixon	Lippitt	Smith, Md.
Brown	du Pont	McLean	Stephenson
Burnham	Fall	Newlands	Warren
Burton	Foster	O'Gorman	Works
Chilton	Gamble	Oliver	
Clapp	Gardner	Owen	

So the amendment as amended was agreed to.

Mr. SWANSON. I desire to give notice that when this amendment comes into the Senate I am going to move to strike it out and insert the House provision with the amendment I offered to it.

PAYMENT OF PENSIONS.

Mr. McCUMBER. Out of order I wish to introduce a joint resolution and have it referred to the Committee on Appropriations and printed.

I will state that the object of the joint resolution is to provide for the payment of pensions during the time the two Houses are in conference upon the general pension appropriation bill.

The joint resolution (S. J. Res. 128) making appropriations to pay such pensions as may be due and payable on or before August 4, 1912, was read twice by its title and referred to the Committee on Appropriations.

EXECUTIVE SESSION.

Mr. CULLOM. I ask the chairman of the Committee on Post Offices and Post Roads if he is willing to give way to me to allow a brief executive session? There are some important things to be done.

Mr. BOURNE. I am very glad to accommodate the Senator from Illinois.

Mr. CULLOM. 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 22 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 2, 1912, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 1, 1912.

PROMOTIONS IN THE NAVY.

Ensign Ralph D. Weyerbacher to be an assistant naval constructor in the Navy from the 1st day of May, 1912, to fill a vacancy, and to correct the wording of a former nomination confirmed by the Senate on May 10, 1912.

Ensign Thomas B. Richey to be an assistant naval constructor in the Navy from the 25th day of June, 1912, to fill a vacancy.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1912, to fill vacancies:

Joel R. P. Pringle,
Charles J. Lang, and
Martin E. Trench.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1912, to fill vacancies:

John D. Wainwright,
Harry K. Cage,
Charles S. Freeman,
Robert L. Berry, and
Ward K. Wortman.

Passed Asst. Paymaster James F. Kutz to be a paymaster in the Navy from the 26th day of February, 1911, to fill a vacancy.

POSTMASTERS.

ILLINOIS.

John Murvin to be postmaster at Louisville, Ill., in place of John Murvin. Incumbent's commission expired May 11, 1912.

KANSAS.

William C. Markham to be postmaster at Baldwin City (late Baldwin), Kans., in place of William C. Markham, to change name of office.

MONTANA.

Benjamin Urner to be postmaster at Harlowton, Mont., in place of Benjamin T. Stevens, resigned.

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NORTH DAKOTA.

Charles R. Kendall to be postmaster at Granville, N. Dak., in place of Jessie M. Pierson, deceased.

OHIO.

Charles E. Bake to be postmaster at College Corner, Ohio, in place of John C. Douglas. Incumbent's commission expired May 16, 1912.

SOUTH CAROLINA.

Henry W. Des Portes to be postmaster at Ridgeway, S. C. Office became presidential January 1, 1912.

TENNESSEE.

John W. Akin to be postmaster at Rutherford, Tenn. Office became presidential January 1, 1908.

E. A. Morgan to be postmaster at Huntingdon, Tenn., in place of Atlas M. Lee. Incumbent's commission expired January 30, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 1, 1912.

POSTMASTERS.

GEORGIA.

Mattie Mitchell, Acworth.

MINNESOTA.

George F. Kramer, South St. Paul.

TEXAS.

George H. Sparenberg, Big Spring.

WITHDRAWALS.

Executive nominations withdrawn August 1, 1912.

POSTMASTERS.

TENNESSEE.

Atlas M. Lee to be postmaster at Huntingdon.
William T. H. Thorn to be postmaster at Rutherford.

INJUNCTION OF SECRECY REMOVED.

Thursday, August 1, 1912.

The injunction of secrecy was removed from an agreement signed on July 20, 1912, by the plenipotentiaries of the United States and Great Britain adopting, with certain modifications therein, the rules and method of procedure recommended in the award of The Hague tribunal of September 7, 1910, for the settlement hereafter, in accordance with the principles laid down in the award, of questions regarding the exercise of the fishing liberties referred to in article 1 of the treaty of October 20, 1818, between the United States and Great Britain.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August 1, 1912.*

The House met at 12 o'clock noon.

The Rev. William Couden, of Norwalk, Ohio, offered the following prayer:

Almighty God, our heavenly Father, grant unto us, Thy children, consciences firm yet tender, and obedience true as the path of the daily sun. We thank Thee that Thou hast not made us irresponsible like the creatures of lower orders than we; we thank Thee that Thou hast given us work to do and problems to solve. And we bless Thee that Thou hast provided us guide, counsel, and equipment for life's responsibilities. Grant, O Lord, that what we do and say to-day shall be in accord with Thy commandments, the Sermon on the Mount, and the spirit of the Cross of Christ. We offer this prayer in the name of Jesus. Amen.

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

THE COTTON SCHEDULE.

The SPEAKER. Under the order of the House——

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may address the House for five minutes on the subject of mines and mining prospects——

The SPEAKER. Under the order of the House we are to have general debate for three hours, and the following gentlemen have applied to the Chair for time: Mr. SHARP of Ohio, 40 minutes; Mr. FERGUSSON of New Mexico, 20 minutes; Mr. RUCKER of Colorado, 20 minutes, and Mr. DONOHOE of Pennsylvania, 20 minutes. That makes an hour and 40 minutes. If the first three use their time, Mr. DONOHOE will only get 10 minutes. Now, the Chair wants to inquire, because he wants to be fair about it, whether there are any Republicans here who want any of this 3 hours?

Mr. FOSTER. You might inquire whether there are any Republicans here.

The SPEAKER. The Chair wants to be fair about the division of this time of 3 hours.

Mr. FOSTER. Are there any Republicans here?

The SPEAKER. The Chair does not recognize any difference between Republicans.

Mr. BURNETT. The bull moose crowd are here.

The SPEAKER. The bull moose are just the same as any other crowd, as far as the Speaker is concerned. The Chair repeats the question, Are there any Republicans here who want any part of this 3 hours time in general debate? The Chair will try to get the gentleman from California in, but the Chair promised to recognize the gentleman from Ohio for 40 minutes.

Mr. RUCKER of Colorado. Mark me down for 10 minutes after the others get through.

The SPEAKER. If we have the 10 minutes.

Mr. FOWLER. Before the gentleman from Ohio proceeds, I will be glad to get unanimous consent to extend my remarks in the RECORD on the question of salaries of public officers.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] desires to ask unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWLAND. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Speaker, I would like to ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLEPAGE. Mr. Speaker, I was not in the House when debate took place in reference to the anti-injunction bill, and I would like to ask unanimous consent to extend my remarks in the RECORD on that subject.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD on the anti-injunction bill. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. SHARP] for 40 minutes. [Applause.]

Mr. SHARP. Mr. Speaker, I only wish to express the hope that the kindly and generous applause which has greeted the announcement that I would have 40 minutes' time of the House this afternoon may be reflected in the reception which, if it is not accorded to what I shall say, may nevertheless be given to the merits of the subject on which I wish to speak. This is not a new subject, but still it is so comparatively recent in development that it seems to me it is not inappropriate, especially at this time, to talk somewhat at length upon its merits, as it involves future legislation of Congress in a number of phases in which it may be considered. It seems to me, Mr. Speaker, that it is peculiarly apropos to-day, inasmuch as very soon we shall be called to vote upon a very important question, the determination of which has engaged the attention of both branches of Congress for several weeks past and over which it appears to me we are apparently at loggerheads. However, I make the prediction, if I may assume the rôle for the time being of a prophet, that, as in most cases in the past where the two Houses have been diametrically opposed to each other, we will finally compromise, and the Senate will give way on one side, and this House will rescind its action in caucus finally voting for one battleship. This is merely a gratuitous prophecy in which I am indulging and is given for what it is worth. Surely, neither a false pride nor a stubbornness born of an unwillingness to give in should prevent this House from doing what is right.

While there was no record kept of the learned debates in our caucuses upon this subject of providing for two battleships, yet I think I may with justice say that, judging from the arguments advanced by the advocates pro and con on this question, the difference of opinion arises largely not from a lack of patriotism on the part of any of my Democratic colleagues, because we all want to provide an adequate national defense, but, rather, from a fixed opinion on the part of many that two battleships are not needed at this time. I am perfectly willing to concur in that judgment. At least I shall so vote if given opportunity, though I shall with pleasure vote for a compromise proposition involving the building of one battleship. I have from time to time, as you have, listened to the arguments

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amendments of the Senate to the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments still in disagreement and agree to the 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. WARREN, Mr. PERKINS, and Mr. CULBERSON conferees on the part of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had on this day approved and signed the following joint resolution:

S. J. Res. 127. Joint resolution authorizing the Secretary of War to supply tents and rations to American citizens compelled to leave Mexico.

FOREIGN OCCUPATIONS ON AMERICAN CONTINENTS.

The PRESIDENT pro tempore. There is a resolution coming over from a former day which is now in order. It will be read.

The Secretary read Senate resolution 371, submitted by Mr. LODGE on the 31st ultimo, as follows:

Resolved, That when any harbor or other place in the American continents is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the Government of the United States could not see without grave concern the possession of such harbor or other place by any corporation or association which has such a relation to another Government, not American, as to give that Government practical power of control for national purposes.

The PRESIDENT pro tempore. The question is on the adoption of the resolution.

Mr. CUMMINS. Mr. President, I do not rise to object to the passage of the resolution, but I should like to hear from the Senator from Massachusetts a statement with regard to the real meaning of the resolution as it affects what we ordinarily know as the Monroe doctrine. Is it an extension of that doctrine as it has been generally interpreted or is it a mere application of the doctrine? I believe both the country and the Senate would like to hear a word from the author of the resolution in order that we may fully understand just what we are doing and just what notice we are giving to the world.

Mr. LODGE. Mr. President, the declaration embodied in the resolution rests on a much broader and, if I may say, older ground than the Monroe doctrine. It rests on the ground which all nations have recognized and maintained of their right to oppose the founding by a foreign Government or by persons under foreign control of establishments at points which would threaten the safety or the communications of the Government itself.

Mr. STONE. Mr. President, if the Senator from Massachusetts will pardon me, while he is making this explanation there ought to be a quorum of the Senate present. I make the point that there is no quorum present.

The PRESIDENT pro tempore. The Senator from Missouri suggests that there is no quorum present. The Secretary will proceed to call the roll.

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

Ashurst	Dillingham	Martin, Va.	Shively
Bacon	du Pont	Martine, N. J.	Simmons
Bailey	Fall	Massey	Smith, Ariz.
Borah	Gallinger	Myers	Smith, S. C.
Bourne	Gronna	Nelson	Smoot
Brandegee	Heyburn	Overman	Stone
Bristow	Hitchcock	Page	Sutherland
Burnham	Johnson, Me.	Penrose	Swanson
Burton	Johnston, Ala.	Percy	Thornton
Clark, Wyo.	Jones	Perkins	Tillman
Crane	Kenyon	Poindexter	Warren
Crawford	Kern	Pomerene	Wetmore
Cullom	Lodge	Reed	Williams
Cummins	McCumber	Root	Works

Mr. THORNTON. I announce the necessary absence of my colleague [Mr. FOSTER]. I ask that this announcement may stand for the day.

Mr. MARTIN of Virginia. I desire to announce that the junior Senator from Georgia [Mr. SMITH] is detained from the Senate to-day on official business.

Mr. BOURNE. I wish to announce that my colleague [Mr. CHAMBERLAIN] is detained because of official duty. He has a general pair with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. MARTINE of New Jersey. I desire to announce that the Senator from Florida [Mr. BRYAN] is unavoidably detained on public business.

The PRESIDENT pro tempore. On the call of the roll of the Senate 56 Senators have answered to their names, and a quorum of the Senate is present. The Senator from Massachusetts will proceed.

Mr. LODGE. Mr. President, if I may repeat what I began to say, this resolution rests on a generally accepted principle of the law of nations, older than the Monroe doctrine. It rests on the principle that every nation has a right to protect its own safety, and that if it feels that the possession by a foreign power, for military or naval purposes, of any given harbor or place is prejudicial to its safety, it is its duty as well as its right to interfere.

I will instance as an example of what I mean the protest that was made successfully against the occupation of the port of Agadir, in Morocco, by Germany. England objected on the ground that it threatened her communication through the Mediterranean. That view was shared largely by the European powers, and the occupation of that port was prevented in that way. That is the principle upon which the resolution rests.

It has been made necessary by a change of modern conditions, under which, while a Government takes no action itself, the possession of an important place of the character I have described may be taken by a corporation or association which would be under the control of the foreign Government.

The Monroe doctrine was, of course, an extension in our own interests of this underlying principle—the right of every nation to provide for its own safety. The Monroe doctrine, as we all know, was applied, so far as the taking possession of territory was concerned, to its being open to further colonization, and naturally did not touch upon the precise point involved here. But without any Monroe doctrine the possession of a harbor such as that of Magdalena Bay, which has led to this resolution, would render it necessary, I think, to make some declaration covering a case where a corporation or association was involved.

In this particular case it became apparent from the inquiries made by the committee and by the administration that no Government was concerned in taking possession of Magdalena Bay; but it also became apparent that those persons who held control of the Mexican concession, which included the land about Magdalena Bay, were engaged in negotiations, which have not yet been completed certainly but which have only been tentative, looking to the sale of that bay and the land about it to a corporation either created or authorized by a foreign Government, or in which the stock was largely held or controlled by foreigners.

The passage of this resolution has seemed to the committee, without division, I think, to be in the interest of peace. It is always desirable to make the position of a country in regard to a question of this kind known beforehand, and not to allow a situation to arise in which it might be necessary to urge a friendly power to withdraw when that withdrawal could not be made, perhaps, without some humiliation.

The resolution is merely a statement of policy, allied to the Monroe doctrine, of course, but not necessarily dependent upon it or growing out of it. When the message came in I made a statement as to the conditions at Magdalena Bay which had led to the resolution of inquiry and which has now led to the subsequent action of the committee. It seemed to the committee that it was very wise to make this statement of policy at this time, when it can give offense to no one and makes the position of the United States clear.

Of course I need not say to the Senate that the opening of the Panama Canal gives to the question of Magdalena Bay and to that of the Galapagos Islands, which have been once or twice before considered, an importance such as they have never possessed, and I think it eminently desirable in every interest that this resolution should receive the assent of the Senate.

Mr. CUMMINS. Mr. President, I think every nation recognizes and accepts the principle just announced by the Senator from Massachusetts as being the foundation for the resolution which is before us. The part of it which seems obscure to me is the attempt to create some relation between a private corporation or association of individuals and a foreign nation. I do not understand precisely what that relation must be in order that it shall fall within the scope of the resolution. Suppose, for instance, that a corporation were created to take some land in Mexico or in some other part of the world, and the corporation had for its stockholders only the citizens of a foreign country—of Great Britain, of Japan, of France, or any other foreign country—would that fact alone bring the transaction within the meaning of this resolution?

I would be the last to object to any announcement of our intention to preserve our own integrity, but I should like to know more about the relation which such a corporation must sustain to a foreign country in order to bring it within the scope of the resolution than is contained in the resolution itself.

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It seems to me that we are rather vague and uncertain with regard to that phase of the matter. I do not believe it is wise for the United States to say that the stock of the company which owns the concession in or around Magdalena Bay should not become the property of the citizens of some other country without an additional specification as to the relation of those stockholders to their government. The mere fact of ownership ought not, as it seems to me, to be declared to be against the public policy of the United States.

It is true that the resolution says that this must occur under circumstances that indicate control over the corporation or the association so owning the land or water, as the case may be, but all that seems to be so expressed that almost any interpretation can be put upon it. While I do not intend to discuss the matter at length, I could not forbear expressing my opinion that this departure from any doctrine which I have ever heard announced should be so phrased that there could be no doubt whatsoever about it, lest we at some future time, having taken ground that we can not defend, may be compelled to recede from it to our own chagrin and humiliation.

Mr. STONE. Mr. President, I do not rise to make any special opposition to the passage of this resolution, but I do think we ought to have some fuller information respecting it before we act upon it.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New York?

Mr. STONE. Yes.

Mr. ROOT. It appears to me that the proper consideration of this resolution calls for the application of the thirty-fifth rule of the Senate. I therefore move that the doors of the Senate be closed for the discussion of this matter, because, in my opinion, it requires secrecy.

The PRESIDENT pro tempore. Is there a second to the motion of the Senator from New York?

Mr. GALLINGER. I second the motion, Mr. President.

The PRESIDENT pro tempore. The Senator from New York moves that the Senate proceed to the consideration of this question behind closed doors, and the Senator from New Hampshire seconds the motion. Under the rule the galleries will be cleared and the doors will be closed.

Thereupon (at 11 o'clock and 33 minutes a. m.) the doors were closed, and the Senate, with closed doors, proceeded to consider the resolution, which was amended, on the motion of Mr. LODGE, by striking out the word "national" in the last line, before the word "purposes," and inserting "naval or military."

The hour of 1 o'clock having arrived, the President pro tempore laid before the Senate the unfinished business, the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, when, on request of Mr. BRANDEGEE and by unanimous consent, the unfinished business was temporarily laid aside.

At 2 o'clock and 20 minutes p. m. the doors were reopened.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from North Dakota [Mr. MCCUMBER].

The SECRETARY. In line 6, before the word "possession," insert "actual or potential," and in line 7, after the word "any," strike out "corporation or association which has such a relation to another," so as to make the resolution read:

Resolved, That when any harbor or other place in the American continents is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the Government of the United States could not see, without grave concern, the actual or potential possession of such harbor or other place by any Government, not American, as to give that Government practical power of control for naval or military purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment just stated.

The amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

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

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

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON], but I understand I have a right to vote in this case. I vote "yea."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He does not seem to be in the Chamber. I therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER]. I transfer the pair to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea."

Mr. DU PONT (when Mr. RICHARDSON'S name was called). My colleague [Mr. RICHARDSON] is absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH].

Mr. MARTIN of Virginia (when the name of Mr. SMITH of Georgia was called). The junior Senator from Georgia is detained from the Senate on official business.

Mr. SMOOT (when Mr. STEPHENSON'S name was called). The Senator from Wisconsin [Mr. STEPHENSON] has a general pair with the Senator from Oklahoma [Mr. GORE]. If the Senator from Wisconsin were present, he would vote "yea."

Mr. SUTHERLAND (when his name was called). I am paired with the senior Senator from Maryland [Mr. RAYNER] and therefore withhold my vote. If he were present, I should vote "yea."

Mr. MARTIN of Virginia (when Mr. WATSON'S name was called). The Senator from West Virginia [Mr. WATSON] is unavoidably absent. He is paired with the Senator from New Jersey [Mr. BRIGGS]. If present, and able to vote, the Senator from West Virginia would vote "yea."

Mr. WETMORE (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE] and therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

I desire to add that my colleague [Mr. LIPPITT] is unavoidably absent, and is paired with the senior Senator from Tennessee [Mr. LEA], and if present would vote "yea."

The roll call was concluded.

Mr. SUTHERLAND. The Senator from Maryland [Mr. RAYNER], with whom I am paired, was upon the subcommittee which reported this resolution, and in addition to that I am informed that if he were present, he would vote "yea." I therefore feel at liberty to vote. I vote "yea."

Mr. SHIVELY. I wish to announce that my colleague [Mr. KERN] is unavoidably absent from the Chamber.

I desire to say further that the junior Senator from Arkansas [Mr. DAVIS] is paired with the senior Senator from Kansas [Mr. CURTIS].

Mr. WILLIAMS (after having voted in the negative). I understand the Senator from Pennsylvania [Mr. PENROSE] did not vote. Is that true?

The PRESIDENT pro tempore. The Senator from Pennsylvania has not voted.

Mr. WILLIAMS. Then I must withdraw my vote, as I have a pair with him. If he were present, I should vote "nay."

Mr. SMITH of South Carolina. I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. BOURNE. I desire to announce that my colleague [Mr. CHAMBERLAIN] is absent from the Chamber necessarily on public business, and that he is paired with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. OVERMAN. My colleague [Mr. SIMMONS] is absent on important public business. He is paired with the Senator from Minnesota [Mr. CLAPP].

Mr. HEYBURN (after having voted in the affirmative). I would inquire whether the Senator from Alabama [Mr. BANKHEAD] has voted?

The PRESIDENT pro tempore. The Chair is informed he has not.

Mr. HEYBURN. I have a pair with the Senator from Alabama [Mr. BANKHEAD], but I understand from his colleague [Mr. JOHNSTON] that if he were present he would vote "yea." So I will allow my vote to stand.

Mr. JONES. My colleague [Mr. POINDEXTER] is unavoidably detained from the Chamber. If he were present, I am satisfied he would vote "yea."

Mr. LODGE. I desire to announce the pair of the Senator from Nebraska [Mr. BROWN] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 51, nays 4, as follows:

YEAS—51.

Ashurst	Cullom	McLean	Shively
Bacon	Dillingham	Martin, Va.	Smith, Ariz.
Bourne	Fall	Martine, N. J.	Smith, Md.
Bradley	Fletcher	Massey	Smith, Mich.
Brandegee	Gallinger	Myers	Smith, S. C.
Bristow	Gronna	Nelson	Smoot
Bryan	Guggenheim	O'Gorman	Sutherland
Burnham	Heyburn	Overman	Swanson
Burton	Hitchcock	Page	Thornton
Catron	Johnson, Me.	Perkins	Tillman
Clark, Wyo.	Johnston, Ala.	Pomerene	Townsend
Crane	Jones	Root	Warren
Crawford	Lodge	Sanders	

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NAYS—4.

Cummins	McCumber	Percy	Stone

NOT VOTING—39.

Bailey	Curtis	La Follette	Reed
Bankhead	Davis	Lea	Richardson
Borah	Dixon	Lippitt	Simmons
Briggs	du Pont	Newlands	Smith, Ga.
Brown	Foster	Oliver	Stephenson
Chamberlain	Gamble	Owen	Watson
Chilton	Gardner	Paynter	Wetmore
Clapp	Gore	Penrose	Williams
Clarke, Ark.	Kenyon	Poindexter	Works
Culberson	Kern	Rayner	

So Mr. LODGE's resolution as amended was agreed to.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE. I ask unanimous consent that the Senate resume the consideration of House bill 21279, the Post Office appropriation bill.

The PRESIDENT pro tempore. The Senator from Oregon asks that the Senate resume the consideration of House bill H. R. 21279, known as the Post Office appropriation bill. Without objection, it will be so ordered.

Mr. BAILEY. Will the Senator yield to me to introduce a joint resolution?

Mr. BOURNE. With pleasure.

RELIEF OF AMERICAN CITIZENS AT EL PASO, TEX.

Mr. BAILEY. I introduce a joint resolution, and I ask unanimous consent for its present consideration.

The joint resolution (S. J. Res. 129) to provide transportation for American citizens fleeing from threatened danger in the Republic of Mexico was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized and directed to furnish transportation from El Paso, Tex., to such place in the United States as each shall elect, those American citizens fleeing from the Republic of Mexico who are now or who may hereafter be temporarily supplied with shelter and sustenance, in whole or in part, by the Government of the United States in or near El Paso, Tex.

SEC. 2. That for the purpose of carrying out the provisions of this joint resolution the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of War, upon vouchers to be approved by the commander of the United States forces at Fort Bliss, Tex.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. STONE. Mr. President, we have just passed a resolution relating especially to Magdalena Bay, although general in its terms, that seems to me to be meaningless. We seem to be very greatly alarmed at the prospect of foreign citizens, Europeans or Asiatics, becoming interested in holdings in Latin-American countries. I do not think the resolution will have any practical effect as a declaration of national or international policy. I think it will have the effect of aiding some people who are seeking to acquire holdings about Magdalena Bay by terminating negotiations now pending for the disposition of these holdings to other people, and thereby affording an opportunity to those who are seeking it to acquire this possession at a lower price or, at least, without the competition of those who are now negotiating for it.

We seem to be very much concerned all of a sudden about a danger that is not, in fact, a danger; something up in the air; some remote possibility. At the same time, Senators have not been so careful of the rights of American citizens themselves in South America or in Mexico. Here we have before us an example. I have to-day received a telegraphic request or invitation, as other Senators have, to visit the city of El Paso to see and interview 2,500 or 3,000 American citizens who have been driven from Mexico in destitution. They have been compelled to abandon their homes and possessions, and we are now about to pass a joint resolution to take money out of the Public Treasury—and that joint resolution I shall vote for—to send these wretched people to some place. I do not know whether they have homes to go to, but to send them to some place of refuge at the public expense.

I can not forbear at this juncture from drawing a contrast between that anxiety in a particular case upon the part of Senators to protect the American people against a danger that is, at least, exceedingly remote in its possibilities while we remain silent when our own people, under our treaties domiciled in Mexico, are being ruthlessly mistreated, in many instances losing their lives, and are being driven from their homes in that country. We remain silent, except to authorize the use of the public money to transport them to the interior of the country.

I think we would do well if we cared a little more for the real thing that is confronting us than to lose our heads over the possibility of a danger that hangs, if it exists at all, so far away on the horizon that we can scarcely discern it.

Mr. SMITH of Arizona. Mr. President, if it does not interfere with the joint resolution introduced by the Senator from Texas, I should like to have it embrace such refugees as shall also be at Douglas and Naco, Ariz. But to be frank with the Senator, I am in hearty sympathy with his resolution, and I would not even suggest this amendment if it in any way embarrasses the measure. I am not informed of any refugees at Naco or Douglas, but there have been many coming through these ports for a long time. I have no doubt conditions exist in these cities somewhat similar to that in El Paso, but not in any way to the same extent. I imagine that if the joint resolution included these two cities, the fund provided will be sufficient to care for them. If the Senator gives his permission, I should like to have those two places included in the joint resolution.

Mr. BAILEY. Mr. President, undoubtedly if the same condition exists at the points designated by the Senator from Arizona as we know exists at El Paso, the same provision ought to be made to meet that condition, and I have no objection at all. I would say to the Senator, however, that it would be necessary to provide the machinery by a further amendment as to the disbursement of the money.

The joint resolution was originally drawn providing that the vouchers should be approved by the commander, his name being stated. It occurred to me that if that commander should happen to die or be removed or sent to another place before the joint resolution was executed we would have a difficulty. So I simply provided for the commander, so that whoever might be the commander at the time could act.

Mr. GALLINGER. May I ask the Senator a question?

Mr. BAILEY. Certainly.

Mr. GALLINGER. The fort is at El Paso?

Mr. BAILEY. Fort Bliss is at El Paso.

Mr. GALLINGER. As to the vouchers, these men will have their railroad tickets and they will be on their journeys. What good will a voucher do after they are on their travels?

Mr. BAILEY. The officer who supplies them with money ought to take their receipts so that he may file them with the War Department as an evidence that the money was expended for the purpose of the appropriation.

Mr. GALLINGER. He will take the receipt when they get their transportation?

Mr. BAILEY. Certainly.

Mr. GALLINGER. I think that ought to be done.

Mr. BAILEY. All the parties who come within the provision of the joint resolution are now being cared for by the United States through that Army post supplying them with provisions and doubtless with shelter. There are two or three thousand, and I regret to say that information comes even to-day which makes it entirely probable that that number will be augmented within the next 24 hours.

Mr. GALLINGER. Will the Senator kindly permit me?

Mr. BAILEY. Certainly.

Mr. GALLINGER. What class of people are these? Are they driven from mines and other occupations in Mexico?

Mr. BAILEY. From mines, farms, and ranches, and all employment wherever found.

Mr. President, I hardly think that the resentment which the American people are certain to feel against some recent occurrences there ought to be intensified by a recital of them on this floor, and I intended that the joint resolution should pass without any mention of them.

Mr. GALLINGER. I will say to the Senator that I did not understand the point the Senator from Arizona suggested, but it occurred to me that probably the same condition exists to some extent at Laredo. I do not know whether it does or not.

Mr. BAILEY. If so, I have not been advised of it, and I doubt it. I am sure it is not so serious there, because the war now desolating our neighboring Republic is near and around El Paso, and the people now being driven by unspeakable barbarities and inhumanities from the Republic of Mexico are crossing into the United States at and near El Paso.

Mr. FALL. Mr. President——

Mr. BAILEY. I yield to the Senator from New Mexico. He knows all about the situation there.

Mr. FALL. I will state in answer to the question of the Senator from New Hampshire that the States of Tamaulipas, Nuevo Leon, and Coahuila, which are opposite Laredo, are the three States in the Republic of Mexico that are not in armed revolution, and the people who are coming into El Paso are from the lumber industry at Madero, where 269 women and children came out a day or two ago from the mines at Dolores and other mines in Chihuahua and from the American colonies at Casas

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Grandes and other places. There are a dozen agricultural colonies settled by Americans, and they also come from the ranches, such as the Corralitos Ranch. I have here a telegram about the driving out those people from the colonies and mines of Sonora. The Senator from Arizona is correct about that. There are some of the American citizens from those colonies who are being driven out of Sonora, and they are coming into Arizona through Naco and Douglas. A majority of them are able to come across the country, and even those who come from near Douglas generally come out through El Paso; but some of them are arriving at Douglas and Naco.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from North Dakota?

Mr. BAILEY. Certainly.

Mr. McCUMBER. May I suggest to the Senator from Texas that I think we ought to amend the joint resolution with reference to the words "transportation to such place as he may elect" and insert in lieu thereof "the necessary transportation"? If it becomes a law there is no authority to limit the place by the War Department, because the joint resolution itself specifically declares that the transportation shall be furnished to such places as the party desiring it may elect. He may elect to go with his family to New York, or to Minnesota, or any other place in the United States. I think if you have a limit of only $100,000 most of it would be utilized in transportation and very little for the immediate necessities.

I believe the Senator will agree with me that there ought to be some limitation or some one authorized to determine what would be an appropriate amount to expend for transportation in each particular case.

Mr. BAILEY. Mr. President, I am assuming that under the condition which exists there these unfortunate refugees will only ask to be sent to such places as they may reasonably hope to find employment.

If I believed that this generosity of the Government would be seriously abused I would readily accept the suggestion of the Senator from North Dakota, but some of those people will go into Idaho, some to Utah, and some probably will go to other parts of Texas. I feel confident that in their present distressful condition they will not attempt to defraud the Government.

It is not a proposition to do more than to send them where they can again become useful to themselves. I think we are hardly authorized to hope that they could go back with safety to Mexico within a reasonable time, and with the harrowing experience through which some of them have passed they will probably never want to go back there at all. I hope the Senator will not insist on that amendment.

Now, Mr. President, I want to say to the Senator from Arizona [Mr. SMITH] that if it should transpire that places in his State require this provision he can as readily pass it, and more readily, probably, than we are passing this joint resolution; and as he does not know that there is any call for assistance there, I suggest that he leave this to pass and rely upon the willingness of the Senate to respond to his call whenever he finds it necessary to make it.

Mr. SMITH of Arizona. Mr. President, I will adopt the suggestion of the Senator from Texas; but I have in my hand a telegram which led me to make the suggestion. I will not read it for the same reason that the Senator from Texas refrained from stating conditions there, but I know from where the telegram comes that the people of whom the sender of the wire speaks live in the northern part of Arizona, and they would come into the United States either at Naco or Douglas. I said Nogales, but I meant the town of Naco. The refugees of whom this man telegraphs lived in Arizona, as I understand; but adopting the suggestion of the Senator from Texas I shall inquire into the matter. I expect, as he already guarantees, and I know, that the Senate in a case of like necessity will likewise respond to it.

Mr. STONE. Mr. President, I should like to ask what there is about the situation that we need to treat it so tenderly. If it be a fact that American citizens are passing through harrowing scenes in Mexico, that they are being abused and outraged in contravention of our treaty with Mexico, and their rights, if they are being driven like cattle, barefooted and half clothed, out of Mexico, leaving them in such a state of destitution that we must appeal to the Public Treasury to relieve them, what is there about it that should be treated——

Mr. BAILEY. Will the Senator permit me to make a suggestion?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Texas?

Mr. STONE. Certainly.

Mr. BAILEY. I will say to the Senator frankly that there are some things I should like to say, there are some things I have been on the point of saying, not only as to the treatment of these people who have fled from Mexico, but as to the treatment of citizens of Texas by the Army of the United States; but I have refrained from doing so, because the Senate has already authorized the appointment of a committee to inquire into this situation, and I thought it better to withhold my observations until that committee has concluded its work and made its report. If that committee finds conditions such as they have been represented to me, then I will join the Senator from Missouri in such plain speech as will be entirely satisfactory to the most warlike disposition.

Mr. STONE. To what committee does the Senator allude?

Mr. BAILEY. The Senate authorized the Committee on Foreign Relations to appoint a subcommittee to inquire into this situation.

Mr. STONE. To inquire, if the Senator will permit me——

Mr. BAILEY. And, of course, it will, after inquiring, report to the Senate. That subcommittee has already been designated. I applied to the honorable chairman of it this morning to ascertain when he would proceed with the work, and made some suggestions, and when assured by him that the committee intended to proceed without any lack of diligence, I concluded to postpone what I might otherwise have said now.

Mr. STONE. Is that the committee presided over by the senior Senator from Michigan [Mr. SMITH]?

Mr. BAILEY. It is.

Mr. STONE. Well, that committee, as I understand, is authorized particularly to investigate whether any citizen or person owing allegiance to the United States had been engaged in fomenting rebellion in Mexico. The newspapers have contained statements that Americans were interested in financing and supporting and organizing revolutionary movements in Mexico, and this committee was appointed to find out whether that was true, and, if so, to what extent. I do not understand that the committee has been appointed to make inquiry as to the wrongs done by Mexicans to American citizens; that is outside of the purposes for which that committee was appointed. I think it would be well to have that committee or some other committee authorized to extend the inquiry along that line, so that we might have some authentic data, some sound, reliable information respecting the misconduct of Mexicans in their treatment of American citizens lawfully domiciled in that Republic. Whatever others may say or think or do, for one I intend to continue to register my protest against the Senate and the other House looking on at this spectacle that should bring a blush of shame to every American cheek and remaining silent in the presence of it.

Mr. BAILEY. Mr. President, I want to say, and I will detain the Senate no longer than it is necessary to say, that if the committee prosecuting this investigation shall ascertain the condition to be as it has been represented to me, the American Congress will be required to take cognizance of it; but I do not myself feel at liberty to comment upon the things which have been repeated to me, though, in some instances, they have come from correspondence with the most reputable citizens of Texas. I have no shadow of doubt that the statements which they have made are believed by them to be absolutely true. Neither do I doubt—and I question the propriety of saying even this much—that there is now a deliberate and systematic attempt on the part of certain persons to force an intervention upon the United States; but surely Congress will not take a step so serious as that until it is possessed of all the information obtainable and has obtained that information through one of its own committees.

Mr. SMITH of Arizona. Mr. President, it was not from any fear of the responsibility involved in the matter, nor was it from any lack of a desire to protect American citizens to as full a degree as would the Senator from Missouri [Mr. STONE], or any other Senator on this floor, that I refrained from reading the telegram. The person who sent it was many miles away from the scene of the trouble. The information he had was from reports of which I personally can know nothing. I do not wish to read sensational telegrams to the Senate, which, after investigation, might possibly prove to be not altogether correct. I repeat it was not from any fear of saying anything which might be necessary here or elsewhere to protect an American citizen in his rights, not only in Mexico, but in any other country, which prevented me from reading the telegram. Before this session comes to its long-delayed end it may become necessary to read not only the telegram now in my hands, but many others, in order that some action may be taken by Congress to relieve the horrible conditions now prevailing in our sister Republic. That something must be done either by the State Department or by Congress at an early date has gone beyond the necessity of argument or further debate.

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resentative and Senator. That is the way they are distributed whenever it is made a public document. In this order I understand that the Senator desires to have the copies for the use of the Senate, and therefore I made the request that it be printed as a Senate document.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That 1,000 additional copies of Senate Document 870, being the report on the Lawrence strike, be printed for the use of the Senate document room.

THE METAL SCHEDULE.

Mr. PENROSE. Mr. President, it is quite important, in order to facilitate the meetings of conferees on other tariff bills, that the conference report on the metal bill should be submitted to the Senate. I understand that this course meets the approval of the Senator from North Carolina [Mr. SIMMONS].

Mr. SIMMONS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll of the Senate.

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

Ashurst	Dillingham	Martine, N. J.	Simmons
Bacon	Fletcher	Massey	Smith, Ga.
Bankhead	Gallinger	Nelson	Smith, Mich.
Borah	Gronna	O'Gorman	Smith, S. C.
Bourne	Guggenheim	Overman	Smoot
Brandegee	Johnson, Me.	Page	Sutherland
Bristow	Johnston, Ala.	Penrose	Thornton
Bryan	Jones	Perkins	Tillman
Burnham	Kern	Poindexter	Townsend
Burton	La Follette	Pomerene	Warren
Clark, Wyo.	Lodge	Reed	Watson
Crawford	McCumber	Sanders	Works
Cullom	Martin, Va.	Shively	

Mr. BOURNE. Mr. President, I desire to announce that my colleague [Mr. CHAMBERLAIN] is unavoidably detained on official business, and that he has a general pair with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER]. I ask that this announcement may stand for the day.

Mr. MARTINE of New Jersey. I was requested to announce that my colleague [Mr. BRIGGS] is unavoidably detained from the session of the Senate.

The PRESIDENT pro tempore. On the call of the roll of the Senate 51 Senators have responded to their names, and a quorum of the Senate is present.

Mr. PENROSE 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. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, with Senate amendments, having met, after full and free conference have decided to report and do report to their respective Houses as follows:

That the conferees have been unable to agree on amendments numbered 3 and 4.

BOIES PENROSE,
H. C. LODGE,
F. M. SIMMONS,
Managers on the part of the Senate.
O. W. UNDERWOOD,
A. MITCHELL PALMER,
SERENO PAYNE,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

Mr. GRONNA. Mr. President——

Mr. SIMMONS. I move that the Senate recede from its amendments.

Mr. PENROSE. I ask for the yeas and nays on that motion.

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

Mr. PENROSE. That same suggestion has been recently made, and the roll called.

Mr. OVERMAN. I know that; but I think the Senator will agree that there are very few on this side of the Chamber.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

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

Ashurst	Crawford	Martin, Va.	Simmons
Bacon	Cullom	Martine, N. J.	Smith, Ariz.
Bankhead	Dillingham	Massey	Smith, Ga.
Borah	Fletcher	Myers	Smith, Mich.
Bourne	Gallinger	O'Gorman	Smith, S. C.
Brandegee	Gronna	Overman	Smoot
Bristow	Guggenheim	Page	Sutherland
Bryan	Johnson, Me.	Penrose	Swanson
Burnham	Johnston, Ala.	Perkins	Thornton
Burton	Jones	Poindexter	Tillman
Chamberlain	Kern	Pomerene	Townsend
Clapp	La Follette	Reed	Warren
Clark, Wyo.	Lodge	Sanders	Watson
Crane	McCumber	Shively	

Mr. WATSON. I desire to announce the absence of my colleague [Mr. CHILTON], on account of illness.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 55 Senators have responded to their names. A quorum of the Senate is present. The question is——

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota rise to this question?

Mr. GRONNA. I rise to this particular question. Mr. President, I wish to address myself to the conference report.

The PRESIDENT pro tempore. The Senator will suspend until the Chair states the pending question to the Senate. The question before the Senate is on the motion of the Senator from North Carolina [Mr. SIMMONS] that the Senate recede from its amendments. The Senator from North Dakota has the floor.

Mr. PENROSE. If the Senator from North Dakota will permit me——

Mr. SIMMONS. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from North Carolina will state his parliamentary inquiry.

Mr. SIMMONS. I desire to inquire whether my motion to recede should be preceded by a motion to agree to the conference report, which is a report to the Senate of the disagreement on the part of the conferees.

The PRESIDENT pro tempore. The Chair is of the opinion that it does not have to be preceded by such a motion, but if there is a precedent to the contrary the Chair is ready to conform to it.

Mr. PENROSE. Mr. President, if the Senator from North Dakota [Mr. GRONNA] will permit me one moment, for the information of the Senate, as it has been, I believe, nearly two months since this bill passed the Senate, I will state that the question now before the Senate is that the Senate should recede from the amendment repealing what is known as the reciprocity bill, which was attached to the metal bill by the Senate. In the numerous tariff transactions which have occurred since the metal bill was passed, I think it well to remind the Senate of the exact status of this particular measure. The question is on the Senate receding from the amendment repealing the reciprocity act.

The PRESIDENT pro tempore. The Senator from Pennsylvania correctly states the question. If it is desired, the amendment from which it is proposed to recede will be read to the Senate.

Mr. PENROSE. I ought to say, Mr. President, that the second amendment in disagreement is merely the numbering of a paragraph, the introduction of the amendment repealing the reciprocity act having required a change in the numbering of the paragraphs.

Mr. GRONNA. Mr. President, it is not my purpose to detain the Senate this morning for any considerable length of time, but I do wish to know what is intended by Senators on the other side of the Chamber so far as the reciprocity amendment is concerned. I understand that the purpose is to move that the Senate recede from its amendment providing for the repeal of the reciprocity act. I should like to know what opportunity there will be, or if there will be any opportunity, to have the measure reported by the Senator from Idaho [Mr. HEYBURN], repealing the reciprocity act, taken up and passed during this session. I am not stating it as a fact, but I apprehend, Mr. President, that the amendment providing for the repeal of the reciprocity act will be retained on such bills as the President is sure to veto. I never offered the reciprocity amendment to any bill for the purpose of defeating the bill. I am interested in the measure itself and to help, so far as I am able, to do justice to the struggling millions in this country.

You may think you can fool the American farmer, but I want to say to you that you can not. Are we to eliminate the reciprocity amendment from all such bills as by a possibility the

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President might approve, and leave it on a measure the President is sure to veto?

I do not know whether I have a right to ask the question or not, and if I do not have the right I shall be glad to withdraw it, but I should like to know from Senators on the other side of the Chamber, and especially from the Senator having this bill in charge, what opportunity, if any, will be afforded to pass as an independent measure the bill providing for the repeal of the reciprocity act?

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. GRONNA. I do.

Mr. SIMMONS. In reply to the inquiry of the Senator from North Dakota, with respect to some independent measure dealing with the repeal of the reciprocity act, I can only say to him that I myself have not any knowledge of the attitude of Senators on this side of the Chamber with reference to the measure to which he refers. I understand that the Senator from Idaho [Mr. HEYBURN] has reported a bill of that character, but what opportunity will be afforded to vote upon that bill and what will be the attitude of this side of Chamber with reference to it, I am not authorized to say.

The Senator has just stated that it is proposed to retain the amendment repealing the reciprocity act upon a bill which the President would be sure to veto. Mr. President, two of the tariff bills which have been passed had attached to them this amendment to repeal the reciprocity act. One is the bill now before the Senate, known as the metal bill, and the other is the excise bill. The Senator has expressed the opinion, as I understood him, that the President would veto the excise bill. I do not know what the President will do in reference to that bill; but has the Senator any reason to suppose that the President is more likely to veto the excise bill than he is to veto the metal bill now under consideration? The statement has been made by Senators on the other side, professing to speak for the President, that the President has already made up his mind and has probably notified the steel producers and manufacturers of this country, that if the metal bill were sent to him he would veto it. That is not a part of our business, however. I am simply answering the suggestion of the Senator from North Dakota.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Certainly.

Mr. GALLINGER. Will the Senator specify any Senator on this side who has made a declaration of that kind?

Mr. SIMMONS. I could do so, but I do not care to.

Mr. GALLINGER. It must have been in private conversation.

Mr. SIMMONS. For that reason I decline to give the name of any Senator who has spoken to me in reference to it.

Mr. GALLINGER. I simply want to put in the RECORD the fact that no such declaration has ever been made on the floor of the Senate on this side of the Chamber.

Mr. SIMMONS. No such declaration has been made on the floor of the Senate, and I have not said that any such declaration has been made on the floor of the Senate; but I was advised yesterday—I am not now speaking about any conversation I have had with Senators on the other side about this matter—but I was advised yesterday by a newspaper man that the President had authorized the statement to be made to the manufacturers of Pennsylvania that he would veto it and that they could rely upon his doing so. That is a mere rumor, and I am not vouching for it.

Mr. GALLINGER. A mere newspaper statement.

Mr. SIMMONS. All I can assure the Senator with respect to this matter is that there will be action on the part of the conferees upon the excise bill. The conferees have been appointed; they have had a preliminary conference, and they will on Monday or Tuesday meet and act. I can assure the Senator that when that bill comes before the Senate—and it will come before the Senate as it will come before the House, and I think I can say it will be acted upon by the House and by the Senate, and when that action is taken the Senator will have an opportunity to vote for the repeal of at least a part of the reciprocity act, that part in which the Senator is interested and in which the millions of farmers for whom he says he is speaking are interested. I can give the Senator that assurance, but further than that I am unable to go.

Mr. GRONNA. Mr. President, I thank the Senator from North Carolina for his frank statement. I have no right to speak for nor do I propose to speak for the President of the United States. I do not know what he intends to do, but I have a right to my opinion as to what he will do. I believe the reciprocity act should be repealed, and believe the Democrats should face that proposition the same as they should face every other question, unafraid and frankly. I do not believe that Democrats can hope to be successful at the polls by passing bills, or by refusing to repeal an act that discriminates against the many in the interest of a few—in the interest of corporations, which are absolutely in control of the great industries of this country.

Mr. PENROSE. Mr. President, will the Senator permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Pennsylvania.

Mr. GRONNA. Yes.

Mr. PENROSE. Can the Senator from North Dakota imagine any reason which would render a provision repealing the reciprocity act objectionable on the metal bill and not objectionable on the excise bill? If it is a good amendment to the excise bill, why is it not a good amendment to the metal bill?

Mr. GRONNA. Well, Mr. President, I would much prefer to see the amendment on the sugar bill.

Mr. MCCUMBER. Mr. President, if my colleague will allow me, the question suggested by the Senator from Pennsylvania is the same question I asked quite a number of Republican Senators who voted against an amendment repealing the reciprocity act the other day in connection with another bill.

Mr. GRONNA. I know my colleague offered such an amendment and I voted for the amendment, as the RECORD will show. I am extremely anxious, Mr. President, to see the reciprocity act repealed.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. GRONNA. Yes; I yield.

Mr. SIMMONS. While I was on my feet a moment ago I should have made an additional statement, but I will make it now to the Senator. It is this: If the conferees should agree, as I am sure they will, to report the excise bill, Senators on this side of the Chamber will join the Senator from North Dakota in repealing that part of the reciprocity act which has not up to this time gone into effect because of the nonaction of Canada.

Mr. GRONNA. The Senator assures me that the Members on the other side of the Chamber will place such a provision——

Mr. SIMMONS. I meant on the excise bill. If I said the steel bill, I meant the excise bill——

Mr. GRONNA. The Senator also assures me that the Senators in this Chamber will to the best of their ability exert every influence on the House to see that it passes that body.

Mr. SIMMONS. I can speak only for the Senators on this side of the Chamber, and I have undertaken to speak for them because I have authority conferred upon me to do that. But, of course, I can not give the Senator any assurance with reference to the action of the House. I can express to the Senator an opinion, and that opinion is that the majority of the House will concur in the repeal of that part. I may be mistaken about that. I only express the opinion which a Senator, who, having interested himself in this matter, might properly entertain and with propriety, I think, express.

Mr. GRONNA. Mr. President, when I rose this morning it was with the hope that I could prevail upon some member of the Finance Committee to call up this measure this morning and that the Senate would give unanimous consent for the immediate consideration of an independent measure providing for the repeal of the reciprocity act.

As I have said before, I do not know that the President will veto these bills if they are agreed to here, but I have reason to believe that he will not approve all of them. We are very much interested in this measure, and there are interested in it a great number of people in the United States, the farmers all over this country, 35,000,000 people, who depend upon the agricultural industry for their comfort and for their living, and it means more than any mere political policy. It means doing justice to a great number of American citizens.

I have on every occasion, by my vote and otherwise, tried to have this iniquitous measure repealed. If the reports in the papers are true, even the President of the United States now realizes that it was a mistake to pass it. But I can readily see that it will afford an excuse for vetoing reciprocity on these tariff bills if the rates of duty are too low, if they are lower than the rates such as are advocated, not by the President of the United States, but the Republican Party of this country.

I again want to ask the Senator from North Carolina if it will not be possible to come to some agreement and have some understanding that this independent measure shall be taken up and passed not only in this body but in the other body, providing the paper provision is eliminated.

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other, then he has no justification for the assumption that the President will not sign it, and having no justification for an assumption of that kind, there is no reason why he should oppose this proposition being attached to the bill. If I believed it ought to be repealed, then I would put it upon a bill that would go to the President and allow him to exercise his judgment upon it, and that is all we are asking on this side.

Mr. THORNTON. Mr. President, if the Senate has honored me by paying the slightest attention in the past to my position on the subject of the Canadian reciprocity treaty, its Members must know of my intense opposition to that measure. For reasons which I have stated before on this floor and do not deem it necessary to restate now, from the standpoint of principle, the bill is to me particularly odious. Yet I am going to vote on the pending question with my fellow Democrats; but I wish it to be very distinctly understood that in doing so I do not relax any of my opposition to the Canadian reciprocity bill. However, I do feel justified in believing that my act in this matter will assist toward the ultimate repeal of the reciprocity bill, and for that reason I feel justified in taking the action that I will this morning.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina [Mr. SIMMONS], that the Senate recede from its amendment.

Mr. PENROSE. I ask for the yeas and nays.

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

Mr. BAILEY (when his name was called). I am paired with the Senator from Montana [Mr. DIXON]. I therefore withhold my vote.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the Senator from South Dakota [Mr. GAMBLE] and vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I withhold my vote. If he were present and I were free to vote, I would vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. The Senator from West Virginia [Mr. WATSON] has a pair with the Senator from New Jersey [Mr. BRIGGS]. So that we may both vote, I transfer my pair with the senior Senator from Mississippi to the Senator from New Jersey [Mr. BRIGGS]. I vote "nay."

Mr. PENROSE (when his name was called). The junior Senator from Oregon [Mr. CHAMBERLAIN] has a pair with my colleague, the junior Senator from Pennsylvania [Mr. OLIVER], and I have a pair with the junior Senator from Mississippi [Mr. WILLIAMS]. I will transfer my pair with the Senator from Mississippi [Mr. WILLIAMS] to my colleague [Mr. OLIVER], which will permit the Senator from Oregon and myself to vote. He having already voted, I will vote. I vote "nay."

Mr. DU PONT (when Mr. RICHARDSON'S name was called). My colleague [Mr. RICHARDSON] is absent from the city. He has a general pair with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. SMOOT (when Mr. STEPHENSON'S name was called). I desire to announce the absence from the city of the Senator from Wisconsin [Mr. STEPHENSON]. He has a general pair with the Senator from Oklahoma [Mr. GORE]. If the Senator from Wisconsin were present and free to vote, he would vote "nay."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Maryland [Mr. RAYNER]. In his absence I withhold my vote. If I were free to vote, I should vote "nay."

Mr. WARREN (when his name was called). I have a pair with the senior Senator from Louisiana [Mr. FOSTER] and therefore withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], but under the double transfer as stated by the Senator from North Dakota I am at liberty to vote. I vote "yea."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE], and therefore withhold my vote. If I were at liberty to vote, I should vote "nay." I desire also to announce that my colleague [Mr. LIPPITT] is unavoidably absent. He has a pair with the senior Senator from Tennessee [Mr. LEA]. If my colleague were present and free to vote, he would vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that to the junior Senator from Mississippi [Mr. WILLIAMS] and will let my vote stand. While I am on my feet I desire to announce that the Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN].

Mr. GUGGENHEIM. I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is not in the city. I will transfer that pair to the junior Senator from Kentucky [Mr. BRADLEY] and will vote. I vote "nay."

Mr. MARTINE of New Jersey. I desire to announce the pair existing between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS]. I make this announcement for the day.

Mr. BANKHEAD (after having voted in the affirmative). I have a general pair with the senior Senator from Idaho [Mr. HEYBURN], who is absent. I therefore withdraw my vote.

Mr. WATSON. In announcing the absence and pair of my colleague [Mr. CHILTON] I desire to say that if he were present he would vote "yea."

The result was announced—yeas 33, nays 28, as follows:

YEAS—33.

Ashurst	Johnson, Me.	Overman	Stone
Bacon	Johnston, Ala.	Poindexter	Swanson
Bristow	Kern	Pomerene	Thornton
Bryan	La Follette	Reed	Tillman
Chamberlain	Martin, Va.	Shively	Watson
Clapp	Martine, N. J.	Simmons	Works
Crawford	Myers	Smith, Ariz.	
Fletcher	Newlands	Smith, Ga.	
Hitchcock	O'Gorman	Smith, S. C.	

NAYS—28.

Borah	Cullom	Jones	Penrose
Bourne	Cummins	Lodge	Perkins
Brandegee	Dillingham	McCumber	Root
Burton	Fall	McLean	Sanders
Catron	Gallinger	Massey	Smith, Mich.
Clark, Wyo.	Gronna	Nelson	Smoot
Crane	Guggenheim	Page	Townsend

NOT VOTING—33.

Bailey	Curtis	Kenyon	Smith, Md.
Bankhead	Davis	Lea	Stephenson
Bradley	Dixon	Lippitt	Sutherland
Briggs	du Pont	Oliver	Warren
Brown	Foster	Owen	Wetmore
Burnham	Gamble	Paynter	Williams
Chilton	Gardner	Percy	
Clarke, Ark.	Gore	Rayner	
Culberson	Heyburn	Richardson	

So the motion of Mr. SIMMONS was agreed to.

The PRESIDENT pro tempore. The bill stands passed.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE. I ask unanimous consent that the Senate resume the consideration of the Post Office appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. SMITH of South Carolina obtained the floor.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. The Chair has recognized the Senator from South Carolina.

Mr. WARREN. I was about to ask the Senator from Oregon [Mr. BOURNE] to yield for the consideration of the conference report on the legislative, executive, and judicial appropriation bill (H. R. 24023). It is exceedingly important that it should be acted upon and disposed of as early to-day as possible. As the Senator from South Carolina has the floor I ask whether he will yield to me for that purpose.

Mr. SMITH of South Carolina. I have no objection to yielding the floor for that purpose, with the understanding that I will resume it as soon as that matter is disposed of, if that is agreeable to the chairman of the Committee on Post Offices and Post Roads in charge of the Post Office appropriation bill.

Mr. BOURNE. It is perfectly agreeable to me, Mr. President. I realize the importance of the request of the Senator from Wyoming, and, with the consent of the Senator from South Carolina, I am glad to yield to him.

Mr. WARREN. Then, I ask the Senate to resume the consideration of the report of the committee of conference on the legislative, executive, and judicial appropriation bill. The

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report has been printed in the RECORD, and has also been printed as a separate document, which has been distributed and is on Senators' desks.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. CUMMINS obtained the floor.

Mr. OVERMAN. Before the Senator from Iowa begins to speak I should like to make a brief statement.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I yield.

Mr. OVERMAN. For the information of the Senate I desire merely to make a brief statement. I was a member of the conference committee. The Senate attached an amendment to the legislative, and so forth, appropriation bill abolishing the judges of the Commerce Court. From some remarks made upon the floor yesterday it seems that an impression prevails in some quarters that the Senate conferees are responsible for the amendment of the Senate abolishing the Commerce Court judges being disagreed to. I think it is due the Senate to state that the Senate conferees insisted all the time upon the amendment of the Senate abolishing those judges. It was very evident, just as soon as we went into conference, that the House conferees would not agree to the Senate amendment. About the last action taken by the conferees on the part of the Senate was to recede from our amendment, but we had to do so in order to reach an agreement. One of the conferees and myself took the position, which I think is the right position to take, that wherever the Senate after long debate puts an amendment of that kind upon a bill, the conferees on the part of the Senate ought not to yield at all, but should report the matter back to the Senate for instructions from the Senate as to how to act; but after being in conference for weeks and weeks it looked as though we could not get an agreement, and the Senate conferees finally had to yield to the House, and they gave up the amendment only after a long and strenuous attempt to secure the adoption of the Senate provision. We tried to get the conferees on the part of the House to agree to the Senate amendment, but they would not do so. Therefore we finally were compelled to yield. I think I state the situation correctly.

Mr. WARREN. Mr. President, the Senator has stated the situation exactly right, with one possible exception. He speaks of two of the Senate conferees insisting. As a matter of fact, there was no difference on that question on the part of the Senate conferees, and it was decided very early that if we must come back to the Senate with any amendments in disagreement that amendment should be included.

Mr. OVERMAN. That is correct.

Mr. WARREN. We had no differences in regard to that.

Mr. OVERMAN. I do not think there really was any difference, but I think that two of the conferees were very strenuous in the position that this matter ought to be reported back to the Senate before we agreed to the House provision and receded from the Senate amendment.

Mr. WARREN. I will say to the Senator—perhaps he overlooked it—that when the observation was made yesterday by the Senator from Missouri [Mr. REED] that we had saved the court my reply corrected him, as per the following in the RECORD:

> Mr. WARREN. I beg the Senator's pardon. In answer to the inquiry about the Commerce Court, I said that the Senate receded from its proposition to abolish five circuit judges. The Senate amendment providing for a transfer of the business of the Commerce Court to the district courts was agreed to with an amendment perfecting it.
>
> Mr. REED. In other words, as this bill is now reported the Commerce Court is retained.
>
> Mr. WARREN. No; there is no Commerce Court; that was done away with by the action of both the other House and the Senate before the bill was sent to conference. The only difference is that there are now 34 circuit judges, and there will be no new ones appointed until the number is reduced to 29, if this bill as now reported becomes a law.
>
> Mr. REED. In other words, the five judges of the Commerce Court keep their offices as judges and continue to draw their salaries?
>
> Mr. WARREN. As circuit judges.
>
> Mr. REED. And then no more circuit judges are to be appointed until the number is reduced to 29?
>
> Mr. WARREN. Not until the number is reduced to 29.
>
> Mr. REED. The Senate succeeded in saving the salary of the judges?
>
> Mr. WARREN. No; on the contrary, the Senate was obliged to recede from its proposition to discharge five judges on the demand of the House conferees. There are no appropriations for the Commerce Court; and there will be no Commerce Court under the bill.

In the newspapers of this morning it is stated that the conferees agreed to do away with the Commerce Court. As a matter of fact, the action of the House and the Senate together had already done away with the Commerce Court before the bill went to conference. All that was before us was with relation to the judges of whom the Senator has spoken and the procedure by which the business of the Commerce Court should be transferred to other courts, and I so stated yesterday.

Mr. OVERMAN. The reason I make this statement, if the Senator from Wyoming will excuse me a moment, is because of a remark made by the Senator from Missouri, which he has kindly corrected in the RECORD. I understood him to say that the Senate conferees had succeeded in saving the salaries of five judges. I wanted him to understand that we had yielded only after a very strenuous opposition on the part of the other House, finding that we could not agree without yielding.

Mr. CUMMINS. Mr. President, the subject that I was about to bring to the attention of the Senate first does not relate to the Commerce Court, but it relates to the civil service of the United States. The effect of the bill agreed upon by the conferees would be to abolish the civil service as we understand it. We might as well face the proposition squarely and consider what we shall do with it. The proposition is to appoint for terms of seven years, and at the end of seven years the reappointment is to be absolutely at the discretion of the head of the department. The only rule which is laid down for the guidance of the head of the department is that the employee in order to be eligible must have reached a certain standard of efficiency in his previous work. No matter how efficient he may be and how high he may have risen above the standard, his appointment is at the pleasure of the head of the department. It restores the old spoils system in all its completeness. The only difference is that the spoils are to be distributed at periods of seven years instead of periods of change of administration.

Mr. WARREN. Mr. President, I do not believe the Senator intends to befog us with a misstatement, and he surely will admit that that statement is incorrect.

Mr. CUMMINS. I do not admit that it is incorrect. I do not intend to misrepresent anything.

Mr. WARREN. I know the Senator has no such intention; so I think I can correct the statement he has made. I do not rise to say that this plan is mine, nor is that of the Senate conferees, but it is here as the best we could do. I will add that the more you consider it the better it looks. The Senator says that it restores entirely, as a whole, the spoils system.

Mr. CUMMINS. It does.

Mr. WARREN. We shall follow that up a moment: At the end of seven years or eight years, as the case may be, all these employees end their service. What follows? The head of the department can reappoint every one of them who has not fallen below the grade that calls for his dismissal. How will he fill a particular place if he does not reappoint the old employee? There is where the rub comes. Formerly, all he had to do was to employ whom he might choose. There were no civil-service restrictions to control him, as now. Under this proposed law he can not employ a man or a woman except through the civil service. The most he could possibly do would be to refuse to reappoint the old employee, and call for new certifications from the civil service, but the civil service has just as closely in its grasp every place that is now in the classified service as it had before, because whenever one goes out, the one who follows must come from the civil service.

Now let us look at the matter reasonably for a moment: If the Senator himself, without regard to his politics, or any other Senator, were the head of a department, and had a corps of clerks and at a time, we will say, one-half——

Mr. SMITH of Georgia. We over here can not hear the Senator from Wyoming.

Mr. WARREN. I thought I was talking loud enough.

Mr. SMITH of Georgia. But the Senator was facing the other way.

Mr. WARREN. Suppose it comes to the end of the term of appointment. I want to know what man, applying it to himself or his place, would say, "Get out, all of you clerks. You are all efficient and trained clerks of experience in my department, but I do not know your politics and I want somebody else." How is he going to get somebody else? All he can do is to send his requisition to the Civil Service Commission and have others certified without regard to politics—others unknown to him and without experience. What is he going to do? Reappoint his employees who are all right or enter upon a sea of uncertainty? He will reappoint them, of course.

So that the proposition that this does away with the civil-service jurisdiction and restores the old spoils system is not correct.

Mr. CUMMINS. I think it is correct.

Mr. LA FOLLETTE. I want to ask a question at this point, and I will address it to the Senator from Wyoming. If it is reasonably certain that the head of a department would retain in the service such of the employees as had reached the required standard, why then should he not be required to retain in the service such employees? Why throw the whole list open

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The respondent, Judge Robert W. Archbald, accompanied by his counsel, entered the Chamber and took the seats assigned them.

Mr. GALLINGER. Mr. President, I submit the order which I send to the desk.

The PRESIDING OFFICER. The order submitted by the Senator from New Hampshire will be read.

The Secretary read as follows:

Ordered, That lists of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12 o'clock and 30 minutes post meridian on the 3d day of December, 1912.

Ordered, That the cause shall be opened and the trial proceeded with at 12 o'clock and 30 minutes post meridian on the 3d day of December, 1912.

Mr. MYERS. Mr. President, I submit an order as a substitute for the order submitted by the Senator from New Hampshire.

The PRESIDING OFFICER. The order submitted by the Senator from Montana will be read.

The Secretary read as follows:

It is ordered that the trial of the accused under these impeachment proceedings and charges be, and is hereby, set for the 15th day of August, 1912, at 12.30 p. m., and that orders for witnesses be filed on or before August 10, 1912, and thereafter as the Senate may order.

The PRESIDING OFFICER. The order asked by the managers on the part of the House of Representatives will also be read.

The Secretary read as follows:

Ordered, That lists of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12 o'clock and 30 minutes post meridian on the 7th day of August, 1912.

And further ordered, That in case hereafter the managers or the respondent may desire the attendance of additional witnesses, in such case the managers or the respondent may have the witness or witnesses desired subpœnaed, in accordance with the practice and usage of the Senate, upon application in such form as may be approved by the Presiding Officer.

Ordered, That the cause shall be opened and the trial proceeded with at 12 o'clock and 30 minutes post meridian on the 7th day of August, 1912.

The PRESIDING OFFICER. The Presiding Officer would inquire whether the counsel for the respondent desires to submit any order?

Mr. WORTHINGTON. No, Mr. President.

The PRESIDING OFFICER. The several orders are before the Senate for consideration. Under the view taken by the Presiding Officer, the question should first be put on the order fixing the most distant time. That is in accordance with parliamentary procedure and also in accordance with such procedure as might be considered proper in a court. The order proposed by the Senator from New Hampshire [Mr. GALLINGER] is the one which fixes the longest period, and the vote will first be taken upon that. The rule of the Senate requires that the vote shall be taken by yeas and nays. It is therefore not necessary that the yeas and nays should be ordered as in other instances. As Senators' names are called, those who favor the date fixed by the order proposed by the Senator from New Hampshire will vote "yea." Those who are opposed to that date and favor other dates will, as their names are called, vote "nay." The Secretary will call the roll.

The Secretary having called the roll, the result was announced—yeas 44, nays 19, as follows:

YEAS—44.

Bankhead	Crawford	Kern	Root
Borah	Cullom	Lodge	Sanders
Bourne	Cummins	McCumber	Smith, Ariz.
Bradley	Dillingham	McLean	Smith, Mich.
Brandegee	Fall	Massey	Smith, S. C.
Bryan	Fletcher	Nelson	Smoot
Burnham	Gallinger	Newlands	Sutherland
Burton	Gronna	Overman	Swanson
Catron	Guggenheim	Page	Townsend
Clark, Wyo.	Johnson, Me.	Penrose	Warren
Crane	Johnston, Ala.	Perkins	Wetmore

NAYS—19.

Ashurst	Clapp	Pomerene	Stone
Bacon	Jones	Reed	Thornton
Bailey	La Follette	Shively	Tillman
Bristow	Martine, N. J.	Simmons	Works
Chamberlain	Myers	Smith, Ga.	

NOT VOTING—31.

Briggs	du Pont	Lea	Poindexter
Brown	Foster	Lippitt	Rayner
Chilton	Gamble	Martin, Va.	Richardson
Clarke, Ark.	Gardner	O'Gorman	Smith, Md.
Culberson	Gore	Oliver	Stephenson
Curtis	Heyburn	Owen	Watson
Davis	Hitchcock	Paynter	Williams
Dixon	Kenyon	Percy	

So Mr. GALLINGER's order was adopted.

The PRESIDING OFFICER. The Presiding Officer would inquire whether the managers on the part of the House have anything further to submit to the Senate at this time?

Mr. Manager CLAYTON. Mr. President, as a matter of information, the managers desire to know when it is contemplated that they shall furnish the list of witnesses. I should like for that part of the order to be read again.

The PRESIDING OFFICER. The Secretary will again report the order.

The Secretary read as follows:

Ordered, That a list of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12 o'clock and 30 minutes post meridian on the 3d day of December, 1912.

Mr. Manager CLAYTON. The order does not say when the list is to be furnished. That is what I wished to ascertain. It leaves that entirely to the judgment of the managers and to the judgment of respondent. Am I correct in that contention, Mr. President?

The PRESIDING OFFICER. The Presiding Officer will respond that there is no designation in the order as to what shall be done in that regard, evidently leaving it as the manager concludes.

Mr. Manager CLAYTON. I have not a calendar before me, but I presume the 3d day of December is the first Monday in December, the day for the regular convening of the Congress.

The PRESIDING OFFICER. The Chair is informed it is Tuesday, the second day of the session.

Mr. Manager CLAYTON. It is the second day of the session?

Mr. LODGE. Monday is the 2d day of December.

The PRESIDING OFFICER. The 3d of December is the second day of the session.

Mr. Manager CLAYTON. Then, the Senate sitting as a Court of Impeachment having decided that this case shall not be tried at this time, but that it shall be tried beginning on the 3d day of December next, the managers of the House respectfully bow to the decision of the Senate, and beg to inform the Senate that they will be here on the 3d day of December ready to proceed with the trial of this case.

In the meantime, on behalf of the managers of the House, I desire to say that the managers will furnish—I presume that it ought to be furnished to the Secretary of the Senate—a list of the witnesses whom the managers desire to have subpœnaed on behalf of the prosecution, if I may so term the side which is occupied by the managers on the part of the House. Am I correct in the view that we shall furnish this list to the Secretary of the Senate?

The PRESIDING OFFICER. The Presiding Officer is not advised as to what are the precedents, but as the Sergeant at Arms is to execute the order, the Chair will suggest that the Sergeant at Arms is the proper person to whom the list should be supplied.

Mr. Manager CLAYTON. Then, Mr. President, under the intimation of the Chair, the managers beg to say at this time that they will in due time furnish the Sergeant at Arms a list of the witnesses they desire subpœnaed, and they expect to be ready, by having the witnesses here and ready otherwise, to proceed with the cause, if it meets the pleasure of the Senate, on the 3d day of December next.

Mr. President, there is one other thing that the managers desire to know. There is no settled practice, it appears from my rather imperfect examination of the precedents in the case, but I have reached the conclusion from such examination as I have been able to make that after this list is furnished by the managers and the list furnished on behalf of the respondent by the respondent that then it is the practice or the usage of the Senate, under, I suppose, certain discretion vested in the Presiding Officer, to entertain and to direct the issuance of subpœnas for other witnesses whose names may not appear on the list which is furnished in the first instance; and believing that to be the practice and believing that the managers should have that right, I shall not insist upon the proposition which I offered in the beginning of the cause to-day; that is, to provide that these additional witnesses might be subpœnaed on application made by the managers or the respondent, as the case might be, but that the application should be made to the Presiding Officer, the Presiding Officer having the discretion and presumably the authority to grant a request for additional witnesses.

Putting that interpretation upon the matter, Mr. President, we shall not ask any amendment of the order at this time, for it is presumed that this court, like any court that wants to do justice in the premises, would, notwithstanding any rule to the contrary, or because of the absence of any positive rule making provision for such an emergency, direct the subpœna of witnesses if, in the judgment of the court, it ought to be done to meet the manifest ends of justice.

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The PRESIDING OFFICER. The Chair will state that the manager has stated the practice as it is understood and contemplated by the Senate in that regard.

Mr. Manager CLAYTON. Then, Mr. President, the managers at this time have no further business before the Senate sitting as a Court of Impeachment.

The managers on the part of the House thereupon retired from the Chamber.

Mr. CLARK of Wyoming. I move that when the court adjourns it adjourn to meet on the 3d of December next at 12.30 o'clock p. m.

The PRESIDING OFFICER. The Senator from Wyoming moves that when the Senate, sitting as a Court of Impeachment in the case of Robert W. Archbald, adjourns it adjourn to meet at 12.30 o'clock on the 3d day of December next. Without objection it is unanimously so ordered.

Mr. STONE. Mr. President, I should like to propound an inquiry. The Presiding Officer, in other words, the Senator who shall preside, I presume is to attach his signature to the subpœnas for witnesses. Is that correct?

The PRESIDING OFFICER. The Chair will call the attention of the Senate to Rule VII, which will be read for the information of the Senate as to the power of the Presiding Officer to issue subpœnas.

The Secretary read as follows:

VII. The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the Presiding Officer on the trial shall direct all the forms of proceedings while the Senate are sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for. And the Presiding Officer on the trial may rule all questions of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some Member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision. (Rule VII of the Rules for Impeachment Trials, page 175 of the Manual.)

Mr. ROOT. I suggest that the fifth rule is relevant to the question.

Mr. STONE. What I desired to ascertain was——

The PRESIDING OFFICER. The present occupant of the chair, handling the book carelessly, did not call attention to the proper rule. The rule which has been read also states what duties shall devolve upon the Presiding Officer, but the particular rule is the one indicated by the Senator from New York, Rule V, which will be read.

The Secretary read as follows:

V. The Presiding Officer shall have power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, writs, and precepts authorized by these rules, or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide. (Rule V, at the bottom of page 174.)

Mr. STONE. Then under the rule the Vice President will be the Presiding Officer who would sign all writs.

The PRESIDING OFFICER. Whoever is the Presiding Officer at the time the writ is required would in the opinion of the present occupant of the chair be clothed with that power.

Mr. STONE. Would the present occupant of the chair be clothed with that power during the vacation? Application for the issue of subpœnas for witnesses will be made during the vacation of the Senate in all probability; probably in November. It puzzles me a little bit to know who would sign those writs.

The PRESIDING OFFICER. The Chair does not think there is any trouble at all about it. The Vice President, of course, will be during the vacation the Presiding Officer of the Senate, and if the Senate should indicate anyone else to be President pro tempore during that time, the power would be exercised in the first instance by the Vice President or, if he should be under disability, by the President pro tempore, whoever he might be. That is the opinion of the Chair. He may be wrong about it.

The respondent and his counsel withdrew from the Chamber.

Mr. CLARK of Wyoming. I move that the Senate sitting as a Court of Impeachment adjourn, and that the Senate resume legislative session.

The motion was agreed to; and thereupon (at 5 o'clock and 55 minutes p. m.) the Senate, sitting for the trial of the impeachment, adjourned, the adjournment being, under the order previously adopted, until Tuesday, December 3, 1912, at 12.30 o'clock p. m.

TARIFF DUTIES ON WOOL.

The PRESIDENT pro tempore. The Senate is in legislative session.

Mr. PENROSE. I should like to ask the Senator from Wisconsin, who is chairman of the Senate conferees on the wool bill, when it is his intention to present the conference report on the wool bill (H. R. 22195) for action by the Senate. I think the Senate ought to know what time a matter of that importance is proposed to be taken up.

Mr. LA FOLLETTE. Mr. President, answering the inquiry of the Senator from Pennsylvania, I will say that on Monday, at 12 o'clock, I will lay before the Senate the conference report on the bill known as the wool bill.

Mr. PENROSE. I ask unanimous consent to have noted on the calendar, among the other notices, that the conference report on the wool bill will be submitted to the Senate at 12 o'clock on Monday.

The PRESIDENT pro tempore. It will be so ordered, without objection.

THE PARCEL POST (S. DOC. NO. 895).

Mr. LA FOLLETTE. I ask leave to present a memorial, which I have not had time to examine, it having just been handed to me, prepared by George P. Hampton, secretary of the Farmers' National Committee on Postal Reform and secretary of the Postal Express Federation, setting forth, on behalf of the organized farmers of the country, certain views on the parcel post. I request that it be printed in the RECORD. I am informed that it contains matter which will be useful to Senators in the discussion of that paragraph in the bill when it is reached.

Mr. GALLINGER. And also as a document.

Mr. LA FOLLETTE. And I will also ask that it be printed as a public document, and laid on the desks of Senators.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the paper presented by him may be printed in the RECORD, and also separately as a document for the use of the Senate. Is there objection? The Chair hears none.

The memorial referred to is as follows:

MEMORIAL PRESENTING THE FARMERS' POSITION ON PARCEL POST AND IN FAVOR OF AMENDMENTS TO THE BOURNE BILL.

[By George P. Hampton, secretary Farmers' National Committee on Postal Reform; secretary Postal Express Federation.]

To the honorable United States Senate:

The postal appropriation bill with its provisions for parcel-post legislation is now before you for action, and on behalf of the organized farmers of the country, I desire to submit for your consideration a final word on their desires as to parcel-post legislation and their objections to the parcel-post section of the bill—commonly spoken of as the Bourne bill—as it now stands.

The speech delivered in the Senate on July 23 by the Hon. OBADIAH GARDNER, of Maine, and printed in the RECORD of that date, clearly sets forth the views of the farmers as to what constitutes an adequate general parcel post, and we respectfully urge you to give this speech your careful consideration. I beg to differ from the statement made in the committee report (No. 955, p. 16) that "neither has the public in mind government ownership of express companies." The farmer organizations are practically unanimous in their demands for a postal express founded on the absorption of the express companies' package business as set forth in Senate bill No. 5474. Senator GARDNER submitted abundant evidence in his speech to prove this. We have not urged that legislation should be enacted at this session providing for establishing the postal express, but we have urged that the investigations so well begun in Congress should be continued by the appointment of a joint committee of the House and Senate, said committee to report at the next session. We have urged further that whatever legislation is enacted at this session should be considered merely as a beginning, and that no limited parcel-post measure could be accepted as meeting the reasonable expectations of the people which did not provide in unmistakable language for:

(a) The handling of farm products;

(b) For the regulation of rates, weights, and zones by the Postmaster General, subject to the review or order of the Interstate Commerce Commission; and

(c) For the appointment of a joint committee, above referred to, to continue the investigations.

The Bourne bill is unsatisfactory as it stands even as a beginning. I submit the main objections:

(1) It does not contain the above provisions.

(2) Measured by the Government cost the short-distance rates (the rates for city and rural routes excepted) are exorbitant and penalize the short-distance shipper and subsidize the long-distance shipper.

(3) The rates proposed are, in the main, higher than the express rates for corresponding distances—so high in fact as to give over all the most profitable business to the express companies.

From the data furnished in the report on the Post Office appropriation bill (Rept. No. 955), I have compiled the following tables, which show the injustice and impracticability of the rates of the Bourne bill, except the local rates for city and rural routes which we indorse.

The Bourne bill rates and corresponding express rates ordered by the Interstate Commerce Commission for express rate zone No. 1.

Pounds.	Outer limits of zones in miles.							
	50		150		300		600	
	1	2	1	2	1	2	1	2
1	05	....	06	....	07	....	08	....
2	08	....	10	....	12	....	14	....
3	11	....	14	....	17	....	20	24
4	14	....	18	....	22	24	26	26
5	17	....	22	23	27	25	32	27
6	20	22	26	24	32	26	38	28
7	23	23	30	24	37	27	44	30
8	26	23	34	25	42	28	50	31
9	29	24	38	25	47	29	56	33
10	32	24	42	26	52	29	62	34
11	35	24	46	26	57	30	68	35

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in repair that kind of a road, instead of its encouraging the local authorities permanently to improve their roads, it would encourage them to rest on their oars and permit all improvements and repairs to be made at the expense of the Federal authorities alone.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. POMERENE. I do.

Mr. BRYAN. I suggest to the Senator from Ohio that there is no provision as to the width of the roads falling under class C. Class A and class B roads are required to be at least 9 feet wide. I think it will be taken for granted that hardly any improved road would exist which would not have a width of at least 9 feet, because otherwise it would be impossible for wagons meeting each other to pass, yet when you come to class C roads there is no provision as to even that width; in other words, they are not required to be even 9 feet wide, leading to the conclusion that they might only be of the width necessary to accommodate one wagon and not of sufficient width to allow wagons to pass. Why, then, if these roads are to be drained by ample side ditches, would it be objectionable to have a provision requiring them also to be at least 9 feet wide? The answer, it seems to me, must be that the roads are not expected to be maintained at 9 feet in width, and that they are intended to be classed within class C, so that the ordinary country road in its natural condition shall receive benefit under this act.

Mr. POMERENE. The Senator from Florida is entirely correct in his statement of facts, and I am afraid he is correct in his statement of the purpose of the manner in which this act is drawn.

Mr. SMITH of South Carolina. I should like to say to the Senator that the figures as to the cost of construction of the sand-clay road, the macadam road, and the bituminous road, which goes up into the tens of thousands, were all predicated upon a hard surface of 13 feet. The usual road bed, or the right of way as it is called, is 30 feet. The contemplation here was a hard surface to be put on as a means of continuing passage and to avoid the delay of hardening the surface the entire 30 feet of the right of way——

Mr. POMERENE. To what plan does the Senator refer?

Mr. SMITH of South Carolina. I am referring to the estimate which I read, where it said it cost $723 a mile. The hardened surface was 13 feet. This bill—I have not looked at it—the Senator from Florida says proposes 9 feet. I should suppose that if the estimate had been for only 9 feet in the figures I have read, a sand-clay road might be built for the difference between 9 and 13 feet, and therefore cost less than the Scientific American says—cost less than $300 a mile.

Mr. POMERENE. The Senator is referring to a highway which is permanently improved by some composition of sand and clay. But that is not the kind of road to which I have been addressing myself. It seems to me that before we appropriate this vast sum of money there ought to be more consideration given to the adoption of some permanent plan of improvement which the Federal Government would be willing to aid. I realize that a comparatively small sum of money may do a great deal toward encouraging the permanent paving of highways throughout the country.

Perhaps two years ago I gave some little investigation to this subject, and, with the permission of the Senate, I want to give some of the figures which I then collated.

The average cost of a battleship is $10,000,000. The average cost of making a paved roadway 14 feet wide, constructed out of the best vitrified shale paving brick, is about $15,000 per mile. The price of one of these battleships would build 660 miles of paved highway, made out of the best vitrified brick, to a width of 14 feet. In other words, at the price of one of these battleships, three highways could be constructed across the State of Ohio from north to south or from east to west.

The Senator from Mississippi [Mr. WILLIAMS] the other day suggested that it would cost $1,200 per mile to make a good gravel highway. Assuming that it would cost $1,250 per mile, at the cost of one of these battleships you could build 8,000 miles of graveled highway. Now, I do not say this in opposition to the improvement of our Navy so much as I do to show what we can do with the expenditure of a few million dollars carefully and economically placed.

My thought has been that the Federal Government should grant this aid in such a way as to give the maximum of encouragement to the local authorities, and I believe that if some plan were adopted whereby the Federal Government would give to the local authorities so much per mile for the construction of a paved highway, and so much per mile for a graveled highway, or any highway made of any material which was of a permanent character, we would thereby encourage the local authorities and the State authorities to help along this good cause.

All of us must agree that there is a great necessity for this kind of improvement; we will all agree that it has been too long neglected, and the concern of all is to adopt some plan which will give the maximum of good at the least expenditure. For that reason it seems to me it would be unwise now to expend nearly $16,000,000—accurately speaking, $15,915,000—out of a total contemplated expenditure of $18,450,000, in order to help to drag a few dirt roads. I do not believe that by so doing we would be encouraging the cause of good roads.

In order that this may be hurried along as rapidly as possible, assuming that this amendment of the Senate committee shall be adopted, I would suggest that instead of requiring the joint committee to make its report at the earliest moment practicable, we require them to report on the first day of the coming session of Congress.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. POMERENE. I do.

Mr. BOURNE. In reference to the suggestion of the Senator from Ohio, I am sure he would not want the joint committee to make an unfinished report. He would not wish them to report the result of the progress made, if they have come to no definite conclusions at the time. I think it is the desire of the committee to expedite the matter as rapidly as any Member of the Senate can desire it to be done, but it would be their purpose to do it in an intelligent way and to submit their conclusions based upon an ascertainment—a study, an analysis, a deduction, a conviction—and that submitted to the Senate.

Mr. POMERENE. I have no doubt the committee, both in the Senate and in the House, have given a great deal of time to the consideration of this subject, and I have no doubt they have collected valuable data, and that this can be supplemented by information which can be had from other sources.

The difficulty is that if we are going to delay fixing a date for this report the end of the next session of Congress will be here before there is any report made, and it seems to me it would be a very good way for Senators and Representatives on this committee to spend a part of their vacation, to take up this subject and give it the diligent and thoughtful attention, as I know they will, and make the report in the early days of the coming session of Congress.

Mr. SMITH of South Carolina. Before the Senator from Ohio takes his seat, does he think that that would be exactly fair, first, to the American people and then to the Department of Good Roads in the Agricultural Department, when they are working, issuing bulletins, getting up the data, visiting every State, and examining every possible kind of road construction, giving the cost both of construction and maintenance? I have in my hand here their report of 1912. We have a Department of Good Roads that was provided for some 8 or 10 years ago. They are at work every day and every week, and are issuing their bulletins and giving us exhaustive tables as to the different kinds of roads and the different costs of construction and the durability of the various kinds of roads.

It seems to me it would be an additional cost and an extraordinary expense for no possible good, when these bulletins and these data are at the command of every Senator.

I suspect that what is the matter is that we have not studied the data we have on hand, and want the joint committee to gather from the good-roads department and the other sources at our command what we as Senators in this body ought to know before we formulate legislation.

Mr. BOURNE. Mr. President——

Mr. POMERENE. The Senator will pardon me for a moment. I have no doubt the committee would avail itself of all this information in the consideration and preparation of its report. Certainly they want all the information they can get from any and every source. But let me ask the Senator from South Carolina a further question.

He first called the attention of the Senate to the fact that valuable data had been collected. Let me ask whether this provision of the House bill, with reference to the expenditure of nearly $16,000,000 upon the ordinary dirt roads of this country, is the result of the information which has been collected and to which he referred a moment ago.

Mr. SMITH of South Carolina. I beg to state, in answer to that question, that it is not the ordinary dirt road as insisted upon by the Senator from Ohio. The bill provides that there shall be certain specifications, a certain standard of excellence, that the road shall be reasonably passable at all seasons of the year for traffic, for wheeled vehicles, and that it shall be drained

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on each side; and the department further says that in case that is done, at a minimum cost, the road can, by a cheap process of dragging and putting a little clay mixed with sand on it, be made permanent, and once made permanent with this amount, it can be kept permanently in repair.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. POMERENE. Certainly.

Mr. BOURNE. The Senator from South Carolina has referred repeatedly to the Department of Agriculture and particularly to the Bureau of Good Roads. On the 22d of June I submitted a letter to the Secretary of Agriculture in reference to this particular bill and the practicability of carrying out its provisions, and the opportunity under the bill of getting the information necessary in order to make the classification A, B, C, as set forth in the bill, and the cost to the Government of so doing.

Under date of June 26 I received the following reply:

DEAR SENATOR: In reply to your letter of June 22, asking for information concerning the possible participation of this department in the carrying out of the Shackleford amendment to the Post Office appropriation bill, I have the following statement to make:

(1) There is no available force in this department at present that could be assigned to this work.

(2) The appropriation recommended for the Office of Public Roads for the coming fiscal year is $202,120, all of which is apportioned for special lines of work.

(3) A force of from 250 to 300 trained men would be necessary to classify the post roads as designated in the Shackleford bill. It would be exceedingly difficult, if not impossible, to obtain and organize such a force, the duties of which would occupy such a short period of time.

(4) The cost for the first year for making such a classification would probably be from $750,000 to $1,000,000, and this work would be of an absolutely nonproductive nature.

(5) The cost of continuing this classification after the first year would probably be between $200,000 and $300,000 per year, depending on the demand for the work.

Hoping that I have answered these questions to your satisfaction, I am,

Very respectfully, JAMES WILSON, *Secretary.*

Further, Mr. President, in the hearings before the Senate Committee on Post Offices and Post Roads Mr. L. W. Page, the gentleman who has been referred to several times here in this discussion, stated, in response to a question asked by Senator GORE:

I think the worst feature of this measure—

Referring to the Shackleford bill—

I think the worst feature of this measure is that it is not going to help the road situation at all, but it is ultimately going to bring a very heavy expenditure on the part of the Government.

Mr. Page further stated in the hearing referred to that—

Up to the present time about 62 bills for national aid in some form have been presented to this Congress, and they call for very large sums of money. There are a great many of them the results of which have not been considered and the effects of which, I think, would be very dangerous. I consider this measure—

Referring to the provision now under consideration—

among the more dangerous. If all the roads of this country—there are about 2,250,000 miles—were constructed in a first-class manner it would cost about $22,000,000,000. This is a very conservative estimate. I think there are only about $16,000,000,000 in the world, and four or five billion of that are unsecured notes. If we were to sprinkle the roads of this country for one summer season with ordinary watering carts and water, it would cost about $880,000,000, which is $200,000,000 more than the national revenue. Any plan for the Government to participate seems to me to require a good deal of consideration.

I do not think that the bulletins that are issued by the Department of Agriculture would give the Senate or Congress sufficient information upon which to take intelligent action upon a subject of this moment and importance to the country.

I thank the Senator from Ohio for yielding.

Mr. POMERENE. Mr. President, I do not care to occupy the attention of the Senate further, except to say that I am willing to go any length in encouraging the cause of national aid for public highways, but I want the money expended in such a way that we will get value received for it.

THE PANAMA CANAL.

The PRESIDENT pro tempore. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it will be so ordered.

TARIFF DUTIES ON WOOL.

Mr. LA FOLLETTE. Mr. President, I present the conference report on House bill 22195, and move its adoption.

The PRESIDENT pro tempore. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, 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 disagreement to the amendments of the Senate, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the act approved August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

"'SCHEDULE K. WOOL AND MANUFACTURES THEREOF.

"'360. On wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, the duty shall be 29 per centum ad valorem.

"'361. On all noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and on all other wastes and on woolen rags composed wholly of wool, or of which wool is the component material of chief value, and not specially provided for in this section, the duty shall be 29 per centum ad valorem.

"'362. On combed wool or tops and roving or roping, made wholly of wool or camel's hair, or of which wool or camel's hair is the component material of chief value, and all wools and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, the duty shall be 32 per centum ad valorem.

"'363. On yarns made wholly of wool, or of which wool is the component material of chief value, the duty shall be 35 per centum ad valorem.

"'364. On cloths, knit fabrics, flannels not for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, on any of the foregoing composed wholly of wool or of which wool is the component material of chief value, and on all manufactures of every description made by any process of wool or of which wool is the component material of chief value, whether containing india rubber or not, not specially provided for in this section, the duty shall be 49 per centum ad valorem.

"'365. On all blankets, and flannels for underwear, composed wholly of wool, or of which wool is the component material of chief value, the duty shall be 38 per centum ad valorem.

"'366. On Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; on Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; and on carpets of every description, woven whole for rooms, and Oriental, Berlin, Aubusson, Axminster, and similar rugs, the duty shall be 50 per centum ad valorem.

"'367. On Brussels carpets, figured or plain, and all carpets or carpeting of like character or description; and on velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, the duty shall be 40 per centum ad valorem.

"'368. On tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise; on treble ingrain, three-ply, and all-chain Venetian carpets; on wool Dutch and two-ply ingrain carpets; on druggets and bockings, printed, colored, or otherwise; and on carpets and carpeting of wool or of which wool is the component material of chief value, not specially provided for in this section, the duty shall be 30 per centum ad valorem.

"'369. Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting

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made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

"'370. On all manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 360 form the component material of chief value, not specially provided for in this section, the duty shall be 49 per centum ad valorem.

"'371. Whenever in this act the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process.'

"SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to no other duty upon the entry or withdrawal thereof than the duty which would be imposed if such goods, wares, or merchandise were imported on or after that date.

"SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1913."

And the Senate agree to the same.

ROBERT M. LA FOLLETTE,
J. W. BAILEY,
F. M. SIMMONS,
Managers on the part of the Senate.

O. W. UNDERWOOD,
D. W. SHACKLEFORD,
Managers on the part of the House.

During the reading of the report,

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Wisconsin to the fact that in constructing the report there has been a repetition of section 370 and paragraphs 2 and 3 of section 371. There is nothing to do but to erase it.

Mr. LA FOLLETTE. After the conference reached an agreement, it adopted the same report made upon this same schedule one year ago. The preparation of the report, which consisted in attaching the printed pages of the former report, was left to the clerks of the two committees.

The PRESIDENT pro tempore. It is evidently a manual error.

Mr. LA FOLLETTE. I presented the report just as they handed it to me. The error arises probably from using the printed pages of the conference report of 1911, which is identical with the present report, and I presume an extra page has been attached by mistake.

The PRESIDENT pro tempore. That is the fact. It has been constructed by pasting a printed page.

Mr. LA FOLLETTE. That is the way it occurred, I have no doubt.

After the conclusion of the reading of the report,

Mr. SMOOT. Mr. President——

Mr. PENROSE. I should like to ask the Senator from Wisconsin whether this is the same bill that was passed by the Senate.

Mr. LA FOLLETTE. I was just going to make a statement, unless the Senator from Utah——

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

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The Secretary will proceed to call the roll.

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

Ashurst	Culberson	Martine, N. J.	Smith, Mich.
Bacon	Cullom	Massey	Smith, S. C.
Bailey	Cummins	Myers	Smoot
Bankhead	Dillingham	Nelson	Stone
Borah	Fall	Newlands	Sutherland
Bourne	Fletcher	Overman	Swanson
Brandegee	Gallinger	Page	Thornton
Bristow	Gronna	Penrose	Tillman
Bryan	Johnson, Me.	Perkins	Townsend
Burnham	Johnston, Ala.	Pomerene	Warren
Burton	Jones	Reed	Watson
Catron	Kern	Root	Wetmore
Chamberlain	La Follette	Shively	Williams
Clapp	Lodge	Simmons	Works
Clark, Wyo.	McCumber	Smith, Ariz.	
Crane	McLean	Smith, Ga.	
Crawford	Martin, Va.	Smith, Md.	

The PRESIDENT pro tempore. Upon the call of the roll of the Senate, 65 Senators have responded to their names, and a quorum of the Senate is present.

Mr. LA FOLLETTE. Mr. President, the error to which the Chair called attention arises from the clerks having inserted an additional page of the former conference report—the printed report. It is exactly in accordance with the conference agreement excepting in that respect. I have compared it with the report as presented to the House, and except for that page, which was inadvertently inserted by the clerks in putting the papers together, the two reports are in perfect agreement. I ask leave of the Senate to withdraw that page, the insertion of which was a mere clerical error.

The PRESIDENT pro tempore. The Chair thinks it proper to call the attention of the Senate to the fact that it is simply a duplication of what is in the report. It does not differ in any particular from what appears in the report.

Mr. LA FOLLETTE. It does not belong there, in any event, and it should be stricken out.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

Mr. LA FOLLETTE. Mr. President, I do not desire to take a moment of the time of the Senate, unless it should be made necessary later, further than to say that the conference report presented at this time is identical with the conference report of 1911 upon the same schedule. It was found impossible to make any changes. I would have been glad to have secured the rates fixed in the bill as passed by the Senate, but if an agreement was to be arrived at at all some compromises were necessary, and it was found that the only compromise which could be effected was upon the lines of the compromise on the same schedule of one year ago.

If it will be at all helpful to Senators I can say that the reduction of duties, as compared wtih the existing law, taking the duties as figured out one year ago on the Payne-Aldrich bill, are as follows:

On clothing wool, to begin with, the duty under the Payne-Aldrich law, and I repeat that I am using the importations of last year and in figuring out the ad valorem, is 44.5 per cent. I am certain the importations at the present time will not make that rate materially different. The duties on clothing wool under the Payne-Aldrich law are 44.5 per cent and under the conference report 29 per cent.

On carpet wool 37.24 per cent, and under the conference report 29 per cent.

On combed wool or tops and on wool or hair advanced in any manner beyond the washed or scoured condition the duties fixed under the Payne-Aldrich law are 73 per cent, 111 per cent, 112 per cent, and 252 per cent. The duty fixed under this conference report covering the entire paragraph is 32 per cent.

On yarns valued at not more than 30 cents per pound the duty under the Payne-Aldrich law is 134 per cent, valued at more than 30 cents a pound it is 76 per cent, and under the conference report these duties would be 35 per cent.

Cloth, knit fabrics, plushes and other pile fabrics, dress goods, wearing apparel, trimming, and so forth, under the Payne-Aldrich law carried duties of from 60 to 159 per cent. Under the conference report they would carry a duty of 49 per cent.

Blankets and flannels for underwear under the Payne-Aldrich law take a duty of 71 to 182 per cent. Under the conference report, if it were to become a law, they would carry a duty of 38 per cent.

Carpets under the Payne-Aldrich law, or under existing law, take a duty of from 50 to 80 per cent. Under this conference report the duty would be from 30 to 50 per cent.

Now, Mr. President, I think I need make for the present no further statement than to say to the Senate that in so far as the duties are concerned the conference report presented at this time is identical with the conference report presented one year ago on this same schedule.

There is in one section a change of a dozen words to correct a verbal error that was found in the conference report upon reviewing it, to which, let me say to the Senate, the conferees upon both sides and of both Houses were agreed. It makes no alteration whatever in the rate as fixed in the conference report of 1911 and the conference report which I present to-day.

Mr. GRONNA. Mr. President, I ask the Senator from Wisconsin how these rates compare with the rates submitted by the Tariff Board. Are they very much lower?

Mr. LA FOLLETTE. Mr. President, that opens up a pretty wide subject for discussion. I think it would be difficult indeed for any two men taking the report of the Tariff Board to arrive at exactly the same conclusion with respect to the rates. I think I may say, however, as a corollary to what I have already

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said, that no absolute rate can be deduced from the report of the Tariff Board on any specific thing, and if it were possible to figure out a rate upon which everybody would be agreed was the specific thing as reported by the board, upon which there could be no dispute, then I think it would follow as a matter of reasoning that that could not safely be taken as an absolute rate. A very slight change in the condition which the Tariff Board found when they made their investigation would alter any conclusion which they reached. Suppose, for instance, the mills were to vary the hours of labor, laying off their hands, we will say, on Saturdays for a period of time. If that occurred after the board had made its investigation of the cost of production in that mill or in those mills, then the results would quite materially change.

So it is not possible to put your finger upon any particular rate and say that that is the absolute finding of the board. Neither would it be possible for the board to make an absolute finding which they could say to Congress should guide them in making rates.

I think that the duty of 29 per cent fixed upon all wools in the conference report just presented is a little lower than can be fairly inferred to be from the conference report, in the judgment of the Tariff Commission, upon the duty to be fixed on raw wool, but at the same time an examination of that report will show that in 20 per cent of the wool production of this country, that being the production of wool upon the large farms or ranches, where the keeping of sheep is a matter of relative importance, the cost of producing wool is nothing; that the business is conducted mainly for the profit derived from the production of mutton; that the production of mutton gives upon the great flocks upon the ranges a profit, and that the wool produced is really a by-product, and is, to use a common expression, what would be regarded as velvet, or clear gain, while on the small farms, where sheep are kept in little flocks, if the expense is figured out there it is so materially increased that perhaps 75 or 100 per cent would not be a sufficient protection; that is, that sheep so kept are not considered as a business by itself—is not an economic business—but fitted in the general economy of the farm, kept as a sort of scavenger in their grazing; the small flocks, when taken with everything else on the farm, are worth while to the farmer.

Now, that is a somewhat extended and somewhat perhaps disconnected answer to the Senator's inquiry, but I think it makes the best answer that can be given from the report of the Tariff Board.

Mr. PENROSE. Mr. President, I should like to ask the Senator from Wisconsin whether he considers the report of the Tariff Board to be in favor of ad valorem rates?

Mr. LA FOLLETTE. No; Mr. President, I do not, and if we are to go into that subject, and I am perfectly willing to go into it, I think it can plainly be shown upon the best authority in this country that the Tariff Board are radically wrong. I am prepared to go into that subject at length if it is raised, and to demonstrate, I think, beyond any question, upon the very highest authority of this country, recognized as the highest authority of the country among manufacturers, by which it can be shown that the conclusions of the Tariff Board in that respect are radically wrong.

Mr. MASSEY. Mr. President, the question involved in the report of the conference committee involves, as I understand it, something more than a mere question of schedules. It involves, as I understand the matter, a question of principle upon which for many years I have entertained and have now decided views.

So far as other Senators are concerned, I presume they possess an advantage in determining how they ought to vote on this report. Upon education and by principle based upon the legislative history of the country I am now, and expect to continue to be, without apology, a believer in the doctrine of a protective tariff. Wool and sugar are two of the industries from which the people of my State expect to receive and have received advantages under a protective tariff.

I do not rise, Mr. President, for the purpose of making a tariff speech, and I do not intend at this time to do so further than to say that while I am not wedded to a schedule and while I realize that any tariff schedules that may be agreed upon by this Congress will probably not meet the changing conditions of the country five years from now, or possibly less, I, as a protectionist and a believer in the doctrine of protection, have my doubt as to the wisdom of voting for a bill that meets the approval of Senators upon the other side of the Chamber. Therefore, I shall be compelled, not because my own State is peculiarly or particularly interested in the wool industry, to vote against the substitute tendered in the way of amendment by the conference committee.

I say this so that my attitude may be understood and so that there may be no question of my action as a Senator from one of the sovereign States of the Union. I realize in saying it that Senators upon the other side of the Chamber are just as sincere in their attempt to secure a revenue tariff as I am to secure a protective tariff; but, as I have said, having very serious doubt as to the protective features of a wool schedule that can meet the support of the Democratic majority in the House of Representatives, I shall not vote for the pending conference report upon the theory that we are getting any protection. Therefore, I shall vote against the conference report.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] to concur in the conference report.

Mr. PENROSE. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks for the yeas and nays.

Mr. CUMMINS. Mr. President, I do not rise to discuss the conference report, but to make a very brief statement with respect to my own attitude toward it.

A year ago I voted for a conference report that was identical with the report now before the Senate. Since that time the report of the Tariff Board upon this subject has been made. I have given it the most diligent and the most impartial study of which I am capable. I agree with the Senator from Wisconsin in the statement that it is impossible for any man to make deductions from the report and assert that they are the only deductions that can be made from it. Nevertheless, I reached the conclusions which I stated when I presented my amendment to the House bill. I stated then, and I believe it to be true, that the minimum duty upon scoured wool or clean wool warranted by the report of the Tariff Board for all wools of a higher price, say, 40 cents a pound or more, is 15 cents a pound, with a maximum duty on the lower-priced wools of 40 or 45 per cent. The duty of 29 per cent on all wools, as measured by the facts, as I understand them, disclosed in the Tariff Board report, is substantially less than 15 cents a pound on clean wool. It is so substantially less that, following the course which I originally laid out for myself, viz, that without good evidence to the contrary I would accept the information furnished by the Tariff Board, I can not vote for the conference report, much as I desire a substantial, even a radical, reduction in the duties upon wool and the manufactures of wool. In the coming roll call, if I were at liberty to vote, which I shall not be, having paired myself with a Senator who would, if present, vote for the conference report, I should vote against it.

Mr. LA FOLLETTE. Mr. President, instead of taking the time of the Senate to discuss this subject, and particularly the report of the Tariff Board on Schedule K, the schedule under consideration, I am going to ask unanimous consent to have printed in the RECORD an analysis of the report of the Tariff Board upon this schedule made by Mr. Samuel S. Dale, editor of the Textile World Record, published in Boston. I will only say in introducing this analysis that Mr. Dale is not a theoretical expert upon this subject. He attained his commanding position as the leading authority in this country through practical experience. He served his apprenticeship in the business of wool manufacturing, worked up through all the grades, became the superintendent of a large mill, had an extended experience as such superintendent, and finally became editor of the Textile World Record. His standing is such among all wool manufacturers and among tariff experts that the Tariff Board engaged him to prepare a critical analysis of Schedule K and to advise the board as to the best methods of making a study of the cost of production in the woolen industry.

I understand that he was connected with the board from the fall of 1910 until April or May, 1911, when he resigned, because he disagreed with the methods the board proposed to follow in the investigation of the industry. They disregarded his advice, and since he was convinced that they were proceeding along wrong lines, he severed his relations with the board. Since the publication of its report on the wool schedule he has made a comprehensive review of it, which I have here in printed form.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LA FOLLETTE. I do.

Mr. SIMMONS. I should like to suggest to the Senator from Wisconsin that I think Mr. Dale's analysis has been printed in the RECORD at the instance of some Member of the other House, and practically all of it has been printed in the RECORD at my instance in connection with a speech I delivered the other day. I would suggest to the Senator that, instead of printing it in the RECORD, it be made a public document.

Mr. LA FOLLETTE. Well, I should like to have it put in the RECORD in connection with the proceedings of to-day, and

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finer classes of dress goods and cloths for men's wear. All the articles in both these schedules which could be classed as necessaries of life, and which are worn by our working men and women, would be protected by the rates proposed to the extent of exclusion of the foreign article, while upon all the finer and more expensive products, which are in the nature of luxuries and purchased largely by the rich, the rates would place no restraint upon importations and would furnish no protection to the American producer.

"Specific duties have been advocated by all our Secretaries of the Treasury, with one notable exception, Mr. Robert J. Walker, from Hamilton to the present incumbent of the office. The opinions of these officers are given in Appendix A. All the leading statesmen and financiers of Europe and all acknowledged authorities on taxation on either side of the Atlantic have advocated specific duties. They have been commended by all the principal administrative officers of customs, by the leading merchants, and by the chambers of commerce in all of our large cities for their simplicity and certainty in execution. No expert knowledge is required for their enforcement by customs officials, as the articles upon which they are levied have only to be counted, weighed, or measured. While specific duties are less liable to evasion and are certain and uniform in their operations, giving greater stability to the revenues, they also have the beneficial tendency to exclude from the country inferior, adulterated, and worthless goods.

APPENDIX A.

SPECIFIC DUTIES.

In 1795 Secretary Hamilton reports to the House of Representatives that, by existing laws, about one-third of the duties was derived from articles rated ad valorem, and adds:

"In other nations, where this branch of revenue, as with us, is of principal or very considerable consequence, and where no peculiarity of situation has tended to keep the duty low, experience has led to contract more and more the number of articles rated ad valorem, and, of course, to extend the number of those rated specifically—that is, according to weight, measure, or other rules of quantity. The reason of this is obvious; it is to guard against evasions, which infallibly happens in a greater or less degree when duties are high. * * * It is needless to repeat that this will contribute as much to the interest of the fair trader as to that of the revenue.

"It is believed that in our system the method of rating ad valorem could, with convenience, be brought within a much narrower compass, and it is evident that to do so will contribute materially to the security of the revenue." (American State Papers, Finance, vol. 1, p. 348.)

Secretary Gallatin, reporting to the Senate in 1801, said:

"In order to guard as far as possible against the value of goods being underrated in the invoices, it would be eligible to lay specific duties on all such articles now paying duties ad valorem as may be susceptible of that alteration." (American State Papers, Finance, vol. 1, p. 702.)

Secretary Dallas, reporting to the House of Representatives in 1816, says:

"Articles imported to a great amount should rather be charged with specific duties upon their weight and measure, in order to guard against evasions and frauds, than with ad valorem duties on their value.' (American State Papers, Finance, vol. 3, p. 91.)

Secretary Crawford, in 1817, in the report concerning revision of the revenue laws already referred to, calls attention to the subject of frauds, particularly in the importation of articles upon consignment paying ad valorem duties, and recommends a series of remedial provisions, which are mainly applicable to importations subjected to ad valorem duty, to which he adds:

"Whatever may be the reliance which ought to be placed in the efficacy of the foregoing provisions, it is certainly prudent to diminish as far as practicable the list of articles paying ad valorem duties," and submits a list of 124 enumerations to be transferred to the class of specifics. In 1819 he submitted a further list. (American State papers, Finance, vol. 3, pp. 236, 415.)

Secretary Meredith, in his report of December 3, 1849, says:

"I propose a return to the system of specific duties on articles on which they can be conveniently laid. The effects of the present ad valorem system are twofold, viz, on the revenue and on our own productions. Experience has, I think, demonstrated that, looking exclusively to the revenue, a specific duty is more easily assessed, more favorable to commerce, more equal, and less exposed to frauds than any other system. Of course such a duty is not laid without reference to the average cost of the commodity. This system obviates the difficulties and controversies which attend an appraisement of the foreign market value of each invoice, and it imposes an equal duty on equal quantities of the same commodity. Under the ad valorem system goods of the same kind and quality, and between which there can not be a difference in value in the same market at any given time, nevertheless may often pay different amounts of duty. Thus the hazards of trade are unnecessarily increased.

"To levy an ad valorem duty on foreign valuation equably at the different ports is believed to be impossible. That the standard of value at any two ports is precisely the same at any given time is wholly improbable. The facilities afforded to frauds upon the revenue are very great, and it is apprehended that such frauds have been and are habitually and extensively practiced. The statements annexed (marked O), to which I invite special attention, exhibit in a strong light the dangers to which this system is necessarily exposed.

"As the standard of value at every port must at last depend upon the average of the invoices that are passed there, every successful attempt at undervaluation renders more easy all that follow it. The consequences are, not only that the revenue suffers, that a certain sum is in effect annually given by the public among dishonest importers as a premium for their dishonesty, but that fair American importers may be gradually driven out of the business and their places supplied by unknown and unscrupulous foreign adventurers."

The adoption of specific duties has been uniformly favored by the executive officer of the Government and has been specially recommended by a number of the Secretaries of the Treasury in recent years.

Secretary Bristow, in his annual report for 1876, in commenting upon the administration of the customs revenues, said:

"Another remedy, and the most effective which could be adopted for correcting the evils of the appraisement system, is the substitution, so far as practicable, of specific for ad valorem duties. This change would work a great reduction in the amount of labor requiring the knowledge of experts. The entire process of ascertaining duties would be more simple, certain, and safe. Opportunities for collusive undervaluation would be greatly lessened, and if errors were committed they could not, as to specific rates and amounts, be accounted for except upon the supposition of culpable negligence or actual fraud, whereas, in respect to ad valorem duties, an error of judgment may readily be assigned as a sufficient explanation.

"Such change, either with or without a decrease in the number of dutiable articles, would insure a very considerable reduction of the force at the chief ports, with a consequent diminution of expenses."

Secretary Sherman, in his report to Congress for 1878, made the following suggestions with respect to specific duties:

"While not recommending a general revision of the tariff at the present time, it is deemed important that upon some articles the ad valorem duties now assessed should be converted into specific duties. As a rule, specific duties are to be preferred to either ad valorem or compound rates, and in any future revision of the tariff it is hoped that Congress will give preference to this system of imposing duties as far as practicable. The argument in favor of specific duties applies with great force to kid gloves, concerning the value of which, under the present ad valorem duties, serious differences of opinion have occurred between the importers and the Government during the past year, which have led to protracted delays in the ascertainment of the dutiable value, and consequent injury to the mercantile community."

In his report on the collection of duties for 1885 the late Secretary Manning said:

"In a system of ad valorem rates there are two critical points: One is dutiable value and the other is rate of duty. The present rate of duty on certain silk goods is 50 per cent of the market value at the time of exportation in the principal markets of the country, or what is equivalent to one-half of the importation. If the law were so administered by the Treasury Department that on the importation of one importer 50 per cent was levied, and on the importation of another importer 40 per cent, and on that of another importer 30 per cent, there would be a general outcry. So there would be if an importer at New York was required to pay only 30 per cent and if of another at Buffalo was demanded 40 per cent and of another at Chicago was required 50 per cent. But none the less illegal and intolerable result would follow if the dutiable value on one importation were fixed at $100, on another, by the same vessel, at $80, and on another, by the same vessel, at $60, the merchandise in all of the three being similar. If importers can illegally control dutiable values, they can control the amount of duties paid on the merchandise, although the ad valorem rate may be fixed and uniform for everybody and every port in the country.

* * * * * * *

"I do not make a recommendation to Congress for the restoration of the 'old moiety system' and the statutory inducement to informers, or the law concerning intent and burden of proof, which existed from 1799 to 1874. And I do not so recommend for the reason that the purpose of the House and Senate, in respect to the simplification of the rates of duty and a prudent enlargement of the application of specific rates, is necessarily unknown. Should some such last-named change be not made, I have little faith that the existing power of the Executive and of the courts will be adequate to secure honest invoices and full appraisement.

* * * * * * *

"The following extracts from the report of Mr. Forward, made nearly half a century ago, are instructive now, by way of showing his appreciation of the relation between ad valorem and specific rates, and the light in which foreign manufacturers sending their goods to this country on consignment were then regarded:

"'With a view to guard the revenue against fraudulent undervaluations which can not be entirely prevented by the existing scheme of ad valorem duties, specific duties are proposed in nearly all cases when practicable. The operation of the system of specific duties may not be perfectly equal in all cases in respect to the value of the articles included under it, but this inconvenience is more than compensated by the security of the revenue against evasions and by the tendency of specific duties to exclude worthless and inferior articles, by which purchasers and consumers are often imposed on.'

* * * * * * *

"One advantage, and perhaps the chief advantage, of a specific over an ad valorem system is in the fact that under the former duties are levied by a positive test, which can be applied by our officers while the merchandise is in the possession of the Government, and according to a standard which is altogether national and domestic. That would be partially true of an ad valorem system levied upon 'home value,' but there are constitutional impediments in the way of such a system which appear to be insuperable. But under an ad valorem system the facts to which the ad valorem rate is to be applied must be gathered in places many thousand miles away, and under circumstances most unfavorable to the administration of justice."

The present Secretary of the Treasury, in that portion of his last annual report relating to the administration of the customs laws, used the following language:

"Whatever the rates of customs taxation may be, the laws for the collection of the same should be made as efficient as possible. In this the bona fide importer, who wishes to gain only the legitimate profits of his business, the home manufacturer, and laborer are equally interested. They all have a right to demand that the laws be so administered as to give them every possible protection in their business. The high ad valorem tariff of the last quarter of a century has been the fruitful cause of devices to gain improper advantage at the customhouse. It is therefore desirable that in revising and reducing rates of duty they should be made specific instead of ad valorem, so far as the nature of the merchandise will admit. Theoretically considered, ad valorem are preferable to specific duties, but in practice, under such rates as we have had and must continue to have for years to come, the former are the too easy source of deception and inequality at the customhouse. Congress has it in its power to change from time to time, as may be advisable, specific rates, so as to meet any permanent changes in values."

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In his report of December 4, 1911, Secretary MacVeagh likewise says:

AD VALOREM AND SPECIFIC DUTIES.

"The experience of the Treasury Department in administering the tariff laws brings to all who share this experience the most positive conviction that tariff legislation should adopt the policy of establishing specific duties instead of ad valorem duties wherever the nature of the article involved makes that a possibility. The practice of adopting ad valorem duties adds to the ease and quickness with which legislation may be prepared; but that is its only helpful quality—and that lonely quality has its palpable drawbacks. Ad valorem duties lead directly to the great majority of all the frauds upon the revenues with which

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the Treasury Department has to contend; and they do all they can to drive honest importers out of business. They add exceedingly to the expense and responsibility of administration and are responsible in largest measure for whatever demoralization exists in the importing appeal, but in practice they are a delusion and a snare."

The Tariff Board in its report on Schedule K discusses the objections to the present system of levying duties. On page 394, it says:

"The economic objection to an ad valorem duty on wool arises from the fact that the amount of duty paid, since it fluctuates with the foreign value of the commodity, would not be adjusted to the needs of the Government, of the consumer, nor of the American woolgrower. A speculative change in the market which increased the price of wool would automatically lead to an increase in the amount of duty at the very time that the manufacturer is most hampered by the existing high price, when the consumer most needs relief, and the woolgrower is most prosperous. On the other hand, a fall in price brings a reduction of duty at a time when the woolgrower is at greatest disadvantage and when manufacturers can best afford to pay the tax.

"The tendency of sheep breeding all over the world is toward crossbreds, and the advocates of ad valorem wool duties have complained that under the present system of specific duties crossbreds can be imported more favorably than merinos, and that when the market for crossbreds declines the advantage in favor of the crossbreds is still further increased. During the season 1906–7, which was a normal one, the specific duty on South American crossbreds, taking into account the prices then prevailing in the foreign markets, was equivalent to an ad valorem rate of about 43–45 per cent. In the following season, 1907–8, including the time of the financial panic prices abroad declined steadily, so that in May, 1908, the specific duty on the same grade of crossbred wool was equivalent to an ad valorem rate of 75 per cent. By thus increasing the ad valorem equivalent when foreign prices are low and decreasing it when foreign prices are high the specific duty automatically protects American woolgrowers against declines in the wool markets abroad and at the same time favors the American buyer when the foreign wools increase in value. In the case of drought or other calamity in the American woolgrowing industry and overproduction abroad, or vice versa, the specific duties would have a corrective tendency. Ad valorem duties would act in an entirely contrary manner—decreasing with the decline of values abroad and increasing with the rise of foreign markets, thus tending to throw open the American market to foreign wools in times of depression, when they could least withstand such pressure, and, on the other hand, when there was a scarcity of wool at home and prices soared, it would be impossible to find relief abroad.

"America occupies a unique position among the nations with regard to her woolgrowing and wool manufacturing, having practically no outlet for either in foreign markets. The American woolgrower is entirely dependent upon the home market. If the basic idea of the duty on wools is to give the domestic grower permanent protection, it should remain as uniformly effective as possible under all changes of foreign conditions (shortage, overproduction, etc.). Ad valorem duties would not accomplish this, being ineffective in times of overproduction and low prices abroad, and giving an unnecessarily high protection in times of scarcity and high prices in foreign countries."

Mr. GRONNA. Mr. President, the rates proposed by the conference committee are not what I wish they were—that is, I would prefer a specific duty rather than an ad valorem duty; but when we take the Payne-Aldrich bill and consider the provision for skirted wool, I believe that even this rate is as high, or nearly as high, as it is under the Payne-Aldrich bill so far as it applies to raw wool. For that reason I shall vote for the adoption of the conference report.

The PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. PENROSE] has asked for the yeas and nays on the adoption of the conference report. Is there a second?

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

Mr. BANKHEAD (when his name was called). I have a pair with the Senator from Idaho [Mr. HEYBURN]. I transfer that pair to the senior Senator from Arkansas [Mr. CLARKE] and will vote. I vote "yea."

Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. Not seeing him present, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the senior Senator from Mississippi [Mr. PERCY] and will vote. I vote "yea."

Mr. WATSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is absent on account of illness. He is paired with the Senator from Illinois [Mr. CULLOM]. If my colleague were present, he would vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. If he were present he would vote "yea," and if I were at liberty to vote I should vote "nay."

Mr. THORNTON (when Mr. FOSTER's name was called). I announce the necessary absence of my colleague [Mr. FOSTER], and I ask that this announcement may stand for the day. I will state further that he is paired with the Senator from Wyoming [Mr. WARREN].

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is detained from the Senate.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. The senior Senator from Oregon [Mr. CHAMBERLAIN] stands paired with the junior Senator from Pennsylvania [Mr. OLIVER]. We have arranged for a transfer so that we may both vote. I therefore transfer my pair with the Senator from Mississippi [Mr. PERCY] to the junior Senator from Pennsylvania [Mr. OLIVER] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. SMOOT (when Mr. STEPHENSON's name was called). The Senator from Wisconsin [Mr. STEPHENSON] is out of the city. He has a general pair with the Senator from Oklahoma [Mr. GORE]. If the Senator from Wisconsin were present he would vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER]. The Senator from Texas [Mr. CULBERSON] has a pair with the Senator from Delaware [Mr. DU PONT]. By arrangement I transfer my pair to the Senator from Delaware [Mr. DU PONT] so that he will stand paired with the Senator from Maryland [Mr. RAYNER]. I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. FOSTER], and therefore withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], but transfer that pair to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE], but by mutual arrangement that pair has been transferred to the Senator from Idaho [Mr. HEYBURN], and I am therefore at liberty to vote. I vote "nay."

I also desire to say that my colleague [Mr. LIPPITT] is unavoidably absent from the Chamber. He is paired with the Senator from Tennessee [Mr. LEA]. If my colleague were present he would vote "nay."

The roll call was concluded.

Mr. CULBERSON (after having voted in the affirmative). Under the arrangement announced by the Senator from Utah [Mr. SUTHERLAND] I will allow my vote to stand.

Mr. GALLINGER. I am requested to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER].

Mr. BAILEY. I have now, and have had for quite a time, a pair with the Senator from Montana [Mr. DIXON], and I therefore refrain from voting on this question. In order to save myself and the Senate the trouble of repeating this announcement from time to time, I desire it to answer for all votes until the Senator from Montana returns.

Mr. CHAMBERLAIN. I am requested to announce that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. I desire to have this announcement stand for the day.

Mr. MARTINE of New Jersey. I desire to announce the pair existing between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS].

The result was announced—yeas 35, nays 28, as follows:

YEAS—35.

Ashurst	Fletcher	Newlands	Smith, S. C.
Bacon	Gronna	Overman	Stone
Bankhead	Johnson, Me.	Pomerene	Swanson
Bristow	Johnston, Ala.	Reed	Thornton
Bryan	Kern	Shively	Tillman
Chamberlain	La Follette	Simmons	Watson
Clapp	Martin, Va.	Smith, Ariz.	Williams
Crawford	Martine, N. J.	Smith, Ga.	Works
Culberson	Myers	Smith, Md.	

NAYS—28.

Borah	Crane	McCumber	Root
Bourne	Cullom	McLean	Sanders
Bradley	Dillingham	Massey	Smith, Mich.
Burnham	Fall	Nelson	Smoot
Burton	Gallinger	Page	Sutherland
Catron	Jones	Penrose	Townsend
Clark, Wyo.	Lodge	Perkins	Wetmore

NOT VOTING—31.

Bailey	Davis	Heyburn	Paynter
Brandegee	Dixon	Hitchcock	Percy
Briggs	du Pont	Kenyon	Poindexter
Brown	Foster	Lea	Rayner
Chilton	Gamble	Lippitt	Richardson
Clarke, Ark.	Gardner	O'Gorman	Stephenson
Cummins	Gore	Oliver	Warren
Curtis	Guggenheim	Owen	

So the conference report was agreed to.

The PRESIDENT pro tempore. The bill stands passed.

LEGISLATIVE APPROPRIATION BILL.

Mr. WARREN. I wish to ask the Senate to take up the conference report on the legislative, executive, and judicial appropriation bill (H. R. 24023).

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Mr. McCUMBER. Will not the Senator from Wyoming yield to me to have disposed of the conference report on the pension appropriation bill?

Mr. WARREN. I have nothing to yield, because I have not yet got up the report, but I will do so if the report is taken up.

The PRESIDENT pro tempore. The Senator from Wyoming asks that the Senate now take up for consideration the conference report on what is known as the legislative bill. Is there objection? The Chair hears none. The conference report is before the Senate.

Mr. McCUMBER. Will the Senator from Wyoming yield to me?

Mr. WARREN. For what purpose? I ask the Senator.

Mr. McCUMBER. It is for the purpose of disposing of the conference report on the pension appropriation bill as soon as it is possible to do so.

Mr. WARREN. As the pensioners of this country are to-day without their last quarter's pensions, and there is no money with which to pay them the amounts that were due on the 4th day of this month, I feel I am justified, although I am anxious that the conference report on the legislative bill shall be disposed of, in yielding to the Senator from North Dakota time to present his conference report; and I hope it may proceed as rapidly as the pleasure of the Senate will permit, as it is a very important matter.

Mr. McCUMBER. I am obliged to the Senator from Wyoming.

PENSION APPROPRIATION BILL.

Mr. McCUMBER. I present the report I send to the desk.

Mr. SMITH of Georgia. Mr. President, the Senate having taken up the other report by unanimous consent, can it be displaced in this way?

The PRESIDENT pro tempore. The Chair does not understand it is displaced, but the Senate can permit it to be temporarily interrupted for the purpose of considering another matter.

Mr. SMITH of Georgia. But that would also require unanimous consent, would it not?

The PRESIDENT pro tempore. The Chair is of the opinion that it would not. It can be done by a majority vote or when no objection is interposed.

Mr. LODGE. But a conference report is privileged.

The PRESIDENT pro tempore. Unanimous consent is not required to receive a conference report.

Mr. WARREN. The first presentation of a conference report is, under our rules, privileged, and it can be made at any time except during the reading of the Journal.

The PRESIDENT pro tempore. The Senator from Wyoming is correct.

Mr. WARREN. Its consideration afterwards is another matter.

The PRESIDENT pro tempore. The Senator from Wyoming is entirely correct. The only suggestion presented to the Chair was whether the unanimous consent to take up the report for consideration could be displaced, even for an interruption, except by unanimous consent. But the Chair will hold——

Mr. OVERMAN. Are not unanimous consents always made subject to the rules of the Senate?

The PRESIDENT pro tempore. The Chair does not understand a unanimous consent to take up a bill to stand in the same category as a unanimous consent fixing the procedure of the Senate, and that it will after thus taking up a bill continue its consideration until finally disposed of. It is only an acquiescence or consent on the part of the Senate in taking up a bill. But the Chair does not hold, that that would prevent the Senate from laying it aside at any time it wishes to do so. It is not in the nature of a unanimous consent which would bind the Senate to consider it until a final vote upon it.

Mr. McCUMBER. I think we can dispose of this report within a very few moments.

The PRESIDENT pro tempore. It is consent to proceed to its consideration, but it is not in the nature of a unanimous consent that binds the Senate to continue its consideration until the matter is disposed of. There is no such provision in the agreement which the Senate made. It was simply to proceed to its consideration. It was not an agreement that it might proceed longer than might suit the pleasure of the Senate.

Mr. SMITH of Georgia. The matter which was before the Senate was the report of a conference committee.

The PRESIDENT pro tempore. Yes.

Mr. SMITH of Georgia. It was certainly as privileged as any other report of a conference committee, and having been taken up by unanimous consent for action——

The PRESIDENT pro tempore. The Senate will please be in order——

Mr. SMITH of Georgia. Surely the chairman in charge of the first conference report would not have authority to consent to displace it and take up another conference report.

The PRESIDENT pro tempore. The Senator from Wyoming could not do anything more than consent to an interruption, and it would then at last depend upon the action of the Senate if there were objection made.

Mr. LODGE. When the unfinished business has once been laid aside temporarily by unanimous consent, any business can be taken up without displacing it.

Mr. BRANDEGEE. They are not talking about the unfinished business.

Mr. LODGE. I know. But as to a conference report, of course, it is privileged. That conference report was under debate. This conference report has never been presented to the Senate.

The PRESIDENT pro tempore. The Chair will hold that the right to present a conference report is a privileged right under the rule.

Mr. LODGE. Of course.

The PRESIDENT pro tempore. Then whether the Senate will proceed to its consideration is a matter always within the control of a majority of the Senate. As to the conflict with the prior consent, the Chair will repeat that the prior consent was simply to take up the matter. It was not a consent which could not be displaced at any time by a majority vote of the Senate. If it had been that the Senate should take up the measure and proceed with its consideration to a final conclusion, then it could not have been displaced; but there was no such agreement on the part of the Senate. It was simply an agreement to proceed to the consideration of it, which the Senate could withdraw at any time it saw fit to do so.

Mr. SMITH of Georgia. I did not mean to suggest a view in any respect different from the ruling of the Chair. I understood that——

The PRESIDENT pro tempore. The Chair will hold that if the question of the consideration of the report presented by the Senator from North Dakota is raised, then that is a matter to be determined by a majority vote of the Senate. If not raised, the Chair will consider it as acquiesced in by the Senate and will proceed to put the question on its adoption.

Mr. McCUMBER. I ask that the report be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, 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 House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In the matter inserted by the Senate strike out the words "$500,000, or so much thereof as may be necessary, to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 8, and 12, and agree to the same.

The conferees further report that they are unable to agree as to amendments numbered 2, 3, 4, 5, 9, 10, and 11.

P. J. McCUMBER,
HENRY E. BURNHAM,
BENJAMIN F. SHIVELY,
Managers on the part of the Senate.

WILLIAM P. BORLAND,
JAMES W. GOOD,
Managers on the part of the House.

Mr. McCUMBER. Mr. President, there has been so much discussion of this matter within the last two or three days by the press of the country and the other House that it seems incumbent upon me to make some explanations concerning the delay of the conferees in reaching an agreement up to the present time; and so also some of the charges that have been made with respect to the action of the Senate conferees seem to me also to demand an answer upon my part.

For the past two days there have appeared divers articles in the press purporting to quote from addresses made in the other House in reference to the matter of the disagreement between the two Houses upon the pension appropriation bill. I have not had an opportunity to examine the RECORD, but as portions of these addresses were under quotation, I assume that they were as published.

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Taking these addresses as a whole, the comedy of A Midsummer Night's Dream is the soul of seriousness compared with the theatrical display apparent in the charges of discourtesy and contempt made against the Senate conferees, or any member thereof, for refusing to surrender their strong and tenable position that whenever in an appropriation bill any general legislation is sought to be enacted, and the two Houses are unable to agree with respect thereto, such proposed legislation should be eliminated from the appropriation bill and placed on its merits before the Houses in a separate bill. In other words, that a bill whose proper scope is limited to appropriations ought not to be seriously delayed by an attempt to force through as a rider that which the two Houses can not agree upon.

Mr. President, they pay scant compliment to the average intelligence of the great army of Civil War veterans who suppose that the even tenor of their way, political or otherwise, will be changed by blatant buncombe or pseudo sympathy.

These veterans have long since passed the days of childhood, and are still very far from the second childhood of age. Therefore any argument in Congress or out of Congress which deals with them with such shams and pretenses as would scarcely appeal to a child over 10 years of age is an insult to their intelligence.

They are just as capable to-day of discerning friend from foe in the political field as they were on the physical field of battle; and I am certain that the only influence that will be created by any attempt to make political capital out of the inability of the conferees to reach an agreement on the question of the abolition of pension agencies will be a sentiment of disgust at so cheap and puerile an attempt.

Therefore that part of the arguments published in the press and purporting to come from the Representative of a great State which seeks to capitalize soldier sentiment by such arguments as I have mentioned seems to me to be not worthy of any reply, and I shall not dignify it by an attempt to answer it.

There are, however, charges against the conferees of the Senate of disrespectful treatment which should not go unanswered. It is somewhat strange that this disrespectful treatment only impressed one who is not a member of that conference. In justice to the conferees on both sides it is proper for me to say that such a statement is worse than untrue. The relations between the members of the conference committee on both sides have been most cordial and friendly. If failure to surrender a point constitutes contemptuous treatment, then of course each side has treated the other in a contemptuous manner, and that is true of every conference on every appropriation bill, as all have been delayed for the same cause.

Much has been said concerning the cause of delay in the matter of this pension appropriation bill. There has been just one cause of delay, and that is that the Senate conferees and the House conferees have so far not been able to reach an agreement. There are, of course, a number of incidents which have prevented meetings at times, such as the engagement of Senators and Members and other causes of delay in either one House or the other, but they are incidental only.

There has been sufficient time to consider the differences, and they have been considered many times when the conferees were in session together and many times when the conferees of each one of the Houses were separately considering the matter. The one great important cause has been the inability of the conferees to agree. Practically every other appropriation bill is in exactly the same position. The conferees were unable to agree, and resolutions had to be passed making appropriations for the fiscal year until such an agreement could be reached.

The House proposes to change existing law. The Senate proposes to continue the existing law. Each body has a right to its own convictions. The members of the conference on each side are supposed to support the sentiment of their respective Houses on the matter, or, failing in their efforts, then to secure an agreement that will conform as nearly as possible to the expressed desire of the Senate.

The position of the two Houses to-day on the pension appropriation is about this: The House has voted to abolish 17 out of the 18 agencies. The Senate has voted to retain those agencies. The House bases its action upon the ground that a saving can be had to the Government by abolishing these agencies. The Senate bases its stand upon the assumption that no saving would follow, but in the long run that the abolition of all of the agencies would tend to increase the cost of pension administration. The two Houses differ upon this question.

I insist, with this radical difference between the two Houses, if the difference can not be reconciled by the conferees then the House should recede and should not hamper the passage of necessary appropriations, but should take up the matter of changing this law by a bill for that purpose, pass it through the House, and submit on its merits to the Senate.

I have before suggested that if it comes before the Committee on Pensions there will be no question but that we can call a meeting at any time and report it out of the committee and into the Senate, so that it can be acted upon either affirmatively or negatively, and that is the proper way to dispose of it in case the two Houses are unable to come to an agreement.

There need be no delay, and if an appropriation is made covering these agencies and afterwards the agencies should be abolished then the appropriation will not be spent. We should not jeopardize the speedy passage of the appropriations, on which we are all agreed, by insisting upon something upon which we do not agree and as to which up to the present time there has been an irreconcilable difference between the conferees on each side.

Now, Mr. President, this brings me directly to the point whether or not it is proper that we should change these agencies. That matter has been discussed upon this floor, and votes have been had upon it in past Congresses. Let us remember that the work which is now done by these agencies and their clerks must be done by some one; the work has to be done; it can not be left out of consideration in abolishing the agencies. The clerical service and other service that would be required under the agency system will be required here in the city of Washington if a change should be made. The grade of clerks who will be compelled to perform the services here and the grade of those who will oversee the work, the heads of the bureaus or bureau which has it under consideration, will be such that I assume it will cost very nearly as much here as it does at the several agencies. For instance, these agency heads are paid $4,000 annually. We will, of course, cease paying the agents $4,000 each if we abolish the agencies, but some one will have to be paid here for overseeing that character of work. Probably it will be assigned to clerks or officials who are receiving, say, a salary of from $2,000 to $2,500 annually. Then, Mr. President, there would be a saving of from twenty-five to thirty thousand dollars upon that item.

Now, that, in my opinion, would be the only saving, and the saving of some $4,000, I think, in rent; but I am not certain there would be a saving there, because I am inclined to think you would have to rent other buildings here for the extra clerks who would be required.

Now here arises, then, the difference in clerk hire, and my candid belief is that it will cost more than the saving of from twenty-five to thirty thousand dollars. Let us remember that in Washington the average clerk receives from twelve to fourteen hundred dollars per annum, or over $100 per month, with a month on sick leave and a month of vacation. I believe that the average paid to the clerks in these several agencies runs from $50 to $75 per month. Then let us remember that here the clerks cease to work always at half-past 4, and, whether it is the climatic conditions or otherwise, it is well known by everyone that a given number of clerks in a department in the city of Washington never accomplish as much as would the same number of clerks anywhere else in the United States.

I received word from a very important land office in Montana the other day in which it was stated to me, and stated as a positive fact, that 7 clerks were there doing the work that would ordinarily be done by from 15 to 20 clerks in the city of Washington; that they were working until 7 o'clock every evening—sometimes later—and were also working part of Sunday, in order to keep up the work. Now, I place that as against the efficiency of the clerks in the departments in the city of Washington. Thus remembering, Mr. President, that the clerical work will have to be done by clerks somewhere, I believe that the extra cost of doing the work in the city of Washington, upon our strict limitation of hours, will cost us in the long run much more than we could possibly save by abolishing these agencies.

Mr. President, this matter was discussed by the Senate last year. It was most thoroughly discussed, I think, two years ago by the Senator from New Hampshire [Mr. GALLINGER], the Senator from Kansas [Mr. CURTIS], the Senator from Kentucky [Mr. BRADLEY], and by other Senators, and the facts and figures they produced were such as to convince me, and, I believe, to convince the majority of the Members of the Senate, that there would be no economy in the abolition of these agencies.

Mr. WILLIAMS. Mr. President——

Mr. McCUMBER. I yield to the Senator.

Mr. WILLIAMS. I should like to ask the Senator if he can give a list of the States in which these agencies exist?

Mr. McCUMBER. I have not a list here, but I could undoubtedly get it. I would have to send for the report of the Commissioner of Pensions in order to give it. I will state that

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$48,000. This is true even if 100 clerks are dispensed with, which I am sure can not be done; and if it can not, then the amount of their salaries, $128,072, added to the $48,000, will make a loss to the Government of $176,072.

And this is the economy of the proposition of the House. The approval of the House bill, in addition, will result in turning 17 deserving old soldiers out of office. Not only so, it will result in turning out of office hundreds of clerks who are now serving, because they can not come to Washington and work, even for the increased salaries. These clerks are many of them old soldiers or widows and children of old soldiers.

Another thing, the clerks who are now in the pension offices have acquired great experience. It will take new clerks months and probably years to acquire the experience and do the work that the present force is doing, and meanwhile the soldiers must bear the brunt.

Another matter, Mr. President, whenever we remove this vast quantity of records from all over the country we run the risk of loss by fire and otherwise. We entail an enormous amount of labor. We delay pensioners in the collecting of their money. The loss of papers may work great hardship in the future.

When these agencies were established, Mr. President, there were fewer pensioners than there are to-day. If there was a necessity for these agencies then, there is surely greater necessity for them now. Why this measure of false economy should be insisted on I am unable to see. It does nobody any good; it injures instead of relieves the soldiers; it increases the expense instead of diminishing it; and it prevents the soldiers from prompt payment of pensions.

For those reasons, Mr. President, I shall vote against the adoption of the conference report.

Mr. McCUMBER. I believe the pending question is upon my motion that the Senate insist upon its amendments.

Mr. GALLINGER. No; it is first on agreeing to the conference report.

The PRESIDENT pro tempore. The only question now before the Senate is on agreeing to the conference report. The Chair will have it again read if desired.

Mr. McCUMBER. I do not think that is necessary.

The PRESIDENT pro tempore. The Chair will state that the conference report shows an agreement as to some items and an inability to agree on others. The question is on agreeing to the report.

Mr. SMITH of Georgia. I understand this question does not affect really the general subject which has been under discussion.

Mr. GALLINGER. Not at all.

Mr. SMITH of Georgia. But that will come up later.

The PRESIDENT pro tempore. It does not, as there are some items on which the conferees agree. It does not affect the question which may be subsequently submitted on which there is a disagreement. The question is on agreeing to the conference report.

The report was agreed to.

Mr. OVERMAN. I do not know whether the Senator from North Dakota heard a motion I gave notice of—that I would move to recede. But I yield to the Senator if he desires to make another motion.

Mr. McCUMBER. I think that I made the motion, and I asked that it be laid aside until we disposed of the conference report. My motion was that the Senate further insist upon its amendments to the House bill still in disagreement and that a further conference be appointed on behalf of the Senate by the Chair.

Mr. OVERMAN. I move as a substitute for that motion that the Senate recede from amendments numbered 2, 3, 4, and 5.

The PRESIDENT pro tempore. The Senator from North Dakota moves that the Senate further insist upon its amendments still in disagreement. The Senator from North Carolina moves that the Senate recede from its amendments. The motion to recede has precedence.

Mr. WILLIAMS. Mr. President, this is a very important question. I think there ought to be at least a quorum of the Senate present. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

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

Ashurst	Bryan	Cullom	Johnston, Ala.
Bacon	Burnham	Cummins	Kern
Bankhead	Burton	Dillingham	La Follette
Bourne	Catron	Fall	Lodge
Bradley	Chamberlain	Gallinger	McCumber
Brandegee	Clapp	Gronna	McLean
Bristow	Clark, Wyo.	Johnson, Me.	Martin, Va.
Martine, N. J.	Perkins	Smith, Ga.	Thornton
Massey	Pomerene	Smith, Md.	Townsend
Nelson	Root	Smith, Mich.	Warren
Newlands	Sanders	Smith, S. C.	Watson
Overman	Shively	Smoot	Wetmore
Page	Simmons	Sutherland	Williams
Penrose	Smith, Ariz.	Swanson	Works

Mr. JONES. I desire to state that my colleague [Mr. POINDEXTER] is absent from the city. I will allow this announcement to stand for the day.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 56 Senators have responded to their names, and a quorum of the Senate is present. The question is on the motion of the Senator from North Carolina [Mr. OVERMAN].

Mr. McCUMBER. I ask that the Chair restate the motion.

The PRESIDENT pro tempore. The motion was first made by the Senator from North Dakota [Mr. McCUMBER], that the Senate insist upon its amendments and ask for a further conference. Pending that motion the Senator from North Carolina moves that the Senate recede from its amendments upon which there is a difference between the two Houses. The latter motion has the precedence of the two, and therefore that question will be first put.

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

The yeas and nays were ordered.

Mr. SHIVELY. Mr. President, of course, if the motion of the Senator from North Carolina [Mr. OVERMAN] prevails, the House provision for the abolition of these pension agencies will go into effect immediately on the approval of the bill by the President. While it is not my purpose to detain the Senate by discussion on the merits of the controversy that has arisen on this provision, it should be noted before this vote is taken that language which was quite suitable in the House provision when the bill passed the House months ago may not be suitable now. This provision was considered in both House and Senate with reference to the appropriations carried by the bill becoming effective at the beginning of the present fiscal year. This is true both of the appropriations for pensions and the appropriations to defray the expense of administration. The bill did not become law before the beginning of the present fiscal year. Had it become law in May or June, with the House provision in it, no difficulty or little difficulty, so far as administration is concerned, would have ensued. But we have entered on the fiscal year ending June 30, 1913. Over a month of the year has expired. The language of the House provision contemplated the provision going into effect July 1, 1912. It is too late for that language to be given effect in the full sense in which it was adopted. I suggest that to adopt the pending motion without qualification is to leave the situation with reference to these agencies in the air. If a conclusion should be eventually reached to abolish the agencies, the time of their termination should be fixed far enough ahead to give reasonable opportunity to wind them up and make the required transfers to Washington. When the provision was adopted by the House it fixed a time in the future when the agencies should terminate. To now adopt the same House provision, as is sought by the pending motion, is to fix the termination of the agencies as of five weeks in the past.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina [Mr. OVERMAN] to recede from the Senate amendments. Upon that question the yeas and nays have been ordered.

Mr. SMITH of Michigan. Mr. President, I only desire to say that in voting "nay" on this motion I am but voicing the wishes of most of the pensioners in the State of Michigan, who have personally memorialized me to oppose the abolishment of the pension agency at Detroit, who have been accustomed to doing business there, and who have, by petition and otherwise, asked that that office shall not be abolished. For that reason I propose to vote "nay."

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina to recede from the amendments of the Senate. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). In accordance with my previous announcement as to my pair, I withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the senior Senator from Florida [Mr. FLETCHER] and will vote. I vote "yea."

Mr. CULLOM (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. CHILTON] to the Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

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Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I will transfer that pair to the junior Senator from Iowa [Mr. KENYON] and will vote. I vote "nay."

Mr. McLEAN (when his name was called). I have a general pair with the Senator from Montana [Mr. MYERS], and therefore withhold my vote.

Mr. ASHURST (when Mr. MYERS's name was called). I have been requested to announce that the Senator from Montana [Mr. MYERS] is paired with the Senator from Connecticut [Mr. McLEAN].

Mr. SMITH of South Carolina (when his name was called). I have a pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). On account of the absence of the Senator from Maryland [Mr. RAYNER], with whom I am paired, I withhold my vote.

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Louisiana [Mr. FOSTER].

Mr. WATSON (when his name was called). I transfer my general pair with the senior Senator from New Jersey [Mr. BRIGGS] to the Senator from Nebraska [Mr. BROWN] and will vote. I vote "yea."

The roll call was concluded.

Mr. BRANDEGEE. I am informed that I may transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Massachusetts [Mr. CRANE], and will do so and vote. I vote "nay."

Mr. BANKHEAD. I have a pair with the senior Senator from Idaho [Mr. HEYBURN]. I transfer that pair to the senior Senator from Arkansas [Mr. CLARKE] and will vote. I vote "yea."

Mr. WETMORE. I announce the general pair of my colleague [Mr. LIPPITT] with the senior Senator from Tennessee [Mr. LEA]. I make this announcement for the day. If present and at liberty to vote, my colleague would vote "nay."

Mr. CHAMBERLAIN (after having voted in the affirmative). I transferred my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from Florida [Mr. FLETCHER], but, inasmuch as the Senator from Florida has appeared and voted, I desire to withdraw my vote, and will let my general pair stand.

The result was announced—yeas 24, nays 33, as follows:

YEAS—24.

Ashurst	Johnston, Ala.	Reed	Stone
Bankhead	Jones	Simmons	Swanson
Bryan	Martin, Va.	Smith, Ariz.	Thornton
Fletcher	Martine, N. J.	Smith, Ga.	Tillman
Gronna	Overman	Smith, Md.	Watson
Jonhson, Me.	Pomerene	Smith, S. C.	Williams

NAYS—33.

Borah	Clark, Wyo.	Lodge	Shively
Bourne	Crawford	McCumber	Smith, Mich.
Bradley	Cullom	Massey	Smoot
Brandegee	Cummins	Nelson	Townsend
Bristow	Dillingham	Page	Wetmore
Burnham	Fall	Penrose	Works
Burton	Gallinger	Perkins	
Catron	Kern	Root	
Clapp	La Follette	Sanders	

NOT VOTING—37.

Bacon	Davis	Kenyon	Percy
Bailey	Dixon	Lea	Poindexter
Briggs	du Pont	Lippitt	Rayner
Brown	Foster	McLean	Richardson
Chamberlain	Gamble	Myers	Stephenson
Chilton	Gardner	Newlands	Sutherland
Clarke, Ark.	Gore	O'Gorman	Warren
Crane	Guggenheim	Oliver	
Culberson	Heyburn	Owen	
Curtis	Hitchcock	Paynter	

So Mr. OVERMAN'S motion that the Senate recede from its amendments was rejected.

The PRESIDENT pro tempore. The question now is on the motion made by the Senator from North Dakota [Mr. McCUMBER] that the Senate further insist upon its amendments disagreed to by the House of Representatives and ask for a further conference with the House.

The motion was agreed to.

Mr. McCUMBER. I ask, Mr. President, that the same conferees be appointed.

The PRESIDENT pro tempore. The Senator from North Dakota asks that the same conferees be appointed, and it will be so ordered. The Chair appoints the Senator from North Dakota [Mr. McCUMBER], the Senator from New Hampshire [Mr. BURNHAM], and the Senator from Indiana [Mr. SHIVELY] as the conferees on the part of the Senate at the further conference.

THE COTTON SCHEDULE.

Mr. PENROSE. I ask unanimous consent to make a report from the Finance Committee at this time.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks, out of order, leave to make a report at this time. Without objection, permission is granted.

Mr. PENROSE. I am directed by the Committee on Finance, to which was referred House bill 25034, entitled an act reducing the duties on manufactures of cotton, to report with a negative recommendation.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. The Secretary will state the title of the bill.

The SECRETARY. A bill (H. R. 25034) to reduce the duties on manufactures of cotton.

Mr. PENROSE. Mr. President, I desire to state in this connection that the minority and majority have reserved the right to file reports later, and the Senator from Wisconsin [Mr. LA FOLLETTE], I understand, will have a report of his own to submit.

The PRESIDENT pro tempore. The bill will go to the calendar in accordance with the rule, unless there be objection.

Mr. SIMMONS. Mr. President, I desire to inquire if we can not agree upon a day to vote upon this measure? I would suggest a unanimous-consent agreement to take up this measure on next Friday and vote upon it.

Mr. PENROSE. I hope the Senator from North Carolina will ask unanimous consent that we vote on this bill next Friday before the expiration of the calendar day.

Mr. SIMMONS. I send to the desk a request for unanimous consent.

Mr. WARREN. Mr. President, I shall have to object to unanimous consent, unless it is made secondary to reports from conference committees and appropriation bills.

The PRESIDENT pro tempore. The Secretary will read the request for unanimous consent submitted by the Senator from North Carolina.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, August 9, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 25034) to reduce duties on manufactures of cotton; and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

Mr. GALLINGER. I ask the Senator if he will not make it at a certain hour in the afternoon, say 5 o'clock?

Mr. SIMMONS. That will be satisfactory. I understand the Senator from Oregon [Mr. BOURNE] is very anxious to get through with the Post Office appropriation bill, and desires that the request for unanimous consent be changed.

Mr. BOURNE. I will ask the Senator if he will not make it Monday instead of Friday?

Mr. SIMMONS. Would Saturday suit the Senator?

Mr. JONES. Mr. President, we might as well save a little time. I will not consent to the request for unanimous consent until the Panama Canal bill is out of the way.

The PRESIDENT pro tempore. The Senator from Washington objects.

THE PANAMA CANAL.

Mr. BAILEY. I ask unanimous consent that the Panama Canal bill be voted on, say, on Thursday. That is a bill that ought to be disposed of before we adjourn. It has long been the regular order, and I think its friends are entitled to have a vote upon it. I therefore ask unanimous consent that the Panama Canal bill be voted on next Friday. Then the Senator from North Carolina can renew his request for Saturday.

Mr. WARREN. Let it be the calendar day.

Mr. SIMMONS. I will change the request to Saturday, if that will suit the Senator from Oregon.

Mr. BOURNE. I would prefer to have it Monday.

The PRESIDENT pro tempore. It is impossible for the reporters to hear Senators who interchange their views in a conversational tone. The Senator from Texas [Mr. BAILEY] has the floor.

Mr. BAILEY. Pending the request of the Senator from North Carolina, I ask unanimous consent that the Panama Canal bill shall be voted on before the Senate adjourns on Friday next.

Mr. SIMMONS. Make it the calendar day.

Mr. BAILEY. During the calendar day, of course; I did not state "the legislative day."

The PRESIDENT pro tempore. The Secretary will state the request made by the Senator from Texas.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, August 9, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the

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The PRESIDENT pro tempore. The next amendment reported by the committee will be stated.

The SECRETARY. In section 4, page 5, line 20, after the words "by the," it is proposed to strike out "President, or by his authority," and to insert the word "commission."

Mr. LODGE. Mr. President, that seems to me, under any circumstances, whether we have a commission or a single governor, a most objectionable amendment. I should like to ask the chairman of the committee whether the amendment just stated, in line 20, which, I repeat, I think is a most objectionable amendment, is covered by his proposed amendment?

Mr. BRANDEGEE. The House bill provides that the President shall appoint all the other persons necessary upon the zone, and inasmuch as the Senate committee amendment contemplates the government of the Canal Zone by a commission, the sense of the committee was that the commission should have the authority to appoint the other persons necessary for the government of the zone.

Mr. LODGE. If by the House provision the appointments are reserved to the President when there is only one head, I think it is even more desirable that the power of appointment ought to be reserved to the President when there is a commission. I think responsibility ought to be lodged somewhere as to the men who are to manage the canal, and I think to give to the commission the power of appointment would be most unfortunate.

Mr. ROOT. Mr. President, the effect of this provision would be that the man in charge of sanitation and the man in charge of the civil government could absolutely deprive the man who is responsible for the operation of the canal of all power whatsoever.

Mr. BRANDEGEE. Mr. President, I think if a commission is provided for, two members of the commission, if they should disagree with the chairman, could deprive him of all power. That is the reason I am opposed to the commission plan.

Mr. REED. I should like to ask the Senator from New York whether, in his opinion, this great canal ought not to be kept directly and at all times under the immediate control of the President and be in charge of an officer of the United States Army?

Mr. ROOT. I think it should.

Mr. REED. I think so, too.

Mr. ROOT. I think, through the exercise of the power of appointment by the President of the United States, this Government should keep its hand upon all matters in connection with the canal instead of leaving it to a commission on the Isthmus composed of three men, two of whom, by the exercise of the power of appointment, can render powerless the man who is responsible for the successful operation of the canal. I think, Mr. President, that we are making such arrangements that we hazard being humiliated before the world by a miserable failure in the administration of the canal.

Mr. BRISTOW. Mr. President, I desire to state, for the information of the Senator from New York, that during his absence an amendment was adopted on motion of the Senator from Iowa [Mr. CUMMINS] giving the president of the commission the complete control of the operation of the canal; and, so far as I am concerned, as a member of the committee who voted originally in favor of this amendment, if the other members of the committee who agreed with me at the time would be satisfied, I would be perfectly willing for that amendment to be disagreed to.

Mr. ROOT. The amendment providing for the appointment of officials by the commission?

Mr. BRISTOW. The one amendment in line 20, striking out the words "President, or by his authority," and inserting the word "commission."

Mr. ROOT. That would be a very great improvement.

Mr. JONES. I desire to say that I opposed that amendment in the committee. I think we should leave these appointments to the President, either directly or by his authority. So I should like to see the amendment striking out the words "President, or by his authority," and inserting the word "commission," disagreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee, striking out the words "President, or by his authority," and inserting "commission."

The amendment was rejected.

The next amendment of the Committee on Interoceanic Canals was, on page 5, at the end of line 20, to strike out the word "his" and insert "its."

Mr. JONES. That should be disagreed to.

The PRESIDENT pro tempore. Without objection, following the other amendment, that amendment will be disagreed to.

The next amendment of the Committee on Interoceanic Canals was, in line 23, to strike out the words "appropriation act or other."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. That completes the committee amendments to the section.

Mr. BRANDEGEE. Now, Mr. President, I assume the substitute offered by the Senator from Missouri [Mr. REED] is in order.

The PRESIDENT pro tempore. It is.

Mr. REED. I should like to have it stated, Mr. President. I am not certain as to the form of the amendment. I undertook to dictate it here, and I suppose the Secretary did his work all right, but I am not sure that I did mine.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In lieu of section 4 it is proposed to insert the following:

That when, in the judgment of the President, the construction of the Panama Canal shall be completed so as to render unnecessary the further services of the Isthmian Canal Commission as now constituted, the President is authorized by Executive order to discontinue the Isthmian Canal Commission, which, together with the present organization, shall then cease to exist; and the President is authorized thereafter to complete and operate the Panama Canal or cause it to be completed and operated through such officer or officers of the United States Army as he may deem competent to discharge the various duties connected with the completion, maintenance, and operation of the said canal. The President shall appoint a civil governor of the Canal Zone who shall be a civilian and shall receive a salary of $7,500 per annum. All other persons necessary for the care, maintenance, and sanitation of the Canal Zone shall be detailed from the military or naval forces of the United States. The governor shall have power to appoint such assistants and employ such aid in the conduct of the civil government of the Canal Zone as may be hereafter authorized by Congress. Officers of the United States Army or Navy detailed for service in the Canal Zone may, in the discretion of the President, be allowed a compensation in addition to that now fixed by law not to exceed 25 per cent of the salary now paid. Upon the completion of the Panama Canal the President shall cause the same to be officially and formally opened for use and operation.

Mr. REED. Mr. President, I have only a few words to say in addition to the remarks I have already made. I will try to condense what I want to say in three or four minutes' time.

I believe that the civil affairs of the Canal Zone, the civil rights of the inhabitants of the canal, ought to be safeguarded by a civil officer. I believe that the sanitation of the Canal Zone is so important that it probably ought to be conducted under an expert appointed by the President direct. I believe that the canal itself is not merely a commercial enterprise; that, vast as its value may be to the commerce of the world and great as the benefits from a commercial standpoint will be to this country, the chief value of the canal in the last analysis to our country is its strategic value in time of national danger. I believe that we ought not to divide the control of the canal any more than we would divide the control and management of one of the great fortresses standing guard at the gateways of the Republic; that the management of the canal ought to be in the President of the United States; and that one of the most skillful and wise officers of the Army ought to constantly act there for the President as the Commander in Chief of the Army of the United States.

I can readily see that a condition might arise when immediate action would be necessary. I can readily see that a condition might arise when a division of counsel and a war of opinions among three governors, with divided responsibility and divided opinions, might result in serious consequences to our Government. This canal may be the great gateway through which we shall send our vessels to the rescue of our country; it may be the gateway through which the enemy can reach our shores. It ought to be regarded as a military post and should be directly in the control of the President of the United States.

The amendment I have offered has not been perfected as I would like to have it, but it covers this question, and I think has been fully as well considered as has the bill now before us.

Mr. BRANDEGEE. Mr. President, I send to the desk an amendment which I intend to propose to this section as a substitute, and will ask the Secretary to read it in my time, in order that Senators may see whether and to what extent it covers the points made by the Senator from Missouri.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. As a substitute for section 4, it is proposed to insert the following:

SEC. 4. That when in the judgment of the President the construction of the Panama Canal shall be sufficiently advanced toward completion to render the further services of the Isthmian Canal Commission unnecessary the President is authorized by Executive order to discontinue the Isthmian Canal Commission, which, together with the present organization, shall then cease to exist; and the President is authorized thereafter to complete, govern, and operate the Panama Canal and Canal Zone, or cause them to be completed, governed, and operated, through a governor of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the

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The PRESIDENT pro tempore. That is not the adoption of all the section.

Mr. JONES. But we adopted that amendment.

Mr. LODGE. When was it adopted?

Mr. JONES. Just now.

Mr. LODGE. It was not understood. I had no idea that that chief amendment was being put.

The PRESIDENT pro tempore. The Chair distinctly stated it; but the Chair will again put the question if it was not understood.

Mr. LODGE. Then it was my misfortune that I did not understand it. I ask that it be put again.

The PRESIDENT pro tempore. The Chair will put it again.

Mr. BRANDEGEE. May the amendment be stated so that all may know what it is.

Mr. LODGE. An amendment of such importance can not be put through in that way.

The PRESIDENT pro tempore. The amendment was stated with the utmost deliberation.

Mr. LODGE. I did not understand it.

Mr. THORNTON. I will say that I certainly understood it and voted on it.

Mr. REED. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will suspend a moment. The Senator from Massachusetts asks that the amendment be restated, and the Chair will then again put the question to the Senate.

The SECRETARY. On page 4, line 9, strike out the word "unnecessary" and insert the words "as now constituted," and after the word "authorized" strike out the word "by" and the remainder of the text down to and including the word "canal," on line 18, and insert "to reduce the membership of the commission to three, one chosen from the Corps of Engineers of the Army, who shall be president of the commission as so reorganized"——

Mr. LODGE. It is not necessary to read further. It was the principal amendment, and I did not in the least understand that the question had been put. I move to reconsider, and make the point that there is no quorum present, and I shall ask for the yeas and nays.

The PRESIDENT pro tempore. It had not passed beyond the point where the Chair is authorized to again submit it to the Senate, the Senator stating that he did not understand that the question had been put.

Mr. LODGE. Very well; then I make the point of no quorum.

Mr. REED. I wish to make a parliamentary inquiry; that is all.

The PRESIDENT pro tempore. The Senator from Massachusetts has suggested the absence of a quorum, and the Secretary will proceed to call the roll of the Senate.

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

Ashurst	Crawford	McLean	Simmons
Bacon	Culberson	Martine, N. J.	Smith, Ga.
Bailey	Cullom	Massey	Smith, Md.
Bankhead	Cummins	Myers	Smith, S. C.
Bourne	du Pont	Nelson	Smoot
Bradley	Fletcher	O'Gorman	Swanson
Brandegee	Gallinger	Overman	Thornton
Bristow	Gronna	Page	Tillman
Bryan	Johnson, Me.	Penrose	Townsend
Burnham	Johnston, Ala.	Perkins	Warren
Burton	Jones.	Pomerene	Wetmore
Catron	Kenyon	Reed	Williams
Chamberlain	La Follette	Root	Works
Clapp	Lodge	Sanders	
Clark, Wyo.	McCumber	Shively	

Mr. ASHURST. My colleague [Mr. SMITH of Arizona] has just been called from the Chamber and is unavoidably absent on important public business.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 58 Senators have responded to their names, and a quorum of the Senate is present.

Mr. LODGE. Mr. President, I have only a desire to get a direct vote on the question whether we shall have one man at the head of the Canal Zone or three men; and if it is preferred, first, to adopt the committee amendments and then take the vote on substituting the amendment to be proposed by the chairman of the committee, I have no objection to that method of procedure.

The PRESIDENT pro tempore. That is the parliamentary method of procedure.

Mr. LODGE. I make no objection to the adoption of the committee amendments, if it is understood that the chairman of the committee is then to offer an amendment which will bring up the direct question as between a triple-headed government and a single-headed government.

The PRESIDENT pro tempore. The Chair will state that the Senator from Missouri [Mr. REED] has already offered an amendment to that effect, and the Senator from Connecticut [Mr. BRANDEGEE] had simply given notice of an intention to offer such an amendment. Therefore the substitute proposed by the Senator from Missouri will be the first one to be acted upon. If that should not be carried, then the amendment proposed to be offered by the Senator from Connecticut will be in order for consideration in lieu of the present section.

Mr. BRANDEGEE. Whether the amendment proposed by the committee be agreed to or disagreed to, I shall offer the substitute which I have indicated providing for a single governor of the zone.

The PRESIDENT pro tempore. The Senate is simply proceeding now to perfect the amendment before entertaining the motion to strike it out and to substitute another in its place.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Connecticut if the amendment offered by the Senator from Missouri is in the exact wording of the amendment he himself proposes to offer?

Mr. BRANDEGEE. The amendment proposed by the Senator from Missouri was not reduced to writing; so far as I know, was only taken down by the Secretary at the desk. I am opposed to that amendment, but I do not speak for any other Senator. It is not at all the amendment which I am going to offer.

The PRESIDENT pro tempore. The Senator from Massachusetts, the Chair understands, withdraws his request for another vote on the last amendment.

Mr. LODGE. I withdraw the request, it being understood that we are to have the same question decided later by a yea-and-nay vote.

Mr. FLETCHER. As I understand, the vote is to be taken on the substitute offered by the Senator from Missouri [Mr. REED]?

The PRESIDENT pro tempore. Not yet; not until the Senate has acted upon the amendments which are offered to the original section. When those amendments have been acted on and the section shall have been perfected, the question will then be on striking it out and substituting the amendment offered by the Senator from Missouri.

Mr. FLETCHER. Mr. President, I ask to have the amendment stated.

The PRESIDENT pro tempore. The amendment will not be in order until after the Senate has acted upon the amendments proposed to the original section. Then it will be in order. The question now is upon the amendment striking out on page 5 certain lines, which the Secretary will state.

The SECRETARY. In section 4, on page 5, line 8, after the word "military," it is proposed to insert the word "naval."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. BRANDEGEE. I ask if there was not yesterday a suggestion made, on page 5, line 6, before the word "Any," to insert the word "If"; and also several other amendments?

The PRESIDENT pro tempore. The Chair understands there are certain amendments pending to that effect, which the Secretary will state.

The SECRETARY. On page 5, line 6, before the word "Any," it is proposed to insert the work "If"; in the same line to strike out the word "Any," with a capital "A," and to insert "any," with a small "a"; in line 7, before the word "be," strike out the word "may," and insert the word "shall"; in line 8, after the word "military," to insert the word "or"; in the same line, after the word "naval," to strike out the comma and the words "or civil"; and at the beginning of line 9, to strike out the word "but," so that if amended it will read——

Mr. LODGE. I think I must have the wrong print of the bill. Those amendments do not appear in the print I have.

Mr. BRANDEGEE. The amendments were offered on the floor yesterday.

The PRESIDENT pro tempore. The text will now be read as it will stand if amended.

The SECRETARY. If amended as proposed the clause will read:

If any of the persons appointed or employed under the provisions of this act shall be persons in the military or naval service of the United States, the amount of the official salary paid to any such person shall be deducted, etc.

The PRESIDENT pro tempore. Without objection, the amendments will be agreed to.

The Secretary will state the next amendment proposed by the committee.

The SECRETARY. In section 4, page 5, line 12, after the word "act," it is proposed to strike out the following:

The governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate, commissioned for a term of four years, and until his successor shall be appointed and qualified. He shall receive a salary of $10,000 a year.

The amendment was agreed to.

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completion, care, maintenance, sanitation, operation, government, and protection of the canal and Canal Zone. If any of the persons appointed or employed as aforesaid shall be persons in the military or naval service of the United States, the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act. The governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate, commissioned for a term of four years, and until his successor shall be appointed and qualified: *Provided*, That he be subject to removal at the will of the President. He shall receive a salary of $10,000 a year. All other persons necessary for the completion, care, management, maintenance, sanitation, government, and operation of the Panama Canal and Canal Zone shall be appointed by the President, or by his authority, removable at his pleasure, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law regulate the same, but salaries or compensation fixed hereunder by the President shall in no instance exceed by more than 25 per cent the salary or compensation paid for the same or similar services to persons employed by the Government in continental United States. That upon the completion of the Panama Canal the President shall cause the same to be officially and formally opened for use and operation.

Mr. CULBERSON. I will ask the Senator from Connecticut if the amendment he proposes is not substantially the House bill?

Mr. BRANDEGEE. It is almost identical with the House bill provision, except it provides that the governor shall not only operate, but govern the Canal Zone. It is practically the House provision, and the only respect in which it differs are the suggestions, as I stated yesterday, made by the Secretary of War to the committee. I shall offer it in case the amendment of the Senator from Missouri is voted down.

Mr. WORKS. Can the Senator from Connecticut point out the difference between this amendment and the one offered by the Senator from Missouri?

Mr. BRANDEGEE. Not having his amendment before me, the Senator's recollection of the amendment is as good as mine.

Mr. WORKS. But I thought the Senator might have compared the two.

Mr. BRANDEGEE. There has been no opportunity for comparison except as the Clerk read the two amendments.

Mr. CLARK of Wyoming. The amendment of the Senator from Missouri refers exclusively to the canal itself and the operation of it.

Mr. ROOT. I gathered the impression, from having heard read the amendment of the Senator from Missouri, that there would be two authorities on the zone—one the manager of the canal, the other the manager of the zone.

Mr. BRANDEGEE and others. Question!

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri.

Mr. REED. The Senator from New York made some remark that I could not hear about the divided authority.

Mr. ROOT. I was merely answering the question of the Senator from California.

Mr. REED. I want to say, if I caught aright the question of the Senator from California, that it is not the intention in the amendment to divide authority at all. If I have expressed my thought—and I think I have—in that amendment, it provides for a civil government; that is, merely a government of the people, but the canal itself, the management of the canal and the control of the canal will be completely in charge of an officer appointed by the President.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Missouri to strike out the section and insert the substitute offered by him.

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

The yeas and nays were not ordered.

The substitute was rejected.

Mr. BRANDEGEE. I submit an amendment in the nature of a substitute for section 4.

The PRESIDENT pro tempore. The Senator from Connecticut moves to strike out section 4 and to insert a substitute therefor. The Secretary will report the same.

Mr. BRANDEGEE. The amendment was reported a moment ago.

The PRESIDENT pro tempore. The question is upon the amendment of the Senator from Connecticut to strike out section 4 and insert in lieu thereof the amendment which has just been read to the Senate.

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

The yeas and nays were ordered.

Mr. BANKHEAD (when his name was called). I have a pair with the Senator from Idaho [Mr. HEYBURN], who is absent, and therefore withhold my vote.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer it to the junior Senator from Indiana [Mr. KERN] and will vote. I vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON] and therefore withhold my vote. If he were present, I should vote "yea."

Mr. LODGE (when Mr. DILLINGHAM's name was called). The Senator from Vermont is absent from the city. He requested me to announce that he is paired with the Senator from South Carolina [Mr. TILLMAN], and if he were present and permitted to vote, he would on this vote vote "yea."

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is necessarily absent from the Chamber on important business. He is paired with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I am informed that the junior Senator from Massachusetts [Mr. CRANE], if present, would vote "yea." I therefore transfer my pair with the senior Senator from Mississippi [Mr. PERCY] to the junior Senator from Massachusetts [Mr. CRANE] and will vote. I vote "yea."

Mr. REED (when his name was called). I feel that I am paired on this question with the Senator from Michigan [Mr. SMITH]. I am informed that I can transfer the pair to the Senator from Nevada [Mr. NEWLANDS]. I do so, and will vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I am paired with the Senator from Delaware [Mr. RICHARDSON]. I transfer the pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. WETMORE. I desire to announce that my colleague [Mr. LIPPITT] is paired with the Senator from Tennessee [Mr. LEA]. If my colleague were present he would vote "yea."

Mr. BRYAN. May I inquire whether the Senator from Oregon [Mr. BOURNE] has voted?

The PRESIDENT pro tempore. The Chair is informed he has not.

Mr. BRYAN. I have a pair with that Senator on this vote, which I transfer to the Senator from Arkansas [Mr. CLARKE] and will vote. I vote "yea."

Mr. CHAMBERLAIN. I have been requested to announce that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]; and I make this announcement for the day.

Mr. WILLIAMS. I desire to announce that my colleague [Mr. PERCY] is necessarily absent, and is paired. I ask that this announcement stand for the day.

Mr. MARTINE of New Jersey. I desire to announce a pair between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS].

Mr. GALLINGER. I have been requested to state that the Senator from South Dakota [Mr. GAMBLE] stands paired with the Senator from Nevada [Mr. NEWLANDS].

The result was announced—yeas 43, nays 14, as follows:

YEAS—43.

Ashurst	Culberson	Massey	Smith, Ga.
Bacon	du Pont	Myers	Smith, Md.
Borah	Fletcher	Nelson	Smith, S. C.
Brandegee	Gallinger	O'Gorman	Smoot
Bryan	Gronna	Page	Stone
Burnham	Johnson, Me.	Penrose	Swanson
Burton	Kenyon	Pomerene	Townsend
Chamberlain	La Follette	Reed	Warren
Clapp	Lodge	Root	Wetmore
Clark, Wyo.	McCumber	Sanders	Works
Crawford	McLean	Shively	

NAYS—14.

Bradley	Fall	Overman	Thornton
Bristow	Johnston, Ala.	Perkins	Williams
Catron	Jones	Simmons	
Cummins	Martine, N. J.	Smith, Ariz.	

NOT VOTING—37.

Bailey	Davis	Kern	Rayner
Bankhead	Dillingham	Lea	Richardson
Bourne	Dixon	Lippitt	Smith, Mich.
Briggs	Foster	Martin, Va.	Stephenson
Brown	Gamble	Newlands	Sutherland
Chilton	Gardner	Oliver	Tillman
Clarke, Ark.	Gore	Owen	Watson
Crane	Guggenheim	Paynter	
Cullom	Heyburn	Percy	
Curtis	Hitchcock	Poindexter	

So Mr. BRANDEGEE's amendment in the nature of a substitute was agreed to.

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The PRESIDENT pro tempore. The next amendment of the committee will be stated.

The next amendment was, on page 6, section 5, line 10, after the words "Panama Canal," to insert a colon and the following:

Provided, That no tolls, when prescribed as above, shall be changed, except six months notice thereof shall have been given by the President by proclamation.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. BURTON. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. BURTON. I take it it is in order for amendments other than those proposed by the committee to be offered during this reading of the bill?

The PRESIDENT pro tempore. What is the inquiry of the Senator from Ohio?

Mr. BURTON. It is whether the bill is open to general amendment.

The PRESIDENT pro tempore. As the sections are read, the Chair understands amendments are in order.

Mr. BURTON. Then I move to strike out line 13 and the first five words in line 14, on page 6, reading:

No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

Mr. BRANDEGEE. Before the vote is taken upon that question, I want to suggest in the italics just read, to change the word "except," in line 11, to "unless," so as to read "unless six months notice," and so forth.

The PRESIDENT pro tempore. The amendment having already been adopted, that change will be made, if there is no objection, by unanimous consent.

The next committee amendment will be stated by the Secretary.

The SECRETARY. In lines 20 and 21——

Mr. BURTON. What disposition was made of my amendment?

The PRESIDENT pro tempore. The Senator from Ohio presents an amendment, which will be stated.

The SECRETARY. In lines 13 and 14 on page 6, the Senator from Ohio proposes to strike out—

No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Ohio to strike out the words which have just been read.

Mr. SIMMONS. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BRANDEGEE. Mr. President, of course that brings up the whole question whether coastwise trade shall be exempt from toll charges or not. That has been discussed a good deal by Senators in their general speeches on the bill.

I do not intend to take up more than one minute of the Senate's time.

I want to state that from the beginning I have been, and am now, in favor of the amendment proposed by the Senator from Ohio [Mr. BURTON]. I do not see any reason why a vessel engaged in the coastwise trade of this country that wants to get from the Atlantic to the Pacific Ocean, or the reverse, should have any right to come to that canal and say to the United States, which has already paid $400,000,000 for the construction of the canal: "Here, get to work. Burn up the coal you have bought with Treasury funds; maintain your operating force; transport me; not only give me the use of the waterway which you have provided at this enormous expense, as you would in the case of a harbor, but pay the expenses of transporting my vessel across the continent, and also insure her against any accident," for as the Senators who have read the bill know, it provides that the vessel must absolutely put itself in the hands of the operating force of the United States.

If any accident happens to it or damage results to it, the United States is responsible in damages for that vessel. I understand the claims that Senators make who believe the other way, but to me there is no moral claim whatever. Any shipping engaged in our coastwise trade, which already has a monopoly in the business, has bound the Government not only to spend the money collected in taxes from all the people in a special service to it, but also to guarantee it and insure it against damage if a vessel is injured. I am heartily in sympathy with the amendment of the Senator from Ohio.

Mr. O'GORMAN and Mr. SIMMONS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield, and to whom?

Mr. BRANDEGEE. I yield to the Senator from New York.

Mr. O'GORMAN. I should like to ask the Senator from Connecticut in what section of the bill it is that the United States agree to indemnify the owner of it for all loss or damage sustained by it?

Mr. BRANDEGEE. I have it not before me at present. I will look it up and inform the Senator. There is a section which provides that any claim made by a vessel for damage going through shall be adjudicated, and it provides the court in which the claim shall be presented. I will refer the Senator to it as soon as I have taken my seat and have had an opportunity to find it.

Did the Senator from North Carolina rise to make an inquiry?

Mr. SIMMONS. I simply wanted to make an inquiry of the Senator. I understood the Senator to say there is a great deal required to maintain the locks, to bear the expense of furnishing coal and supplies, and we should not allow American ships to pass through free. In our interior waterways does the Senator know where the Government has built a lock canal that it does not maintain the lock canal and permit the free passage of vessels without charge?

Mr. BRANDEGEE. Mr. President, I will say to the Senator from New York that the provision I referred to occurs on page 8, lines 7 to 19, inclusive.

Now, in answering the inquiry of the Senator from North Carolina, I will say that I do not consider this Panama Canal to be at all on a parity with our inland waterways. I see no analogy whatever between them but the fact that they are both waterways upon which ships sail. I do not regard it as a part of our coast line, as some Senators do. Two foreign countries intervene between our country and the canal. To my mind it is no more a part of our coast line than the Straits of Magellan would be. It is simply a question of degree as to the distance.

Mr. SMITH of South Carolina. May I ask the Senator from Connecticut, then, upon what authority have we just passed legislation to establish a civil government for that zone?

Mr. BRANDEGEE. I was talking about the canal. We organize a civil government for the Canal Zone upon the authority under the treaty with a foreign country to which I have alluded.

Mr. SMITH of South Carolina. Then the Senator will admit, I presume, that as under the treaty we appoint a civil governor within that zone, and the canal happens to run through it, all the riparian rights there are as much ours as is the coast of America?

Mr. BRANDEGEE. I am talking about what signification shall be given to the word "coastwise." I am not discussing the extent of our sovereignty there. As I said the other day, it does not, in my opinion, have any relevancy to this discussion.

The sole question with me is with what moral force does the appeal come to the Congress of the United States as representatives of our States here and the people from a private shipowner, who already has a monopoly of our coastwise trade, to appear from the Atlantic or Pacific Ocean and signal to the operatives of the canal upon which we have spent $400,000,000, the interest charge of which is some $11,000,000, the annual maintenance of the operation of the two and a half or three million dollars—with what right in equity does that man say to us: "You have saved me some 8,000 miles of travel around the Straits of Magellan, and you allow me to sail over this water as you would a harbor, but in addition to that I demand that you shall keep it equipped, that you shall go into the market and buy coal, that you shall carry it down there and burn it in running the machinery for my peculiar benefit, and I will keep the tolls, the amount of money which the service is worth to me."

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Kansas?

Mr. BRANDEGEE. Certainly.

Mr. BRISTOW. Since we have expended $120,000,000 on the improvement of the Mississippi River, why should we not charge for its use?

Mr. BRANDEGEE. That is practically the same question in another form that the Senator from North Carolina put to me as to the interior waterways. I do not see any analogy between the two things.

We had for years a Panama railroad down there, and it did as far as it could the same business that this canal is going to do, only the cargoes of ships had to be transferred from the ship to the railroad. We never put the cargoes of the ships through free on the railroad. On the contrary, we charged them for the service performed.

I could talk about it for half an hour or an hour, I suppose, but if Senators do not grasp my idea about it or the way I feel about it after what I have said, they would not after an

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which may be void for want of patentability of invention; to the Committee on Patents.

By Mr. FERGUSSON: A bill (H. R. 26151) granting land to School District No. 15, Taos County, N. Mex.; to the Committee on the Public Lands.

By Mr. SULZER: Resolution (H. Res. 667) authorizing the printing and delivery to the New York Milk Committee of 10,000 copies of the Report of the Commission on Milk Standards appointed by the New York Milk Committee; to the Committee on Printing.

By Mr. GOOD: Resolution (H. Res. 668) appointing committee to investigate the reasonableness of rates, tolls, charges, and regulations of the Washington Gas Light Co., Potomac Electric Power Co., and the Chesapeake & Potomac Telephone Co., etc.; to the Committee on Rules.

By Mr. GARRETT: Resolution (H. Res. 671) authorizing that seven messengers in House post office heretofore authorized be continued to be employed during period between adjournment of present session and beginning of next session; to the Committee on Accounts.

By Mr. AKIN of New York: Resolution (H. Res. 673) requesting informaton from the Secretary of the Interior; to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATHRICK: A bill (H. R. 26152) to correct the military record of John C. Springer; to the Committee on Military Affairs.

By Mr. CONNELL: A bill (H. R. 26153) granting an increase of pension to Austin T. Fink; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 26154) granting a pension to George C. Snyder; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 26155) granting an increase of pension to Almyron S. Smith; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 26156) granting an increase of pension to Daniel J. Haynes; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 26157) granting a pension to James S. Holmes; to the Committee on Pensions.

Also, a bill (H. R. 26158) granting a pension to William B. Ingram; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26159) granting an increase of pension to Jacob Cooper; to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 26160) authorizing the Secretary of War to furnish three condemned bronze or brass cannon or fieldpieces and cannon balls to the county of Clay, State of Arkansas; to the Committee on Military Affairs.

By Mr. MURRAY: A bill (H. R. 26161) granting a pension to Walter Francis Lee; to the Committee on Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 26162) granting a pension to Harriet Blundell; to the Committee on Pensions.

Also, a bill (H. R. 26163) granting an increase of pension to John Kremmer; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 26164) granting a pension to Margaret T. Shea; to the Committee on Pensions.

Also, a bill (H. R. 26165) granting an increase of pension to Mary A. Attmore; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 26166) granting a pension to Hannah Westbrook; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FOSS: Petition of freight traffic committee of the Chicago Association of Commerce, favoring legislation granting the right of appeal to the courts for the correction of errors of law; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of National Council, Daughters of Liberty, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of freight traffic committee of the Chicago Association of Commerce, favoring amendment of the interstate commerce law; to the Committee on Interstate and Foreign Commerce.

Also, petition of W. Atlee Burpee, of Philadelphia, Pa., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. GALLAGHER: Memorial of freight traffic committee of the Chicago Association of Commerce, relative to amending laws of the judiciary; to the Committee on Interstate and Foreign Commerce.

By Mr. KINDRED: Memorial of the National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill, relative to change in patent law; to the Committee on Patents.

Also, memorial of Inventors' Guild, of New York City, relative to change in patent law; to the Committee on Patents.

By Mr. PARRAN: Memorial of U. S. Grant Council, No. 352, Order of Independent Americans, of Pottstown, Pa., and Haverford Council, No. 592, Order of Independent Americans, of Philadelphia, Pa., favoring passage of House bill 25309, relative to United States flag on lighthouses of the United States, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. RUCKER of Colorado: Memorial of Longmont Commercial Association, of Longmont, Colo., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Jewish Consumptives Relief Society, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Memorial of New York Produce Exchange, of New York City, favoring passage of House bill 25572, to amend laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *August 7, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

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 of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 5817) granting to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assinniboine Military Reservation, in the State of Montana, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. POU, Mr. MAGUIRE of Nebraska, and Mr. HEALD managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 4838. An act to amend section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 7012. An act to permit the construction of a subway and the maintenance of a railroad under the post-office building, at or near Park Place, in the city of New York;

S. 7195. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River;

S. 7163. An act authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions; and

H. R. 21888. An act providing for the sale of the United States unused post-office site at Perth Amboy, N. J.

PETITIONS AND MEMORIALS.

Mr. WARREN presented a petition signed by Mrs. T. A. Stout and 461 other citizens of Sheridan, Wyo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a memorial of the board of directors of the Chamber of Commerce of San Francisco, Cal., remonstrating against the adoption of the 50 per cent cargo clause in the pending Panama Canal bill, which was ordered to lie on the table.

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REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 5145) authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of the fire department of said city on lot No. 3, block No. 115, in the city of Hot Springs, Ark., reported it without amendment and submitted a report (No. 1019) thereon.

He also, from the same committee, to which was referred the bill (S. 7415) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation in New Mexico, and for other purposes, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs, which 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. BACON:

A bill (S. 7426) for the relief of Hugh H. Gordon (with accompanying papers); to the Committee on Indian Affairs.

By Mr. SWANSON:

A bill (S. 7427) for the relief of Edgar Allan, jr.; to the Committee on Claims.

By Mr. SMITH of Michigan:

A bill (S. 7428) granting an increase of pension to Lucy L. Norton; to the Committee on Pensions.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. PERKINS submitted an amendment relative to the sale and lease by the Secretary of War of surplus waters pertaining to the military reservation at Schofield Barracks, island of Oahu, Territory of Hawaii., etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

THE COTTON SCHEDULE.

Mr. ASHURST submitted an amendment intended to be proposed by him to the bill (H. R. 25034) to reduce the duties on manufactures of cotton, which was ordered to lie on the table and be printed.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

The PRESIDENT pro tempore. If there are no concurrent or other resolutions, the morning business is closed.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. The Chair will withhold that announcement. There is a resolution which comes over from a former day of which the Chair had not been advised. It will be read.

The Secretary read Senate resolution 372, submitted by Mr. KENYON on the 6th instant, as follows:

Resolved, That the Committee on Interstate Commerce be discharged from the further consideration of the bill (S. 3345) to amend the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and that the same be laid before the Senate for its consideration.

Mr. KENYON. Mr. President, I only want to explain the purpose of the resolution. The chairman of the Committee on Interstate Commerce the Senator from Minnesota [Mr. CLAPP] desires to be present. I wish that a messenger may be sent for him.

Mr. WARREN. I suggest to the Senator, in the absence of the chairman of the committee, to let the resolution lie over without losing its place.

Mr. KENYON. Until to-morrow?

Mr. WARREN. Yes; until to-morrow.

Mr. KENYON. If it may be laid over without prejudice, in the absence of the chairman of the Committee on Interstate Commerce, let that course be taken.

The PRESIDENT pro tempore. Without objection, the resolution will lie over until to-morrow, retaining its place.

COOSA RIVER DAM, ALA.

Mr. BANKHEAD. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 7343) to authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the present consideration of the bill indicated by him.

Mr. WARREN. Mr. President, I very much dislike to interfere in any business important to any Senator, but if we are to lay aside these conference reports, especially when we have reason to expect that there may be trouble in finally passing the bills in another quarter, I fear we shall never get to the end of the term.

If this bill can pass without any debate, I do not wish to object. But I wish to reserve the privilege of objecting if it is to lead to extended debate.

Mr. BURTON. I desire to be heard on the bill when it is brought up. I have certain amendments to propose.

Mr. WARREN. I will say to the Senator from Alabama that the matter I wish to close is a conference report which ought to be disposed of; and it will take just the time required for a vote unless something of which I am not advised develops.

Mr. BANKHEAD. If I could get unanimous consent to consider this bill immediately after the disposition of the conference report to be called up by the Senator from Wyoming, I would have no objection. I make that request.

Mr. SMOOT. The bill has gone to the calendar, and there are a great many other bills on the calendar the consideration of which is desired by those interested in them. I understand this bill is going to lead to some lengthy discussion. If that be the case, Mr. President, I hardly think it proper to take it up at this time. I dislike to object to the consideration of the bill. I have no objection to it myself personally, but I believe it is not proper at this time to allow a discussion of the bill which would take up all the morning hour.

Mr. BANKHEAD. I have no disposition in the world, Mr. President, to hinder in any way the disposition of the business of the Senate. I will be perfectly willing if any agreement can be reached in a reasonable time when this bill can have consideration to make an arrangement or agreement of that sort.

If the Senator from Utah or the Senator from Wyoming will suggest a time reasonably near when we could consider the bill, I have no disposition in the world to interfere with other business of the Senate. But I am exceedingly anxious to have the consideration of this measure at an early time. In 10 minutes I can satisfy the Senate it is a bill which ought to pass in the interest of everybody, not only in Alabama but in the entire country.

Mr. SMOOT. I wish to say to the Senator that I am quite positive there will be plenty of time to take up bills on the calendar after the appropriation bills are through, and I know there will be no disposition whatever to hold back this bill.

Mr. BANKHEAD. I have no doubt, Mr. President, that at some time during the remainder of the session I can get consideration of the bill. But it is a Senate bill. It must pass the House, and every day of delay endangers its final passage.

I do not think the Senator from Ohio [Mr. BURTON] cares to speak at any length on the bill. He has spoken on this same subject quite a number of times. If he has anything new to present to the Senate it will be developed during the course of his discussion. I want to take but a few minutes myself on the bill.

Mr. SMOOT. I know the bill is going to be discussed, because the Senator from Ohio has already so stated. Therefore, Mr. President, I shall object to the consideration of the bill now. I will speak to the Senator——

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

The PRESIDENT pro tempore. The Senator from Alabama moves that the Senate proceed to the consideration of the bill. [Putting the question.]

Mr. BANKHEAD. I demand the yeas and nays.

The PRESIDENT pro tempore. The Senator from Alabama demands the yeas and nays.

Mr. BANKHEAD. I will withdraw the demand for the yeas and nays. I do it very reluctantly, of course, but I see that it is not the disposition of the Senate to consider the bill at this time. However, I want to say to the Senate that at some future time and at a very near time I propose to call the bill to the attention of the Senate.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to take up the conference report on House bill 24023, the legislative, executive, and judicial appropriation bill.

The PRESIDENT pro tempore. Without objection——

Mr. MCCUMBER. Mr. President, I want to be recognized before we determine whether that shall be done without objection. I brought up yesterday, and gave way on account of an objection by the Senator from Georgia [Mr. SMITH], the matter of the pension appropriation bill sent over from the House. A motion was made and was then pending which I understood would be taken up this morning before any other business outside of the routine business and would be proceeded with. I desire to have it disposed of. All I am asking is that the Senate shall disagree to the proposed amendments of the House to the Senate amendments and ask for a further conference.

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The PRESIDENT pro tempore. The Senator from Wyoming asks for the present consideration of the conference report on the legislative appropriation bill.

Mr. WARREN. I do not understand that the matter of the pension appropriation bill was laid over with any mortgage on the day. The matter I am bringing up, if I am correctly informed, will take only the time necessary for a vote, and then I shall be out of the way. I appreciate the anxiety and haste which the Senator from North Dakota feels regarding his measure; but we must first dispose of the business before us.

Mr. McCUMBER. If that is true, I will withdraw the request until after we get a vote on the pending report.

Mr. WARREN. I so understand.

Mr. McCUMBER. I will renew it as soon as we dispose of the conference report on the legislative appropriation bill.

Mr. SMITH of South Carolina. Mr. President, I merely rise to a question of information. I should like to know from the chairman of the Judiciary Committee what disposition, if any, has been made of House bill 56, which was passed by the House and sent here some time ago. It has reference to the question of restricting or governing the so-called gambling in cotton futures. I should like to know what has become of it.

Mr. WARREN. Can not the Senator wait until we vote on the conference report?

Mr. SMITH of South Carolina. It is just a question of knowing whether any disposition has been made of the bill.

Mr. WARREN. The Senator will notice that the chairman of the Judiciary Committee is not in his seat.

Mr. SMITH of South Carolina. I understand that there are some members of the Judiciary Committee here who might give me that information, because I propose to ask that the committee be discharged from the further consideration of the bill and that it be brought before the Senate; but I should like to know if a subcommittee or some one has been appointed to look after the bill and when we may expect a report upon it.

Mr. WARREN. As that does not refer at all to the measure we have taken up, I wish the Senator might withhold that request for the present.

Mr. SMITH of South Carolina. The only point was that I would just like to know if anything has been done at all.

Mr. OVERMAN. Ought not the bill to be really before the Committee on Agriculture and Forestry?

Mr. SMITH of South Carolina. It was sent to the Judiciary Committee on the question whether or not it is constitutional, and I suppose it is considered there just the same as before the Committee on Agriculture and Forestry.

Mr. OVERMAN. I understand that the Committee on Agriculture and Forestry have another bill before them of a similar character.

Mr. GALLINGER. Mr. President, I ask for the regular order.

The PRESIDENT pro tempore. The regular order is the motion of the Senator from Wyoming that the Senate shall proceed to the consideration of the conference report. Without objection, it is before the Senate.

Mr. WARREN. The question is on the adoption of the conference report.

The PRESIDENT pro tempore. The conference report having been taken up for consideration, that is the question before the Senate.

Mr. BORAH. Mr. President, I understand the Senate is ready to vote upon this conference report and I do not desire to detain the Senate further than to make a single statement with reference to the Commerce Court.

I was not present when this matter was voted upon before it went to conference, and I had no opportunity to state my views in regard to it. I do not propose to do so now at length, but I was not quite willing to cast my vote or to have the record completed without some explanation in regard to it.

I was opposed to the creation of a commerce court at the time it was created, and for the same reason that I opposed it I am now in favor of its abolishment. I do not sympathize with that view which would abolish the court, because of some opinions rendered or some decisions made. I would not favor the abolishment of a court because it rendered a decision or decisions with the law of which I did not agree.

Therefore I did not desire that the record should be closed without submitting my reasons for being opposed to the court, and those are the reasons which actuated me when I was opposed to its creation, to wit, the inefficacy and, in my judgment, the inexpediency of creating special courts.

Now, Mr. President, without taking the time of the Senate, as I know the Senate desires to proceed to a vote, I wish to insert in the RECORD some brief remarks made during the discussion of this matter when the bill was originally before the Senate under date of June 3, 1910, at page 7364.

If I may have that permission, I will permit the matter to come to a vote without further discussion.

The PRESIDENT pro tempore. Without objection, permission will be granted.

The matter referred to is as follows:

"Mr. BORAH. Mr. President, I am quite aware of the desire to take a vote, and I am not going to say more than a word. But as I am going to cast my vote for this bill, I feel that I should like to say before doing so that I have not in anywise changed my views with reference to the Court of Commerce. I vote for the bill for the reason that, in my opinion, there are provisions in it which ought to become a part of the law of the land. I have great hope that the argument which has been adduced by the Senator from Georgia [Mr. BACON] will prevail at some time, and that that portion of the bill which I think most unfortunate will be eliminated by a decision of the Supreme Court of the United States, to the effect that the Court of Commerce is unconstitutional.

"But, Mr. President, I am opposed to the creation of this court, even if it be technically within the Constitution. I know that even if it be within the letter of the Constitution, it is not in harmony with the theory of those who created our system of Federal courts. I know it is not in accord with the foundation principles of our Federal judicial system. I believe that this system in its completeness, in its finish, in its reach and power and jurisdiction, in its divorcement from the turmoil of party strife in a nation controlled by parties, is the most original conception, the richest heritage handed down to us by that generation of giants. This is not a fanciful objection upon my part.

"I would earnestly plead with the legislative department of this Government to let the judicial system as it was created by the fathers alone. It has stood for 100 years just as it was created, the admiration and wonder of all men. Lawyers, statesmen, and jurists from every clime under the sun have pronounced it efficient and adequate for the juridical duties and obligations of this great Government. If you need more circuits and more districts, create them; if you need more judges, appoint them. If some of the questions which are coming before the court should be advanced over others by reason of the public interest, and the statute is not now sufficient, change the statute and advance the cases; but do not mar the system; do not change the fundamental principles; do not alter revered and ancient institutions, without great and controlling and impelling reasons. Here is a system which has been tested and tried and vindicated, and we are engrafting upon it a principle in utter violation of the principles upon which the fathers built it.

"If you say that this court is necessary, I submit to you the unchallenged facts and figures in this record in answer to that contention. The courts as at present organized are ample and efficient to discharge the duties imposed upon them. If you say that the courts of our country at present are unable and unfitted to perform these duties, I refuse to join with you in that libel upon our judiciary system and the challenge to its efficiency.

"No one who is interested in this question will soon forget the half-hearted and apologetic defense made by the learned lawyer from New York [Mr. ROOT]—and I speak with the utmost respect—in defense of this court. The sum total of his argument was that, as some one had suggested that these were complicated questions, he yielded his judgment against the creation of special courts and was willing to vote for it. I think I quote practically his language. He said, 'I am inclined to yield.' Mr. President, a judiciary system which has stood for 100 years should not be changed upon an 'I am inclined to yield.' It should only be changed upon profound conviction and after it has been impeached by its own incapacity. He said, 'I am inclined to yield my predisposition against the creation of these courts, because these questions are complicated ones.' They say that they must have a court of experts, and yet, Mr. President, they go to the court, whose efficiency and whose ability they challenge, to get their experts. They say they must have a court better fitted and better qualified, and yet they go to the court whose efficiency they challenge to make up the court especially fitted for this work. Our lives, our liberty, our property, and these institutions themselves are under the control and domination and at the disposition of our judiciary system as it is now found; these things must travel in their old accustomed way, but rates and railroad matters are so powerful and potent as to engraft upon our judiciary system a principle unknown to those who created it.

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"I might be perfectly willing, Mr. President, and I think I am, to yield upon all ordinary matters to the suggestion of those who are better qualified to judge, better qualified to shape policies than myself—and I think that is a very good policy to adopt, because all legislation is a matter of compromise—but. Mr. President, in defense of our judiciary system I take a stand The mob in the streets must obey its orders, the rich and powerful must yield to its judgments, and the Congress of the United States ought to respect it and let it alone. It stands before the American people to-day as the most nearly complete and perfect tribunal which has to do with the welfare and interests of the American people. You and I can do nothing to the perfection of that system, which has upon it the stamp of approval of Hamilton and Jay and Washington and Jefferson and Madison and Ellsworth.

"If there are incompetent judges, if there are superserviceable judges, unfrock them and drop them from the place they dishonor, but do not change the entire judiciary system I wonder, if it were within the power of the judiciary system to make some radical change in the legislative department, what would happen to the Congress; and yet this great body, unable to help itself, without control of the purse or the sword, has no protection against the tyranny of political bodies, except what is found in the Constitution and in the respect of the people of the United States.

"It is within the power of Congress, outside of the domain of the Constitution, to cripple and hamper and embarrass the judiciary system of the United States. That ought to make us, as suggested by my colleague [Mr. HEYBURN] to-day, all the more anxious to protect it as it stands and permit its functions to be performed as they have been performed.

"While I say I am going to vote for the bill, I thought that I could not do so without putting into this record my unalterable opposition to this Court of Commerce. What influence I have here will be exerted against it, and it will be exerted everywhere that I can exercise it, until we come back to the system which has proved and justified itself in these 100 years." (CONGRESSIONAL RECORD, June 3, 1910, pp. 7364–7365.)

Mr. SUTHERLAND. Mr. President, I do not want to delay the vote on this matter further than in view of the suggestion made by the Senator from California [Mr. WORKS] with reference to the transfer of these additional circuit judges to ask to have inserted in the RECORD section 201 of the judicial code, which provides for the assignment of these additional circuit judges eo nomine to the various district courts.

The PRESIDENT pro tempore. The insertion will be made as requested by the Senator from Utah, without objection.

The matter referred to is as follows:

SEC. 201. The five additional circuit judges authorized by the act to create a Commerce Court, and for other purposes, approved June 18, 1910, shall hold office during good behavior, and from time to time shall be designated and assigned by the Chief Justice of the United States for service in the district court of any district, or the circuit court of appeals for any circuit, or in the Commerce Court, and when so designated and assigned for service in a district court or circuit court of appeals shall have the powers and jurisdiction in this act conferred upon a circuit judge in his circuit.

Mr. WORKS. The section of the code referred to by the Senator from Utah was called to my attention subsequently to the making of my remarks on the subject and completely covers my suggestion.

The PRESIDENT pro tempore. The question is on agreeing to the report of the conference committee.

Mr. CRAWFORD. Mr. President, I simply want to say that I shall vote against the conference report, but solely on the ground that, in my opinion, the provision relating to the civil service, as it is incorporated, is vicious in its tendency, and I think it is of a character so serious that I can not accept the report without a protest.

Mr. LODGE. I ask for the yeas and nays on the adoption of the report.

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

Mr. BANKHEAD (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. HEYBURN], who is absent, and will therefore withhold my vote.

Mr. OVERMAN. I understand the Senator from Idaho is paired on this vote with the Senator from Louisiana [Mr. THORNTON].

Mr. BANKHEAD. Very well. With that understanding I will vote; I vote "yea."

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], and therefore withhold my vote.

Mr. THORNTON (when Mr. FOSTER's name was called). I announce the necessary absence of my colleague [Mr. FOSTER], and ask that this announcement stand for the day.

Mr. MCCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I am informed that if he were present he would vote in the affirmative, and therefore I will vote. I vote "yea."

Mr. MCLEAN (when his name was called). I have a pair with the junior Senator from Montana [Mr. MYERS]. If I were at liberty to vote, I should vote "nay."

Mr. WILLIAMS (when Mr. PERCY's name was called). My colleague [Mr. PERCY] is necessarily absent, and is paired. I ask that this announcement stand for the day.

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I do not see him in his seat, and therefore withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). On account of my pair with the Senator from Maryland [Mr. RAYNER], who is absent, I withhold my vote.

Mr. THORNTON (when his name was called). On this question I am paired with the senior Senator from Idaho [Mr. HEYBURN]. If he were present, he would vote "yea" and I should vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Arkansas [Mr. CLARKE] and will vote. I vote "yea."

The roll call was concluded.

Mr. CULLOM (after having voted in the affirmative). I neglected to state that I have a general pair with the junior Senator from West Virginia [Mr. CHILTON], but I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE], and will allow my vote to stand.

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. I find I can make a transfer of that pair to the junior Senator from Massachusetts [Mr. CRANE], which would leave me at liberty to vote. I vote "nay." If the Senator from Massachusetts were present, he would also vote "nay."

Mr. LODGE. I am requested to announce that the Senator from New York [Mr. ROOT] is paired with the Senator from Nebraska [Mr. HITCHCOCK].

Mr. CHAMBERLAIN. I am requested to announce that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. I make this announcement for the day.

The result was announced—yeas 30, nays 19, as follows:

YEAS—30.

Bankhead	Gallinger	Overman	Stone
Bourne	Gronna	Page	Swanson
Brandegee	Johnston, Ala.	Perkins	Warren
Bryan	Kern	Pomerene	Wetmore
Catron	McCumber	Reed	Williams
Clark, Wyo.	Martin, Va.	Shively	Works
Cullom	Nelson	Smith, Ariz.	
Fletcher	O'Gorman	Smith, Mich.	

NAYS—19.

Ashurst	Burton	Kenyon	Sanders
Bacon	Crawford	La Follette	Smith, Ga.
Borah	Cummins	Lodge	Smith, S. C.
Bradley	Dillingham	Massey	Townsend
Bristow	Jones	Newlands	

NOT VOTING—45.

Bailey	Dixon	Lippitt	Root
Briggs	du Pont	McLean	Simmons
Brown	Fall	Martine, N. J.	Smith, Md.
Burnham	Foster	Myers	Smoot
Chamberlain	Gamble	Oliver	Stephenson
Chilton	Gardner	Owen	Sutherland
Clapp	Gore	Paynter	Thornton
Clarke, Ark.	Guggenheim	Penrose	Tillman
Crane	Heyburn	Percy	Watson
Culberson	Hitchcock	Poindexter	
Curtis	Johnson, Me.	Rayner	
Davis	Lea	Richardson	

So the conference report was agreed to.

Mr. SUTHERLAND. I offer a concurrent resolution, which I ask to lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution (S. Con. Res. 25) was ordered to lie upon the table and to be printed in the RECORD, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives be instructed in the enrollment of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, to strike out all of the second paragraph of Senate amendments 511, 512, 513, and 514, as agreed to in conference and concurred in by the two Houses, and insert in lieu thereof the following:

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"All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of any of the judicial districts within which the original cause of action brought before the Interstate Commerce Commission arose, such district to be designated by the complainant; and the venue of all suits and proceedings hereafter brought to enforce, set aside, annul, or modify any order of the Interstate Commerce Commission shall be in any of the judicial districts within which the original cause of action brought before the commission arose.

PENSION APPROPRIATION BILL.

Mr. McCUMBER. Mr. President, the Chair has already laid before the Senate the message from the House of Representatives on the pension appropriation bill (H. R. 18985). I now renew my motion made yesterday that the Senate disagree to the amendments of the House to the amendments of the Senate and ask for a further conference on the disagreeing votes of the two Houses, and that the conferees on the part of the Senate be appointed by the Chair.

Mr. SHIVELY. I move that the Senate concur in the House amendments.

The PRESIDENT pro tempore. The Senator from North Dakota [Mr. McCUMBER] moves that the Senate disagree to the amendments proposed by the House of Representatives to the Senate amendments and ask for a committee of conference on the disagreeing votes. The Senator from Indiana [Mr. SHIVELY] moves that the Senate concur in the House amendments. The latter motion has precedence. The question is on the motion to concur in the amendments proposed by the House of Representatives to the amendments of the Senate.

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

The PRESIDENT pro tempore. The Senator from Indiana suggests the absence of a quorum. The Secretary will call the roll.

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

Ashhurst	Crawford	McLean	Smith, Ariz.
Bacon	Cullom	Martin, Va.	Smith, Ga.
Bailey	Cummins	Martine, N. J.	Smith, Mich.
Bankhead	Dillingham	Massey	Smith, S. C.
Borah	Fletcher	Nelson	Smoot
Bourne	Gallinger	Newlands	Stone
Bradley	Gronna	O'Gorman	Sutherland
Brandegee	Johnson, Me.	Overman	Swanson
Bristow	Johnston, Ala.	Page	Thornton
Bryan	Jones	Perkins	Townsend
Burnham	Kenyon	Pomerene	Warren
Burton	Kern	Reed	Wetmore
Catron	La Follette	Root	Williams
Chamberlain	Lippitt	Sanders	Works
Clapp	Lodge	Shively	
Clark, Wyo.	McCumber	Simmons	

Mr. ASHURST. I have been requested to announce that the Senator from Montana [Mr. MYERS] is unavoidably detained during the day. He is paired with the Senator from Connecticut [Mr. McLEAN].

The PRESIDENT pro tempore. Upon the roll call of the Senate, 62 Senators have responded to their names. A quorum of the Senate is present.

The Senator from North Dakota moves that the Senate disagree to the amendments proposed by the House of Representatives to the Senate amendments, and ask for a conference on the disagreeing votes of the two Houses, the Chair to appoint the conferees on the part of the Senate. The Senator from Indiana moves that the Senate concur in the amendments proposed by the House of Representatives. The latter motion has precedence. The question is on concurring in the amendments proposed by the House to the amendments of the Senate.

Mr. McCUMBER. Mr. President, I simply desire to state that the matter is substantially in the same condition that it was when we voted on it two days ago, the only difference now being that the abolition of the pension agencies is to take place, according to the amendments of the House, on the 31st day of December instead of at the present time, but the amendments adopted by the House abolish the pension agencies this year.

Mr. SHIVELY. Mr. President, the Senator from North Dakota has stated the situation precisely as I understand it. The provision as it first came from the House would have gone into effect and abolished the pension agencies on the 1st day of July. The House amendment postpones the abolition of the agencies to the 31st day of December of the present year.

The PRESIDENT pro tempore. The Chair will call attention to the fact that the House has proposed amendments to the amendments of the Senate Nos. 2, 3, and 4. Amendments Nos. 5, 9, 10, and 11 are Senate amendments to which the House further disagrees. Therefore the vote now to be taken is as to the amendments Nos. 2, 3, and 4, those being the ones upon which the Senator makes his motion. The question is upon the motion of the Senator from Indiana that the Senate concur in the House amendments to the Senate amendments Nos. 2, 3, and 4.

Mr. McCUMBER. I ask for the yeas and nays.

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

Mr. BURNHAM (when his name was called). I have a general pair, as I have stated, but upon this vote I am released. Therefore I desire to vote. I vote "nay."

Mr. CHAMBERLAIN (when his name was called). I transfer the general pair which I have with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I have transferred it to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay." I wish this announcement to stand for the day.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I withhold my vote.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY], and as he would vote "yea" and I should vote "nay," I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). Again announcing my pair and its transfer, I will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I withhold my vote on account of the absence of the senior Senator from Maryland [Mr. RAYNER], with whom I have a general pair.

Mr. WILLIAMS (when his name was called). I desire to announce my general pair with the Senator from Pennsylvania [Mr. PENROSE], now transferred to the Senator from Arkansas [Mr. CLARKE], and desire to vote. I vote "yea."

The roll call was concluded.

Mr. SMOOT. I wish to announce the absence from the city of the junior Senator from Wisconsin [Mr. STEPHENSON]. He has a general pair with the Senator from Oklahoma [Mr. GORE]. If the Senator from Wisconsin were present, he would vote "nay."

Mr. DILLINGHAM. I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Massachusetts [Mr. CRANE] and will vote. I vote "nay."

Mr. BANKHEAD (after having voted in the affirmative). I am paired with the senior Senator from Idaho [Mr. HEYBURN] and therefore desire to withdraw my vote.

Mr. ASHURST. I desire to announce the unavoidable absence from the Chamber of the Senator from Montana [Mr. MYERS], and to state that he is paired with the Senator from Connecticut [Mr. McLEAN]. I will let this announcement stand for the day, in order that I may not be obliged to repeat it.

Mr. MARTINE of New Jersey. I announce the pair between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS], and will let this announcement stand for the day.

Mr. MARTIN of Virginia. The Senator from West Virginia [Mr. WATSON] is unavoidably absent. He is paired with the Senator from New Jersey [Mr. BRIGGS].

Mr. JONES. My colleague [Mr. POINDEXTER] is unavoidably absent from the city, and I make this announcement for the day.

Mr. McCUMBER. I transfer my pair with the senior Senator from Mississippi [Mr. PERCY] to the Senator from New Mexico [Mr. FALL] and will vote. I vote "nay."

The result was announced—yeas 28, nays 28, as follows:

YEAS—28.

Ashurst	Gronna	Newlands	Smith, Ariz.
Bacon	Johnson, Me.	O'Gorman	Smith, Ga.
Borah	Johnston, Ala.	Overman	Smith, S. C.
Bryan	Jones	Pomerene	Stone
Chamberlain	Kern	Reed	Swanson
Crawford	Martin, Va.	Shively	Thornton
Fletcher	Martine, N. J.	Simmons	Williams

NAYS—28.

Bourne	Clapp	Lodge	Sanders
Bradley	Clark, Wyo.	McCumber	Smith, Mich.
Brandegee	Cullom	Massey	Smoot
Bristow	Cummins	Nelson	Townsend
Burnham	Dillingham	Page	Warren
Burton	Gallinger	Perkins	Wetmore
Catron	La Follette	Root	Works

NOT VOTING—38.

Bailey	Dixon	Kenyon	Poindexter
Bankhead	du Pont	Lea	Rayner
Briggs	Fall	Lippitt	Richardson
Brown	Foster	McLean	Smith, Md.
Chilton	Gamble	Myers	Stephenson
Clarke, Ark.	Gardner	Oliver	Sutherland
Crane	Gore	Owen	Tillman
Culberson	Guggenheim	Paynter	Watson
Curtis	Heyburn	Penrose	
Davis	Hitchcock	Percy	

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The PRESIDENT pro tempore. Upon the motion of the Senator from Indiana that the Senate concur in certain amendments of the House, the yeas are 28, the nays 28. So the motion fails.

The question recurs upon the motion of the Senator from North Dakota [Mr. MCCUMBER] that the Senate disagree to the amendments of the House to the amendments of the Senate Nos. 2, 3, and 4, and that the Senate further insist upon its amendments upon which the committee of conference have been unable to agree.

Mr. GALLINGER. And ask for a further conference.

The PRESIDENT pro tempore. And ask for a further conference on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

Mr. SHIVELY, Mr. SMITH of Georgia, and others demanded the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. LIPPITT (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA] and refrain from voting.

Mr. MCCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY], and transfer it to the Senator from New Mexico [Mr. FALL], and will vote. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair and its transfer as previously announced and vote "nay."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER] who is absent. For that reason I withhold my vote. I will let this announcement stand for all subsequent votes to-day.

The roll call was concluded.

Mr. DILLINGHAM. I transfer my general pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Massachusetts [Mr. CRANE] and will vote. I vote "yea."

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. BANKHEAD. I transfer my pair with the senior Senator from Idaho [Mr. HEYBURN] to the senior Senator from Louisiana [Mr. FOSTER] and will vote. I vote "nay."

The result was announced—yeas 29, nays 26, as follows:

YEAS—29.

Bourne	Cullom	Nelson	Stone
Bradley	Cummins	Page	Townsend
Brandegee	Dillingham	Penrose	Warren
Bristow	Gallinger	Perkins	Wetmore
Burnham	La Follette	Root	Works
Burton	Lodge	Sanders	
Catron	McCumber	Smith, Mich.	
Clark, Wyo.	Massey	Smoot	

NAYS—26.

Ashurst	Fletcher	Newlands	Smith, Ga.
Bacon	Johnson, Me.	O'Gorman	Smith, S. C.
Bankhead	Johnston, Ala.	Pomerene	Swanson
Borah	Jones	Reed	Thornton
Bryan	Kern	Shively	Williams
Chamberlain	Martin, Va.	Simmons	
Crawford	Martine, N. J.	Smith, Ariz.	

NOT VOTING—39.

Bailey	Dixon	Hitchcock	Percy
Briggs	du Pont	Kenyon	Poindexter
Brown	Fall	Lea	Rayner
Chilton	Foster	Lippitt	Richardson
Clapp	Gamble	McLean	Smith, Md.
Clarke, Ark.	Gardner	Myers	Stephenson
Crane	Gore	Oliver	Sutherland
Culberson	Gronna	Overman	Tillman
Curtis	Guggenheim	Owen	Watson
Davis	Heyburn	Paynter	

So Mr. MCCUMBER's motion was agreed to.

The PRESIDENT pro tempore appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate at the further conference.

AGRICULTURAL APPROPRIATION BILL.

Mr. BURNHAM. I move that the Senate proceed to the consideration of the conference report on House bill 18960, the agricultural appropriation bill.

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

The PRESIDENT pro tempore. The question is on agreeing to the report.

Mr. STONE. Mr. President, I desire to say, so that my vote on the previous roll call shall not be misunderstood, that I am personally in entire sympathy with the contention of the House. I think these agencies ought to be abolished. I have said so heretofore on the floor of the Senate. But after the roll call at which the Senate refused to concur in the amendments of the House it seemed to me that if the Senate should refuse a further conference with the House the entire bill would be hung up in the Senate and we would be embarrassed in determining in what way to proceed and dispose of it. So it appeared to me the better plan would be to send it back to conference.

Mr. BORAH. I should like to ask the Senator in charge of the bill what became of the amendment on page 49, amendment No. 85?—

That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that are suitable and fit for agricultural purposes, and as soon as such lands have been thus selected, classified, and segregated the same shall be open to settlement and entry under the homestead laws, and the sum of $50,000 is hereby appropriated for the purpose aforesaid.

Mr. BURNHAM. Replying to the Senator from Idaho, we found it was impossible to retain the Nelson amendment in the form in which it was adopted by the Senate, and it was amended as follows:

That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that may be open to settlement and entry under the homestead laws applicable to the national forests, and the sum of $25,000 is hereby appropriated for the purposes aforesaid.

Mr. BORAH. Mr. President, I presume the conferees did the best they could with this amendment, and I am not disposed to oppose the report or to criticize the conferees. The conference report has been sent back once, and I have no reason to hope that we could secure any different result by sending it back again, so I shall not ask it. But I do want to say a word, in order that this record may leave a protest against the method by which the provision was taken out of the bill.

The amendment proposed provides as follows:

That the Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of national forests that are suitable and fit for agricultural purposes, and as soon as such lands have been thus selected, classified, and segregated, the same shall be open to settlement and entry under the homestead laws, and the sum of $50,000 is hereby appropriated for the purpose aforesaid.

I think as the Senate hears this amendment read each Senator will naturally inquire what can be the possible objection to this amendment. It provides for the classification and segregation of the agricultural land within the forest reserves and provides that after classification and segregation they shall be open to entry under the homestead laws of the United States.

The facts, as I know them to be in that portion of the country where this is particularly important, are that hundreds and thousands of acres of agricultural lands have been incorporated in these forest reserves. They are not timberlands. Upon them no timber has ever grown. They are not valuable for any other purpose than that of agriculture. Hundreds and thousands of American settlers are seeking lands for the purpose of making homes. Some of them are our best agricultural lands, and for no sound reason we are denied the right to make homes upon them.

It was the desire of those who were urging this amendment to have these lands classified and segregated by the department. It was left exclusively under the control and under the supervision of the department. If they were not agricultural lands, they would not be classified; if they were not agricultural lands they would not be segregated, and they could not be entered until in the judgment of the department they had been so classified and segregated. The department would not classify mineral lands or power sites or timberlands as agricultural lands. These lands would not be subject to entry until it had been adjudged that they were fit only for agricultural purposes. It seems incredible that anyone could be found so short-sighted and so unwise as to insist that our agricultural lands should remain idle against the thousands who want to reduce them to cultivation. It is conservation gone mad.

What possible objection, Mr. President, can there be to the settling up of our agricultural lands by our own people? What reason can be assigned for holding them within the reserves under such conditions that they are practically precluded from being settled?

Mr. President, after this was inserted in the bill as an amendment, a number of good people in this country became excited over the proposition and immediately began a campaign against it. I do not propose to assail the motives and purposes of those

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enable the Secretary to obtain the character of man whom he thought should take charge of it. I shall ask when the measure comes before the Senate an increase of $1,000 a year for the chief of this division.

The measure already having been discussed and the Senate having passed it as a part of the appropriation bill, I shall ask the consent of the Senate at an appropriate time to take up the separate bill. I shall modify it to conform exactly with the terms contained in the appropriation bill; and the terms being then the same, I feel that I can justly ask the consent of the Senate to take it up by unanimous consent and that it will pass without consuming any of the time of the Senate.

The PRESIDENT pro tempore. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I am informed that in all probability action can be had upon the pending conference report within a few minutes. I give notice that as soon as it is concluded I shall demand the regular order. Pending that I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business may be temporarily laid aside. If there be no objection, it will be so ordered. The Senator from Georgia will proceed.

Mr. SMITH of Georgia. I had about concluded what I wished to say. A similar measure is pending before the Commerce Committee of the House, although that bill places this division or bureau in the Department of Commerce and Labor. I am advised that they are ready to report it favorably. Therefore I have every reason to believe that by abandoning it in the appropriation bill, if the Senate gives its consent to take it up for immediate action—perhaps to-morrow morning—it can go to the House at once, and that the passage of the measure during the present session will not be delayed by my yielding, so far as the Agricultural appropriation bill is concerned.

I shall support the report of the conferees.

Mr. SMITH of Arizona. Mr. President, I wish I were able to say something in addition to what has been so ably said by the Senator from Idaho [Mr. BORAH] on the effect of striking out the Senate amendments, which granted the right of locating homes on agricultural lands within the forest reservations. The instances which he cites of hardships and uncertainty in the efforts of the home-seeking people to find rest within the great reservations applies probably with more force to that State which I in part represent than to any other part of the Union. I could cite many instances of attempted settlements within these reservations which meant disappointment to the home seeker, until now no one will attempt to make a home within these great restricted boundaries, hampered as they are not only with the uncertainty of their title at last but with the harassment and worry of rules, regulations, and restrictions that the settlers in other parts of the country are free from.

If I could defeat this conference report, I would do so. I am not satisfied with it, but recognize that the conferees on the part of the Senate have done all in their power to preserve the bill as it left the Senate.

Senators may be sure that the West will never be settled, that its mighty resources will never be developed as long as you keep such provisions as the one contained in this bill and insist on striking down the broader homestead settlement on forest reservations contained in this bill as it left the Senate.

It is no wonder that Americans go to Canada when such restrictions are thrown around them in their native land. People will go now any place to find a home that offers them, no matter at what cost of labor and time, a real home for themselves and their children.

As the Senator has so well said, present legislation, with the rules and regulations which it permits, has dedicated to everlasting silence those mountain sides and the intervening valleys, on which orchards could be grown and farms cultivated.

The House seems to have made a wholesale slaughter of the Senate amendments to the Agricultural bill, and among the corpses I find, on page 64, one of my own amendments, which was a small appropriation of $5,000 for the purpose of investigating means of destroying a new pest that had invaded the great alfalfa fields of the Salt River Valley. That appropriation has not only been stricken out by the conferees, but the general sum for like purposes has been largely reduced in this report. But this is a small matter, and amounts to little in comparison with the great questions which have been presented here with such ability by the Senator from Idaho.

Senators, you will not settle an acre of the public domain now within the forest reserves until behind such settlement there is a law regulating the right of the settler against all comers. He will not attempt to locate except when supported by such a guaranty.

We in the West had rather see an apple orchard loaded with its fruit or a vinyard purple with its rich fruit on these mountain sides than to see a desert and silent and homeless forests of pine trees. A home is better than a forest-reserve headquarters, and that is the question involved in this legislation. Whenever the voice of wisdom and experience shall be heard all over this country I have no doubt that the position of the Senator from Texas [Mr. BAILEY] will ultimately find full expression in our law.

I am firmly convinced that every State should have the land within its borders, knowing that where the local interests of the people are concerned that those interests will be best preserved by the people most interested.

Foreign landlordism under the operation of a government is fully as obnoxious as individual absentee landlordism.

For the reasons thus briefly stated I would defeat this conference report if I could.

Mr. SMITH of South Carolina. Mr. President, I am going to take only a few moments, but I wish to call attention to one provision of the bill about which I think the Senate should know. I am sure that the conferees have allowed it to go out on account of the lack of knowledge of what is involved.

After a conference with the officers of the Agricultural Department, they brought to my attention a fact that is of vital importance to every American citizen who is interested in the value of our farm products. In the grading of our cotton there is a difference in the price as fixed by the world, according to color and foreign matter, varying from $2.50 to $15 a bale. The Agricultural Department, in addition to grading this cotton, desires to test the tensile strength, the yarn-making strength, the cloth-making strength of the lowest and the highest grades of the same variety of cotton.

We have two great classes in which our cotton falls, the gulf and the upland. In both these there are nine grades. The ordinary variation in price is a quarter of a cent a pound "on" for grades above middling and a quarter of a cent "off" on grades below middling to the last two grades, then anywhere from 2½ to 3 cents, or $10 to $15 a bale, "off" for the lowest grade.

As far as these experiments have gone they have proved that the tensile strength of these different grades does not vary one particle; that so far as the yarn-making power of the lowest grades are concerned, it is as good as the highest grade of the same variety.

I made further inquiry as to the bleaching qualities of this cotton, and I am assured that the process that bleaches the whitest and best is exactly the same process that would bleach the blackest and the lowest grades, and I desired experiments to prove the cost and results in bleaching these different grades.

Therefore the farmers of this country are entitled to know whether there is an arbitrary fixing of prices between their grades or whether these grades are practically of the same value.

I asked how much it would take to put sufficient machinery in the Agricultural Department for them to test all these grades so as to give a fair knowledge as to its tensile strength and the per cent of the loss incident to the manufacturing of the different grades. They said an additional appropriation of $4,000 with the aid already in the bill would enable them to do this work. This for the enlightenment of those who produce the textiles that clothe 900,000,000 people and of which textile America has a monopoly.

In this conference report I see that the pitiful sum of $4,000 is stricken out. When compared with the magnificent results that might accrue to the growers of this material from this knowledge, this act is surprising. The head of that department informed me the other day that upon the strength of the belief that the $4,000 would be passed he had already made arrangements for the installation of the machinery to experiment along the lines suggested for the benefit of the southern cotton growers, as to what is the real difference in the grades as tested by their intrinsic qualities.

In order to expedite the passage of the bill I am going to vote for the conference report, but I am taking this occasion to register my protest against men being on the Agricultural Committee who know nothing about agriculture. In your Committee on the Judiciary you have no farmers. You compose it of the best lawyers you have. I insist that the right way to do is upon the Agricultural Committee, as near as possible, to

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get those who are farmers or who have such a knowledge of farming as to make them capable of deciding the questions that affect the agricultural interests of this country.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

AMERICAN TOBACCO ABROAD.

Mr. LODGE. I ask the Senator from Connecticut if he will allow me to make a report from the Committee on Foreign Relations?

Mr. BRANDEGEE. Certainly.

The PRESIDENT pro tempore. The report, without objection, will be received.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to which was referred the bill (S. 7409) to constitute a commission to investigate the purchase of American-grown tobacco by the Governments of foreign countries, to report it back favorably without amendment.

Mr. MARTIN of Virginia. I ask unanimous consent for the present consideration of that bill. It will lead to no debate, I am sure. It is a bill of just a few lines.

Mr. LODGE. There will be no debate. It will merely require the reading.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to create a commission consisting of three Senators, to be chosen by the President of the Senate, and three Members of the House of Representatives, to be chosen by the Speaker. Such commission is empowered to investigate the conditions under which the governments of foreign countries purchase American-grown tobacco, and whether there is any combination or understanding between the representatives of said foreign governments with a view to depressing the price of American-grown tobacco. The commission shall report the results of its investigations to the Congress. The sum of $10,000 to defray the expenses of the commission, including the expenses of witnesses and clerical work, is appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF GOVERNMENT EMPLOYEES.

Mr. BRANDEGEE. I had intended to demand the regular order, but the Senator from South Dakota [Mr. CRAWFORD] has a small matter that he wishes to have disposed of.

Mr. CRAWFORD. It is House bill 24121, which has come back from the House.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24121) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CRAWFORD. I move that the Senate insist upon its amendments and agree to the 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. CRAWFORD, Mr. JONES, and Mr. OVERMAN conferees on the part of the Senate.

THOMAS DAVIDSON.

Mr. McCUMBER. I ask permission to report favorably from the Committee on Pensions the joint resolution (H. J. Res. 346) to correct an error in an act entitled "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," approved June 19, 1912, and I ask for its immediate consideration. It is merely a joint resolution to correct an error.

Mr. REED. Before consent is given, I should like to hear the joint resolution read.

Mr. McCUMBER. Let me state to the Senator there was a mistake made in one of the private pension bills. It is a mere clerical error and this is for its correction.

The PRESIDENT pro tempore. The joint resolution will be read for information.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to correct and amend the paragraph in an act entitled "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," approved June 19, 1912 (Private, No. 26), granting an increase of pension to one Thomas Davidson, so as to read as follows:

The name of Thomas Davidson, late of Company G, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

INTERNATIONAL CONGRESS ON SCHOOL HYGIENE.

Mr. ROOT. I report back from the Committee on Foreign Relations the joint resolution (H. J. Res. 327) requesting the President of the United States to direct the Secretary of State to issue invitations to foreign governments to participate in the Fourth International Congress on School Hygiene. A similar Senate joint resolution, which has already been reported favorably, is now on the calendar. I ask for the present consideration of the House joint resolution.

Mr. CULBERSON. Let the House joint resolution be read.

Mr. LODGE. It is just the same as ours.

Mr. CULBERSON. It has passed the House?

Mr. LODGE. It has passed the House, and is exactly the same as the Senate joint resolution.

Mr. CULBERSON. They are identical?

Mr. LODGE. They are identical.

Mr. CULBERSON. I have no objection to the present consideration of the joint resolution.

Mr. BRANDEGEE. I shall not object to its consideration, but I give notice that after it has been disposed of I shall demand the regular order.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The joint resolution (S. J. Res. 123) authorizing the President of the United States to invite foreign Governments to send representatives to the Fourth International Congress on School Hygiene will be indefinitely postponed.

THE PANAMA CANAL.

Mr. BRANDEGEE. I ask for the regular order.

The PRESIDENT pro tempore. The regular order is demanded, which is House bill 21969.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. The Senator from California [Mr. WORKS] gave notice that he would desire to address the Senate at this time. The pending amendment is the amendment offered by the Senator from Ohio [Mr. BURTON] to strike out, in lines 13 and 14, on page 6, the words:

No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

Mr. WORKS. Mr. President, there are four propositions in the bill that appeal to me as being of extreme importance.

First. The question of construction of the treaty between this Nation and the British Government;

Second. The form of government that shall be provided for the control of the Panama Canal and the Canal Zone;

Third. The question of free tolls to American ships; and

Fourth. The question of the exclusion from the use of the canal of railroad-owned ships.

I shall not take up the time of the Senate in discussing the first two of these propositions. I have never doubted the correctness of that constructoin of the treaty with Great Britain which gives to our Government the right to allow the passage of its ships through the Panama Canal free of toll. Any other construction of it would take away from the Government practically all of the benefits resulting from ownership or sovereignty.

There is another matter, Mr. President, that I desire to suggest in connection with this question. There is a very sharp division of sentiment upon this question. There are very diversified views as to the construction that should be placed upon the treaty. We are confronted now, as the representatives of this Government, with the question as to which one of these constructions we shall place upon the treaty.

Shall we, by the vote that we shall give upon this question, place upon it the construction that is most unfavorable to our Government, since the question is one of doubt? If so, we, in effect, estop the Government from claiming that construction that is favorable to it, and admit that the British Govern-

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for the benefit of the American merchant marine; you are operating for the benefit of the American shipbuilder. If you really do want more ships flying the American flag and officered by American captains and manned by American sailors, the adoption of this amendment will help you procure that.

Mr. GALLINGER. Mr. President, I have not uttered a word that could be construed to mean that I think there is any need of enlarging the coastwise shipping of the United States. It is an absolutely protected industry, and our shipyards are abundantly able to manufacture the ships that are required in that trade.

Let this amendment be adopted, Mr. President, and American citizens can go all over the world and buy all the tramp steamers that are for sale, put them under our flag, compete with our American ships, and lessen the industry of shipbuilding in our American shipyards, where they are now producing ships for the coastwise trade.

Mr. WILLIAMS. In that connection I will ask the Senator this question.

Mr. GALLINGER. Certainly.

Mr. WILLIAMS. If it be not true that Great Britain admits to her coastwise trade all ships from any country?

Mr. GALLINGER. I think that is not quite correct. I think to a limited extent she does.

Mr. WILLIAMS. I think she makes no limitation, provided they merely comply with the regulations of the coastwise trade.

Mr. GALLINGER. But however that may be, I feel very sure, Mr. President, that when we have shipyards in the United States employing labor at a high price, which shipyards are fully equipped to manufacture the ships for our coastwise trade, we do not want to go out into the markets of the world and buy the tramp steamships, all the half-worn-out steamships of England, France, Germany, Sweden, and Norway, and put them in competition with our ships which are built in our own shipyards. I hope, Mr. President, that the amendment will not be agreed to.

Mr. BRANDEGEE. Mr. President, I make the point of order that the amendment is not now in order. The amendment of the Senator from Ohio [Mr. BURTON] is a complete amendment by itself, and the amendment proposed by the Senator from Mississippi [Mr. WILLIAMS] starts in after the language proposed to be stricken out by the Senator from Ohio, and has nothing to do with it.

Mr. GALLINGER. Let us vote on it.

The PRESIDENT pro tempore. The Chair is not prepared to say that it is not germane, and if the point is made under the rules of the Senate it will have to be submitted to the Senate and not decided by the Chair.

Mr. WILLIAMS. I think it has a tendency of perfecting the language.

Mr. BRANDEGEE. The claim I make is that it has nothing to do with the question of tolls, but it is a question of admitting foreign vessels to American registry and comes in at a point in the bill entirely separate from the amendment proposed by the Senator from Ohio.

The PRESIDENT pro tempore. The Senator from Mississippi offered it as an amendment to this sentence, and inquired of the Chair before offering it whether an amendment to that particular sentence was in order.

Mr. BRANDEGEE. But it does not amend the sentence. It is a new sentence. It proposes to add after the conclusion of the sentence some other language.

Mr. WILLIAMS. That is true, but it perfects the preceding language, according to the idea, if it is adopted; and it is my understanding that it is always in order to perfect a concept before you strike it out.

Mr. BRANDEGEE. I agree entirely to that.

Mr. WILLIAMS. Even if the amendment is to add to it instead of being a change of phraseology within it.

Mr. BRANDEGEE. I do not think it had anything to do with the concept about tolls. This question of tolls is separate.

Mr. WILLIAMS. It has a good deal to do with the concept——

Mr. BRANDEGEE. But I withdraw the point of order.

Mr. WILLIAMS. It has a good deal to do with the concept as to what constitutes coastwise vessels.

The PRESIDENT pro tempore. The Senator from Connecticut withdraws his point of order.

Mr. JONES. Mr. President, a parliamentary inquiry. If this amendment should be adopted and then if the amendment of the Senator from Ohio were adopted, would it strike it out?

The PRESIDENT pro tempore. It would strike it out also. The whole matter would go out.

Mr. JONES. I would not think so. It is an independent proposition.

The PRESIDENT pro tempore. It is offered as an amendment to the clause. The Chair repeats that as to whether it is a germane amendment is a question which, under the rules, if the point is raised, would have to be submitted to the Senate and is not to be decided by the Chair. That is the rule of the Senate.

The Senator from Connecticut has withdrawn the point of order and, therefore, there is no question for the Chair to decide in regard to that matter. The question is on the amendment offered by the Senator from Mississippi to the sentence which it is moved to strike out. [Putting the question.] The noes appear to have it.

Mr. WILLIAMS. I will ask for the yeas and nays on that.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded?

Mr. WILLIAMS. Upon consultation with some of my colleagues it is thought better not to do it, and to dispatch business I will withdraw the call.

The PRESIDENT pro tempore. The demand for the yeas and nays is withdrawn. The noes have it and the amendment to the amendment is not adopted. The question is on the amendment offered by the Senator from Ohio [Mr. BURTON] to strike out the sentence which has been amended, upon which the yeas and nays have been ordered.

Mr. STONE. Mr. President, I desire to inquire whether at this stage, the yeas and nays having been ordered, that order can by unanimous consent be vacated and that a division instead of the yeas and nays be had upon this question. I will say, if the Chair will permit me, that with a view to expediting the business of the Senate it is thought that perhaps it would be better not to have a yea and nay vote, but that the question be taken by a division.

Mr. GALLINGER. Why not a viva voce vote first?

Mr. STONE. I ask unanimous consent to have the order for the yeas and nays vacated.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the order for the yeas and nays be vacated.

Mr. O'GORMAN. Mr. President, I think it very important that we should have the yeas and nays on this amendment, and I must withhold my consent to the request of the Senator from Missouri.

The PRESIDENT pro tempore. The Senator from New York objects. The question is on the amendment of the Senator from Ohio [Mr. BURTON] as amended. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and will vote. I vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON], who is not in the Chamber. I therefore withhold my vote. Were he present I should vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. In his absence I withhold my vote.

Mr. McCUMBER (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. PERCY]. If he were present he would vote "nay" and I should vote "yea." I am compelled to refrain from voting.

Mr. JONES (when Mr. POINDEXTER's name was called). I desire to announce that my colleague, if present, would vote "nay" on this question.

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH], but upon this question I have his written statement that if he were present he would vote "nay." As that is the way I desire to vote, I feel at liberty to vote and will do so. I vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the city. As stated by the junior Senator from Missouri [Mr. REED], he is paired with that Senator. If he were present, the Senator from Michigan would vote "nay."

Mr. SMITH of South Carolina. I have a pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "nay."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK], who is absent from the Chamber. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

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Mr. WARREN (when his name was called). I announce my pair with the Senator from Louisiana [Mr. FOSTER].

The roll call was concluded.

Mr. DILLINGHAM. I transfer the general pair I have with the senior Senator from South Carolina [Mr. TILLMAN] to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. LODGE. I desire to announce the following pairs: The Senator from Illinois [Mr. CULLOM] with the Senator from West Virginia [Mr. CHILTON]; the Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; the Senator from New Jersey [Mr. BRIGGS] with the Senator from West Virginia [Mr. WATSON]; and the Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE].

Mr. JOHNSON of Maine. I wish to announce that my colleague [Mr. GARDNER] is necessarily absent, and that if he were present, he would vote "nay."

Mr. BANKHEAD. I have a pair with the Senator from Idaho [Mr. HEYBURN] and therefore withhold my vote.

Mr. ASHURST. I have been requested to announce that the Senator from Montana [Mr. MYERS] is unavoidably detained from the Chamber and that he is paired with the Senator from Connecticut [Mr. MCLEAN].

The result was announced—yeas 11, nays 44, as follows:

YEAS—11.

Brandegee	Fall	Nelson	Root
Burton	Gronna	Oliver	Wetmore
Crane	Lodge	Penrose	

NAYS—44.

Ashurst	Cummins	Martine, N. J.	Simmons
Bacon	Dillingham	Massey	Smith, Ariz.
Borah	Fletcher	Newlands	Smith, Ga.
Bourne	Gallinger	O'Gorman	Smith, S. C.
Bristow	Johnson, Me.	Overman	Smoot
Bryan	Johnston, Ala.	Page	Stone
Burnham	Jones	Perkins	Swanson
Catron	Kenyon	Pomerene	Thornton
Chamberlain	Kern	Reed	Townsend
Clapp	La Follette	Sanders	Williams
Crawford	Martin, Va.	Shively	Works

NOT VOTING—39.

Bailey	Curtis	Hitchcock	Rayner
Bankhead	Davis	Lea	Richardson
Bradley	Dixon	Lippitt	Smith, Md.
Briggs	du Pont	McCumber	Smith, Mich.
Brown	Foster	McLean	Stephenson
Chilton	Gamble	Myers	Sutherland
Clark, Wyo.	Gardner	Owen	Tillman
Clarke, Ark.	Gore	Paynter	Warren
Culberson	Guggenheim	Percy	Watson
Cullom	Heyburn	Poindexter	

So Mr. BURTON'S amendment as amended was rejected.

Mr. WILLIAMS. As to the amendment which I offered a moment ago as an amendment to the amendment, I now wish to offer it as an amendment to the text of the bill at the appropriate place. It will be seen from the reading. I think it is on page 6, line 14.

Mr. STONE. Mr. President, while that is being looked up, I should like to ask the Senator from Connecticut if he expects to press this bill to a conclusion to-night?

Mr. BRANDEGEE. Mr. President, from the progress we have made and in the direction we are going, I have not the slightest idea we will get anywhere near a vote on the bill to-night.

Mr. CRAWFORD. I move that the Senate adjourn.

Mr. WILLIAMS. On that I call for a division.

The motion was agreed to, there being, on a division—ayes 26, noes 24; and (at 11 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 8, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August 7, 1912.*

The House met at 12 o'clock noon.

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

We bless Thee, our Father in heaven, that the way is always open for the betterment of life's conditions, but to turn to the right or to the left invites defeat while a straightforward movement toward the things which make for righteousness promises victory for the individual, for the race. Keep us, we beseech Thee, in the straight and narrow way which leads to life everlasting. In Jesus Christ our Lord. Amen.

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

Mr. MANN. Mr. Speaker, I notice from the reading of the Journal that it seems to say that the Speaker sustained the point of order yesterday made by the gentleman from Alabama [Mr. UNDERWOOD] in reference to the right to make a motion to adjourn, without stating what I understood to be the fact, that the Speaker sustained the point on the ground that the motion was dilatory, without passing upon the other question.

The SPEAKER. That is exactly correct.

Mr. MANN. I hope the Journal will be corrected in that regard.

The SPEAKER. The Chair will have that corrected. The Chair is glad that the gentleman from Illinois [Mr. MANN] brought the matter up. The gentleman from Alabama [Mr. UNDERWOOD] raised two points of order at once, or, although not exactly at once, he did get them both in at one time. The Chair intimated that he was going to sustain the first point of order, and the gentleman from Illinois said the Chair was wrong, whereupon the Chair invited him to produce his authorities, if any he had. But the gentleman from Alabama immediately raised the point of order that it was dilatory, and it was so clearly dilatory that the Chair ruled upon that point without passing upon the other one at all.

Then the Chair examined into the decisions and found this curious state of affairs—that the question had never been raised at all; that is, so far as Hinds' Precedents shows. But there is one decision there that looks as though whoever was in the Chair at the time would have held that the point of order made by the gentleman from Illinois was correct. That is as far as the authorities show.

Mr. MANN. Since the Chair has mentioned the subject, will the Chair permit me to say that this matter has been ruled upon several times since I have been a Member of Congress, and since the publication of Hinds' Precedents, and it was held that the motion was in order.

The SPEAKER. The Chair is glad to have the information. The practice has been that immediately after a quorum develops the Chair simply announces that a quorum has been developed and that the committee will resume its sitting. The philosophy of the thing seems to the Chair to be against the point of order raised by the gentleman from Illinois, although the Chair is not decided. But the Chair thinks the committee did not rise for the purpose of going back into the House, but it rose under the rule that the Chair thinks compelled the committee to rise. But the Chair will investigate that matter thoroughly before he rules on it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed 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. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The message also announced that the Senate had still further insisted upon its amendments to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House to the amendments of the Senate numbered 2, 3, and 4, asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 7012) to permit the construction of a subway and the maintenance of a railroad under the post-office building, at or near Park Place, in the city of New York.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 7195) to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the call rests with the Committee on Patents.

TRANSPORTATION FOR CERTAIN AMERICAN CITIZENS IN MEXICO.

Mr. SMITH of Texas. Mr. Speaker, a great emergency exists for the immediate passage of Senate joint resolution 129, as amended by the House Committee on Military Affairs, and I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Texas [Mr. SMITH] asks unanimous consent to consider what he says is an emergency resolution. The Chair really does not know what is in it.

Mr. MANN. I ask, Mr. Speaker, that it be reported.

The SPEAKER. The Clerk will report the Senate joint resolution.

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in their generation and I hope becoming wiser—and I have no doubt there will be much wiser men in this Chamber after a few of the old men, of whom I am one, have departed from it—I have believed that in the wisdom of the American Congress—and I will use a term that is sometimes sneered at—in the patriotism of the American people a remedy will be found for this condition. But it will not be found if we force the American people to go abroad and buy their ships and so forever close the avenue of hope, so far as our American shipyards are concerned in the construction of ships for the over-sea traffic.

That is my view, and holding that view I simply wish to register my protest against this amendment, and I shall expect to look back upon my vote with satisfaction after I have passed from this great forum, and after some one else shall occupy the place that I am trying to fill. With that statement I am content to have the matter go to a vote, and if our Democratic friends, with some recruits from this side, can muster votes enough to put us on a free-trade basis in the matter of ships, my protest will be unavailing so far as the result is concerned, but it will at least be gratifying to me to reflect that I made it.

Mr. SHIVELY. Mr. President, the difficulty is that we are on no basis whatever at present, so far as shipbuilding for ocean foreign commerce is concerned. The Senator and those who agree with him are not and can not be more ambitious than is this side of the Chamber to see our merchant marine again upon all the seas and the flag of our country in every port on the globe. The restoration is not to be accomplished on the lines pursued in the past two score years. All artificial expedients have been tried and have dismally failed. Neither the British nor the Germans sacrificed their shipyards when they went out into the world for ships. On the contrary, they recognized their merchant marine as the superior and commanding interest.

Mr. WILLIAMS. I offer the following amendment, which I send to the Secretary's desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 6, line 14, after the words "United States," insert the following:

That all legal prohibitions upon the American registration of foreign-built ships for foreign trade are hereby repealed: *Provided*, The ships are exclusively of American ownership.

The PRESIDENT pro tempore. The question is on agreeing to the amendment just offered. [Putting the question.] The noes appear to have it.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were ordered.

lieve it should not be brought up on this bill. I am exceedingly anxious to see the bill now before the Senate pass and become a law, and for that reason I am sorry to see it incumbered by anything that might jeopardize its final passage. It is for that reason, without going into its merits, that I feel inclined to vote against the amendment.

Mr. JOHNSON of Maine. Mr. President, I shall vote against this amendment; and in explanation of that vote I wish to say that I will cast the vote without reference to the merits of the amendment, because I think a subject of such great importance should not be made a mere incident as an amendment on this bill, which has now been under consideration so long; that it is of such importance that it should be the subject of exclusive and special legislation and our own navigation laws revised, and revised when the Senate is in condition to give attention to that matter. For that reason I shall vote, as I have said, against the amendment without reference to its merits.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi on which the yeas and nays have been ordered.

Mr. WILLIAMS. I ask for the yeas and nays.

Mr. GALLINGER. Call the roll.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

The Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. If I were at liberty to vote I would vote "nay."

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote. If he were present and I were at liberty to vote I would vote "nay."

Mr. CULLOM (when his name was called). I will transfer my pair with the junior Senator from West Virginia [Mr. CHILTON] to the senior Senator from South Dakota [Mr. GAMBLE] and vote. I vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As I do not see him in the Chamber, I withhold my vote.

Mr. WILLIAMS (when Mr. PERCY's name was called). I desire to state that my colleague [Mr. PERCY] is necessarily absent. He is paired. If he were present he would vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH of Michigan] is unavoidably absent from the city. He is paired with the junior Senator from Missouri [Mr. REED]. On this question I can not say how my colleague would vote if present.

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and a transfer of my pair to the Senator from Maine [Mr. GARDNER]. I vote "yea."

Mr. SUTHERLAND (when his name was called. I have a general pair with the Senator from Maryland [Mr. RAYNER]. In his absence I withhold my vote.

The roll call was concluded.

Mr. LODGE. I desire to announce that the Senator from New Jersey [Mr. BRIGGS] is paired with the Senator from West Virginia [Mr. WATSON].

The Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN].

The Senator from Kansas [Mr. CURTIS] is paired with the Senator from Arkansas [Mr. DAVIS].

The Senator from Montana [Mr. DIXON] is paired with the Senator from Texas [Mr. BAILEY].

The Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER].

The Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from Oklahoma [Mr. GORE].

The Senator from Wyoming [Mr. WARREN] is paired with the Senator from Louisiana [Mr. FOSTER].

Mr. LIPPITT. I have a general pair with the senior Senator from Tennessee [Mr. LEA]. If I were at liberty to vote, I would vote "nay."

Mr. REED. Upon this bill I have a pair with the Senator from Michigan [Mr. SMITH]. I have his instruction in reference to his position upon the bill on various matters, but not with reference to this particular matter. I therefore feel bound by the pair not to vote. I, however, transfer my pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "yea."

Mr. MARTINE of New Jersey. I desire to announce the pair of the Senator from Arkansas [Mr. DAVIS] with the Senator from Kansas [Mr. CURTIS]. I make this announcement for the day.

Mr. SWANSON. I desire to announce the pair of the senior Senator from West Virginia [Mr. WATSON] with the senior Senator from New Jersey [Mr. BRIGGS].

Mr. SIMMONS (after having voted in the affirmative). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer that pair to the Senator from Arkansas [Mr. CLARKE] and will let my vote stand.

Mr. MCCUMBER. I announce my pair with the senior Senator from Mississippi [Mr. PERCY], and therefore withhold my vote.

Mr. CLARK of Wyoming. I desire to announce that my colleague [Mr. WARREN] is unavoidably absent from the Chamber on account of important business for the Senate.

Mr. WILLIAMS. I have been requested to announce that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN].

Mr. SHIVELY. I was requested to announce that the senior Senator from Missouri [Mr. STONE] is necessarily absent from the Chamber, but that he is paired with the senior Senator from Wyoming [Mr. CLARK].

The result was announced—yeas 34, nays 24, as follows:

YEAS—34.

Ashurst	Johnston, Ala.	Nelson	Smith, Ariz.
Bacon	Jones	O'Gorman	Smith, Ga.
Bryan	Kenyon	Overman	Smith, S. C.
Chamberlain	Kern	Page	Swanson
Crawford	La Follette	Poindexter	Tillman
Cummins	McLean	Reed	Townsend
Fall	Martin, Va.	Root	Williams
Fletcher	Martine, N. J.	Shively	
Gronna	Myers	Simmons	

NAYS—24.

Bankhead	Catron	Johnson, Me.	Pomerene
Bourne	Crane	Lodge	Sanders
Bradley	Cullom	Massey	Smoot
Brandegee	Dillingham	Oliver	Thornton
Bristow	Gallinger	Penrose	Wetmore
Burton	Heyburn	Perkins	Works

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NOT VOTING—36.

Bailey	Culberson	Guggenheim	Rayner
Borah	Curtis	Hitchcock	Richardson
Briggs	Davis	Lea	Smith, Md.
Brown	Dixon	Lippitt	Smith, Mich.
Burnham	du Pont	McCumber	Stephenson
Chilton	Foster	Newlands	Stone
Clapp	Gamble	Owen	Sutherland
Clark, Wyo.	Gardner	Paynter	Warren
Clarke, Ark.	Gore	Percy	Watson

So Mr. WILLIAMS's amendment was agreed to.

Mr. GALLINGER. I submit an amendment to follow the amendment just adopted. After it has been read I desire to say a word concerning it.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be read.

The SECRETARY. Following the amendment just agreed to, on page 6 insert the following proviso:

Provided, That foreign-built ships admitted pursuant to this section shall not be entitled to mail contracts under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. GALLINGER. Mr. President, the danger and the misfortune of enacting legislation in a hurried manner without giving it consideration is so well illustrated by the adoption of the amendment of the Senator from Mississippi as it possibly could be in any other way. We have voted to purchase ships abroad, to put them in the foreign trade, and unless there is some inhibition they will come under the provisions of the act of 1891, which gives mail contracts to ships engaged in the foreign trade under certain conditions.

In that act it is provided that the ships shall be built on plans approved by the Navy Department with reference to prompt and economical conversion into auxiliary cruisers and transports in time of war, and unless they are so built they can not receive these mail subventions, or whatever you choose to call them. Yet we have adopted an amendment whereby we will go abroad and buy ships constructed not according to the plans of our Navy Department, with no provision for their conversion into auxiliary cruisers in time of war, and put them into the service of the United States. If these auxiliary naval and mail ships were built abroad the confidential plans of the Navy Department as to their gun mounts, magazines, etc., would have to be placed in the hands of foreign shipbuilders for execution, and would undoubtedly come into the possession of foreign Governments.

Mr. WILLIAMS. I should like to ask the Senator from New Hampshire a question.

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

Mr. GALLINGER. With pleasure.

Mr. WILLIAMS. Is not this subvention, or whatever it is, dependent upon these ships being built in a certain way upon certain prescribed lines——

Mr. GALLINGER. That is the requirement as to our ships, but when we go in——

Mr. WILLIAMS. In order to receive the subvention——

Mr. GALLINGER. That is the requirement as to ships built in our American shipyards.

Mr. WILLIAMS. All ships of every description built in American shipyards——

Mr. GALLINGER. Engaged in the foreign trade.

Mr. WILLIAMS. And all are required to enter into this agreement as to naval purposes?

Mr. GALLINGER. They are.

Mr. WILLIAMS. It would appear, then, Mr. President, if I understand it, that the subvention is dependent upon the fact that they are built in conformity with certain prescribed plans.

Mr. GALLINGER. Yes.

Mr. WILLIAMS. If that be the case, then there is nothing in the amendment that would admit these foreign-built ships to those subventions at all. The only thing that the amendment which was adopted by the Senate has done was to repeal the navigation laws in so far as they refuse American registry to ships built for American owners in foreign yards.

Mr. GALLINGER. Mr. President, I am not at all sure that the Senator is right. The conditions under which our ships are built apply to ships built in American shipyards. If we are going abroad to buy ships, there is no inhibition on this point concerning ships that we purchase abroad. What I want to accomplish is to put an inhibition in some form or other in the bill that these ships shall not then get a subvention unless they come up to the standard that is required of American-built ships.

I will ask that the amendment be read again. I think the Senator was absent when it was read.

The PRESIDING OFFICER. It will be again read.

The Secretary again read Mr. GALLINGER's amendment.

Mr. GALLINGER. It is manifest——

Mr. WILLIAMS. That is a little different, if the Senator will pardon me, from the matter as I understood him to state it. If he would add there "unless they are of the type of ships which being built in American shipyards are entitled to the subvention," there might be no objection to his amendment, but in its present shape it merely emasculates the amendment which was just adopted by the Senate.

Mr. GALLINGER. I am not quite sure that it does that nor am I sure that the Senator's suggestion is quite a sound one. I imagine there is no nation on the face of the earth that will send its plans for the construction of a ship that can be converted into a cruiser in time of war into the shipyards of another nation.

Mr. WILLIAMS. That seems to me to be a very plausible statement; I think it is probably true; but, if that be the case, if the Senator would add to his amendment "unless the ships hereafter built in foreign yards are built along the lines prescribed by this act," then, I think, it would not emasculate the amendment just passed. I understand that to be the Senator's object.

Mr. GALLINGER. I had a further amendment, which I had thought of offering.

Mr. WILLIAMS. That is, if our Navy Department did not want to send plans over and these were not so built, then by the very operation of law they would not be entitled to a quid pro quo.

Mr. GALLINGER. I am delighted to know that the Senator and I reach common ground on this matter. I had contemplated and had very hastily written another amendment, in view of the fact that I thought this might not be agreed to. Now they can be combined:

That foreign-built ships admitted pursuant to this section shall not be entitled to mail contracts under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce."

Let us add:

Unless such foreign-built ships shall be constructed according to plans approved by the Navy Department as provided for in this act.

Mr. WILLIAMS. That is treating both equally. I have no objection.

Mr. GALLINGER. I will take a little time to rewrite this amendment, and before the bill passes from the Committee of the Whole I will submit it.

Mr. BRANDEGEE. I ask that the Secretary read the proposed amendment as advocated by Prof. Johnson, which I send to the desk.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. On page 6, line 17, after the word "commerce," insert the following:

The rate of tolls may be lower upon vessels in ballast than upon vessels carrying passengers or cargo.

Mr. BRANDEGEE. I think that amendment should be agreed to.

The amendment was agreed to.

Mr. BRANDEGEE. In connection with that, though it is not immediately following, Prof. Johnson suggested that on page 7, line 13, at the end of the line, after the proviso, down as far as and including the word "cargo," in line 19, should be stricken out. When we reach that I will ask that it may be stricken out. I ask the Secretary to state the next amendment in order.

The SECRETARY. On page 6, line 20, after the word "less," strike out the comma and the words "other than for vessels of the United States and its citizens."

Mr. BRANDEGEE. I think that is a mistake, and, although it is a committee amendment, the clause should stay in. The language of the House provides that—

When based upon net registered tonnage for ships of commerce the tolls shall not exceed $1.25 per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual maintenance and operation of the canal, etc.

Now, we have adopted the principle of free tolls for ships engaged in our domestic commerce. That would be directly in conflict with the provision if it was stricken out, it seems to me. I suggest that the amendment be disagreed to and that the House provision stand.

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

The amendment was rejected.

The next amendment of the committee was, on page 6, line 25, after "1903," to insert:

No tolls shall be levied upon vessels of American registry engaged in the foreign trade if the owners agree that such vessels may be taken and used by the United States in time of war or other public

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I undertook to distinguish between coastwise vessels and those engaged in the foreign trade on the ground that the former were engaged in domestic business, and that our policy, as is the policy of nearly all countries, was to permit none but American vessels to engage in that trade, and that our discrimination was not for American vessels, but for the coastwise trade itself. When we come to the proposition of the foreign trade, I can not escape the conclusion that we have agreed that our citizens shall pay the same, when taking vessels through this canal, that the citizens of Great Britain and other countries pay. If we let our citizens through free, then we must let everybody through free covered by this treaty.

We have a treaty with Great Britain that provides that disputes with reference to treaties shall be submitted to arbitration, and I think, if we vote for this amendment, we ought to do it with the distinct understanding that we are going to return any tolls to be collected from the vessels of other countries. I am not discussing the wisdom of such an agreement, but it has been made. It is the contract that our Government has made.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. Certainly.

Mr. BRISTOW. Of course, the Senator understands that there are a great many of us who disagree with him wholly and totally as to such a contract having been made. I want to put that in the RECORD, because the statement is made with such emphasis by those who hold the view that the Senator does—that this is a binding contract—and it is stated in such a way as to lead one to infer that it is admitted to be a binding contract. For myself, I have not discussed this question; it has been discussed at very great length and very ably by other Senators who are far more able to discuss it than I, but I do not believe that any such agreement was ever made that embarrasses us in the slightest degree in permitting our ships to go through the canal without the payment of tolls.

Mr. SMITH of Georgia. Mr. President, I never suggested that the Senator from Kansas had the view which I entertain. I understand that he does not entertain that view; but, with great respect for his ability and his genius as a journalist and a legislator, I can not escape my own conclusion as to the legal effect of the terms of the treaty; and I have not a doubt about their meaning. If I were on the court of arbitration, with my convictions as to their meaning, I could not escape holding that if we let our vessels engaged in the foreign trade through the canal free, we would have to return tolls collected from vessels of other nations engaged in the foreign trade. Having arrived at that conviction after most careful consideration of the treaty, with a desire to reach a different conclusion, with a provision in an existing treaty that we must arbitrate any dispute growing out of the construction of a treaty, if the question is raised, after we adopt the Senate amendment and after we have charged tolls against English vessels, as to whether we should retain or return those tolls, I have no question that the decision would be that we should return them. If I myself were on the board of arbitration at that time I would be obliged to vote that the money should be returned; and I have no doubt that it will be returned.

I had not wished to express my opinion with reference to this part of the treaty upon the floor of the Senate, because that opinion was against the interest of our own Government, but when I see a measure apparently possible of adoption, the effect of which to me is so absolutely certain upon our country, I think it better now frankly to express the opinion than silently to sit by without doing so.

I am opposed to giving free passage through the canal in any event. I do not think it good policy. It is a very different proposition to extend free passage to the domestic trade and to broaden it to the foreign trade. The remission of tolls to ships in the domestic trade helps to regulate our transcontinental transportation by railroads; it benefits a far greater number of our people than would a like exemption in the case of the foreign trade. The number who derive the benefit is much less in the case of foreign trade. I do not, however, put it especially upon that ground; I put it especially upon the ground that I do not doubt the effect of such a course with reference to the final return of every dollar of tolls we collect from the vessels of other countries.

Mr. THORNTON. Mr. President, in the committee the line of cleavage was not between those who favored free passage for American ships engaged in the coastwise trade and did not favor free passage for American ships engaged in the foreign trade, but the line of cleavage was between those who were opposed to free passage for any American ships and those who were in favor of free passage for all American ships. There was no dispute or discussion in the committee about the principle that if our coastwise ships were allowed to go through the canal free of toll then we should also allow American ships engaged in the foreign trade to go through free of toll, though there was on the part of two members of the committee—and I was one of them—a question as to the possible right under the treaty of permitting American vessels engaged in the foreign trade to go through free of toll. As I have already stated, I have resolved whatever doubt I then had in the matter in favor of the proposition that permits all American ships to go through free of toll, the proposition that is embodied in the amendment that we are now discussing. I think that if we should allow free passage to one class, we should allow it to the other class, and if this amendment is voted down, like the Senator from Kansas [Mr. BRISTOW], I shall be in favor of reconsidering the vote by which the word "exclusively" was inserted last night, and shall advocate striking out that word.

Mr. McCUMBER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

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

Bacon	Cullom	McCumber	Root
Bailey	Cummins	McLean	Simmons
Bourne	Dillingham	Martin, Va.	Smith, Ga.
Bradley	du Pont	Martine, N. J.	Smith, Md.
Brandegee	Fall	Massey	Smoot
Bristow	Fletcher	Myers	Sutherland
Bryan	Gallinger	O'Gorman	Swanson
Burnham	Gronna	Oliver	Thornton
Burton	Johnson, Me.	Overman	Townsend
Catron	Johnston, Ala.	Page	Wetmore
Clapp	Jones	Perkins	Williams
Clark, Wyo.	Kenyon	Poindexter	
Crane	La Follette	Pomerene	
Culberson	Lippitt	Reed	

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] is absent on the business of the Senate.

Mr. WILLIAMS. My colleague [Mr. PERCY] is unavoidably absent upon necessary business. He is paired. I ask that this statement stand for the day.

Mr. BRADLEY. I desire to state that the Senator from Arizona [Mr. ASHURST] is unavoidably absent.

The PRESIDENT pro tempore. Fifty-three Senators have responded to their names. There is a quorum of the Senate present.

The question is on the adoption of the amendment which has already been stated; and upon that the Senator from North Dakota has demanded the yeas and nays.

Mr. CULBERSON. What is the amendment?

The PRESIDENT pro tempore. The Secretary will again state the amendment, giving the line and page.

The SECRETARY. On page 6, line 25, after the words "nineteen hundred and three," insert:

No tolls shall be levied upon vessels of American registry engaged in the foreign trade if the owners agree that such vessels may be taken by the United States in time of war or other public emergency, in the discretion of the President, upon payment to the owners of the fair actual value at the time of the taking; and if there shall be a disagreement as to the fair actual value of the same at the time of the taking between the United States and the owners, then the same shall be determined by two disinterested appraisers, one to be appointed by each of the said parties, they at the same time selecting a third, who shall act in said appraisement in case the two fail to agree; and the decision of any two of the appraisers shall be final and conclusive.

The PRESIDENT pro tempore. The question is on the adoption of the amendment which has just been stated, and on which the Senator from North Dakota has demanded 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]. In the absence of that Senator, I withhold my vote. If I were permitted to vote, I should vote "yea."

Mr. CULLOM (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer it to the senior Senator from South Dakota [Mr. GAMBLE], and will vote. I vote "yea."

Mr. LIPPITT (when his name was called). I again announce my pair. If I were in a position to vote, I should vote "yea."

Mr. McCUMBER (when his name was called). I announce my pair with the senior Senator from Mississippi [Mr. PERCY], but understanding he would vote the same as I would on this question, I take occasion to vote. I vote "nay."

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Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr SMITH]. Upon this matter I have the authority of the Senator with whom I am paired to vote, because we agree upon the proposition. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague is necessarily absent from the city. He is paired as the Senator from Missouri [Mr. REED] has stated. If my colleague were present and at liberty to vote, he would vote "yea."

Mr. OVERMAN (when the name of Mr. SMITH of South Carolina was called). I have been requested to announce that the Senator from South Carolina [Mr. SMITH] has been suddenly called away by important matters, and is paired with the Senator from Delaware [Mr. RICHARDSON].

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER], and withhold my vote on account of his absence.

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is absent on business of the Senate. He is paired with the Senator from Louisiana [Mr. FOSTER].

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE]. I transfer the pair to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

The roll call was concluded.

Mr. HEYBURN (after having voted in the affirmative). I inquire if the senior Senator from Alabama [Mr. BANKHEAD] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. HEYBURN. Then, having a pair with that Senator, I withdraw my vote.

The result was announced—yeas 37, nays 24, as follows:

YEAS—37.

Ashurst	Crawford	Martine, N. J.	Smoot
Bourne	Cullom	Massey	Stone
Bradley	Cummins	O'Gorman	Thornton
Brandegee	Fletcher	Oliver	Tillman
Bristow	Gallinger	Perkins	Townsend
Burnham	Johnston, Ala.	Poindexter	Wetmore
Chamberlain	Jones	Reed	Works
Clapp	Kenyon	Sanders	
Clark, Wyo.	Kern	Simmons	
Crane	Lodge	Smith, Ariz.	

NAYS—24.

Bacon	du Pont	Martin, Va.	Root
Bryan	Fall	Myers	Shively
Burton	Gronna	Newlands	Smith, Ga.
Catron	Johnson, Me.	Overman	Smith, Md.
Culberson	McCumber	Page	Swanson
Dillingham	McLean	Pomerene	Williams

NOT VOTING—33.

Bailey	Dixon	Lea	Smith, Mich.
Bankhead	Foster	Lippitt	Smith, S. C.
Borah	Gamble	Nelson	Stephenson
Briggs	Gardner	Owen	Sutherland
Brown	Gore	Paynter	Warren
Chilton	Guggenheim	Penrose	Watson
Clarke, Ark.	Heyburn	Percy	
Curtis	Hitchcock	Rayner	
Davis	La Follette	Richardson	

So the amendment was agreed to.

Mr. GALLINGER. Mr. President, a few minutes ago I suggested an amendment, calling the attention of the Senator from Mississippi to it, and it was agreed that I should perfect it in accordance with the act of March 3, 1891. I have done so, and I now offer the amendment to follow the amendment that was adopted on motion of the Senator from Mississippi.

Mr. WILLIAMS. I understand that in the wording of the amendment the Senator from New Hampshire has used the exact language of the act of Congress, and the effect of it will be simply to place ships flying the American flag that were built in foreign shipyards upon an exact and equal footing with ships flying the American flag built in American shipyards?

Mr. GALLINGER. I have used the exact language.

Mr. WILLIAMS. That being the case, I have no objection.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from New Hampshire.

The SECRETARY. It is proposed to add, after the amendment offered by the Senator from Mississippi, and which has been agreed to, on page 6, in line 14, after the word "United States," the following words:

Provided further, That foreign-built ships admitted pursuant to this section shall not be entitled to mail contracts under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," unless such ships shall be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, according to plans and specifications to be agreed upon by and between the owners and the Secretary of the Navy, and shall be of sufficient strength and stability to carry and sustain the working and operation of at least four effective rifled cannon of a caliber of not less than 6 inches, and shall be of the highest rating known to maritime commerce; and all such ships before being accepted shall be subjected to the same inspection as is provided in the act of March 3, 1891.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from New Hampshire, which has just been read.

The amendment was agreed to.

The SECRETARY. The next amendment of the committee is on page 8——

Mr. BRANDEGEE. Before we get to that, Mr. President, Prof. Johnson has suggested that in line 24, at the bottom of page 7, there be stricken out the language:

The toll for each passenger shall not be more than $1.50.

I submit that to the Senate. I do not know why there should be any limit on the matter. I do not know why the tolls should not be fixed by the President the same as the toll on the vessel is fixed. I move that the language I have read be stricken out in lines 24 and 25

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 7, lines 24 and 25, strike out the words:

The toll for each passenger shall not be more than $1.50.

Mr. REED. Mr. President, I think the Senate ought to have some better reason for changing the House bill than that some one man says the provision ought not to be contained in the bill, and gives no reason for it.

Mr. BRANDEGEE. I gave the reason that influenced me in it, which was that I did not see any reason why there should be a limit and why it should not be left to the discretion of those who are to fix the passenger tolls. It is perfectly immaterial to me whether it stays in or goes out.

The PRESIDENT pro tempore. The question is on agreeing to the amendment striking out the words which have been read.

The amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will report the next committee amendment.

Mr. BRISTOW. Mr. President, I want to call the attention of the chairman of the committee to the language in line 22, page 7, after the word "determined":

Nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal.

That is so indefinite that it seems to me it ought to be stricken out. It did not receive the attention of the committee. It has been called to my attention since we have had the bill in the Senate. It might be $5 a ton or 50 cents a ton. There is no way of determining what it will be.

Mr. BRANDEGEE. I have noticed that right along. It is in the House bill. I think it is a cumbersome provision, and I do not see how they could tell what "the estimated proportionate cost of the actual maintenance and operation of the canal" is until it has been operated, say, for a year, to find what is the total cost and then divide it by the total tonnage of the vessels that go through the canal. I think it would be impracticable for the first year, anyhow, and I have no objection to the words going out.

Mr. BRISTOW. Striking it out will throw it into conference, and if there is any reason for inserting it again, it can be restored. I move that the words in lines 22, 23, and 24 be stricken out, as follows:

Nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal.

The PRESIDENT pro tempore. The question is on the adoption of the amendment striking out the words indicated by the Senator from Kansas.

Mr. REED. Mr. President, it seems to me there ought to be some limitation on these tolls. Now this proposition is to strike out the clause which proposes that the tolls must be equal to the cost of maintenance and operation. There can be but one purpose in striking it out, and that is to operate this canal at a dead loss to our Government. It does seem to me that it is only a reasonable limitation that we shall get sufficient revenue to pay for the maintenance and upkeep of the canal, and while it may be said that the President would not go below that, what is wrong about the Congress saying he shall not?

Mr. BRISTOW. If the Senator understood my remarks when I suggested the amendment, I said there is no way of determining what that amount would be. If the Senator thinks there ought to be a minimum, if he will suggest a minimum, we might put in a minimum there. This is so vague and indefinite that there is no way of determining what it is.

Mr. REED. Of course, these words would have to receive a reasonable interpretation in view of the circumstances. Now, what are they? We have a canal upon our hands, and we are

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Mr. PERKINS. I will state that for 40 years and more I have been a member of the Chamber of Commerce of San Francisco, and twice its president. I am personally acquainted with many of the firms and individuals who signed the dispatches, and I say without reservation that they are gentlemen of the highest character and are men of integrity and reliability. I do not believe any one of them would sign a telegram or a petition or be improperly influenced by any selfish interest. There is no question as to the standing and reliability of the gentlemen signing the telegrams.

Mr. BRANDEGEE. And yet it is claimed that the voting membership of the chamber of commerce has been intimidated by Mr. Schwerin to state what is false.

Mr. CHAMBERLAIN. Mr. President——

Mr. BRANDEGEE. I can not yield at this time. I have only a half a minute, which I want to use myself.

I ask to insert in the RECORD the report of the House Committee on the Merchant Marine and Fisheries, as showing that the real danger of throttling competition through the canal is not from the steamboats owned by railroads, but is from the foreign steamships controlled by rings, combines, pools, and conferences.

The report is as follows:

[House Report No. 632, Sixty-second Congress, second session.]

AMERICAN TRADE AND FOREIGN SHIPPING MONOPOLIES.

Mr. HUMPHREY of Washington, from the Committee on the Merchant Marine and Fisheries, submitted the following report to accompany H. R. 23470:

The Sherman antitrust law invests the several courts of the United States with jurisdiction to prevent and restrain violations of the act, and the Supreme Court has given very broad construction to this enactment. In the Northern Securities case (193 U. S., 197) Justice Harlan, in writing the opinion of the court, said:

"If there was a combination or conspiracy in violation of the act of Congress between the stockholders of the Great Northern and the Northern Pacific Railway Cos., whereby the Northern Securities Co. was formed as a holding corporation, and whereby interstate commerce over the lines of the constituent companies was restrained, it must follow that the court, in execution of that act and to defeat the efforts to evade it, could prohibit the parties to the combination from doing the specific things which, being done, would affect the result denounced by the act. To say that the court could not go so far is to say that it is powerless to enforce the act or to suppress the illegal combination, and powerless to protect the rights of the public as against that combination." (Pp. 356–357.)

In the case of United States *v.* American Tobacco Co. the court held that in order to enable it to award relief coterminous with the ultimate redress of the wrongs which it found to exist it must approach the subject of relief from an original point of view, and stated that—

"We might at once resort to one or the other of the two general remedies—(*a*) the allowance of a permanent injunction restraining the combination as a universality and all the individuals and corporations which form a part of or cooperate in it in any manner or form from continuing to engage in interstate commerce until the illegal situation be cured, a measure of relief which would accord in substantial effect with that awarded below to the extent that the court found illegal combinations to exist; or (*b*) to direct the appointment of a receiver to take charge of the assets and property in this country of the combination in all its ramifications for the purpose of preventing a continued violation of the law, and thus working out by a sale of the property of the combination or otherwise, a condition of things which would not be repugnant to the prohibitions of the act." (221 U. S., pp. 186–187.)

Nevertheless, for the reasons stated in the opinion, the court remanded the case to the circuit court for the purpose of working out a plan or method of dissolving the combination before the court in that case and of recreating out of the elements composing it a new condition honestly in harmony with and not repugnant to the law.

In the equity suits brought by the Attorney General against the North Atlantic shipping pool and the Asiatic shipping pools, respectively, the prayer for relief, among other things, asked the court to adjudge the combination to be illegal and to enjoin the ships employed in the combination from making clearance at the ports of the United States until such combination shall be dissolved. There seems to be no doubt of the power of the Federal courts under the act, as construed by the Supreme Court, to award such relief, if it shall deem it necessary, in order to accomplish the ends of justice, but such relief would be secured under the existing law only by way of injunction against the owners of the ship from making entry or applying for clearance, whereas there is no distinct prohibition against the officials of the United States acting upon such applications. In order to make it perfectly clear that in case of an adjudication that an unlawful combination of shipowners exists in violation of the Sherman antitrust law, a dissolution of that combination may be effectually secured by prohibiting all entry and clearance privileges until the combination is dissolved. This bill makes it unlawful for such vessel or vessels to so enter or clear until the court shall find that the unlawful combination has been dissolved and imposes a penalty upon the vessel which makes entry or clearance in violation of the provisions of such decree. It also authorizes and directs the Postmaster General to cancel any contract for carrying the ocean mails upon satisfactory evidence to him that any vessel performing such service under such contract at the time of performing service is owned, operated, or controlled by any party to such unlawful combination.

The act, therefore, makes more effectual the remedies for violation of the law and will tend to compel foreign shipowners to respect a law which they are now systematically violating.

It is a matter of common knowledge that more than 90 per cent of the over-sea trade of this country is carried by foreign ships that belong to rings, pools, conferences, and combines. Between these ships there is absolutely no competition. Each conference or combine is a complete monopoly. Freight and passenger rates are fixed by agreement. The lines in these combines distribute the business, pool their earnings, and divide their profits. They agree as to the number of vessels that each company shall run. They agree as to the amount of traffic that each line shall carry. They combine to drive out any independent lines. To do this they designate what they call "fighting" ships, and these ships are run over the same course on practically the same schedule as the independent vessels, with instructions to cut rates to any extent necessary to drive the independent line out of business. When this is accomplished the loss sustained is divided among the lines in the combine.

These foreign steamship monopolies also largely dictate the ports of this country through which both freight and passenger traffic shall pass. They also largely control railroad rates in this country, both freight and passenger. Our railroad agents are instructed that they will receive no commission on the sale of passenger tickets from interior points in Europe unless that ticket reads over one of the conference lines of steamships.

These foreign monopolies also practice the rebate system in all its iniquitous and devious ways. The rate that every ton of freight and every passenger must pay to cross the Atlantic Ocean is fixed by written agreement made in advance in Europe. In the fixing of these rates American interests are not considered. Only the interests of the foreign steamship lines are represented.

The foreign steamship combinations carrying our over-sea trade are the most complete monopolies in the world. Being monopolies, their rates are unjust and oppressive. The rates between this country and Europe and between this country and South America are exorbitant and far higher than a fair compensation for the services performed. These combines annually unjustly levy millions upon American commerce. To a great extent they have destroyed our foreign trade, not only by exorbitant freight rates, but by discriminating against us in all the ports of the world in favor of the products of their own country. These lines admit all the charges that have been made against them—that they are in combination to suppress competition; to fix rates; to increase their earnings; to advance the commercial interests of the nation whose flag they fly. They admit that they openly violate our law. Their answer to these charges is that what they do is legal in their own country; that they do not believe in the laws of our country or have any respect for them, and they ask this question: "We are foreign ships belonging to foreign corporations and owe allegiance to a foreign government, and if we do not choose to obey your laws, what are you going to do about it?"

This bill is answer to this impudent and defiant question. This country will not have one law for our own people and another for the foreigner that does business in this country. We are to-day in a most humiliating condition. Our ships have practically disappeared from the sea. Our commerce is at the mercy of foreigners. They dictate the terms upon which it is carried and openly violate our laws. It is not conceivable that this Government stands helpless before this giant foreign monopoly.

It is the unanimous report of the committee that the bill do pass.

Mr. CHAMBERLAIN. I desire to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Connecticut declines to yield.

Mr. CHAMBERLAIN. I desire to present a request for a unanimous-consent agreement, and I desire to present it now.

Mr. BRANDEGEE. I make the point of order that under the unanimous-consent agreement no business can intervene at this time.

The PRESIDENT pro tempore. The Chair is bound to sustain the point of order.

Mr. WORKS. Mr. President, in view of the vote that I expect to cast on one or two of these amendments, I think I should explain my position somewhat.

I have declared for the principle that no railroad company should be allowed to own any stock in or have any control over a steamship line. I have been convinced, however, from what has been said here, particularly by the attitude of Senators who represent one section of the country, that it is perhaps unwise to undertake to enforce that rule to its full extent in legislating upon the matter of the Panama Canal. For that reason I shall favor the amendment that is offered here to confine this legislation in this respect to steamers passing through the canal, in view of the fact of the disturbance it may bring about in New England and in conditions there, when all the representatives of that section of the country say they do not desire that any disturbance should result from any legislation at this time, and with the fact in view that there has not been such consideration of conditions there as I think ought to be had before legislating upon this subject to that extent.

The PRESIDENT pro tempore. The hour of 5 o'clock having arrived, the Chair will have the Secretary read the consent order to be executed at this time.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, August 9, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill H. R. 21969, the Panama Canal bill, so called, and that at not later than 5 o'clock p. m. on said day the Senate will proceed, without further debate, to vote upon any amendment that may be pending to the bill, any amendments that may be offered, and upon the bill itself—through the regular parliamentary stages—to its final disposition.

The PRESIDENT pro tempore. The pending amendment will be read by the Secretary.

The SECRETARY. The pending amendment is the amendment offered by the junior Senator from Georgia [Mr. SMITH], on page 19, line 22, after the words "carrier by water," to insert "operated through the Panama Canal."

The PRESIDENT pro tempore. The question is on the adoption of the amendment just read.

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Mr. REED. I desire to have the amendment again read. There was some confusion in the Chamber.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The Secretary again read the amendment.

Mr. LA FOLLETTE. I ask for a roll call on agreeing to the amendment.

The PRESIDENT pro tempore. The Senator from Wisconsin demands the yeas and nays on the adoption of the amendment.

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

Mr. WATSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is absent on account of personal illness. He is, however, paired with the Senator from Illinois [Mr. CULLOM].

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I have transferred that pair to the senior Senator from South Dakota [Mr. GAMBLE], and I vote "yea."

Mr. JOHNSON of Maine (when Mr. GARDNER's name was called). My colleague [Mr. GARDNER] is necessarily absent. If present, he would vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], but I have an agreement with him that on all questions connected with section 11 that affect the coastwise trade I may be released from that pair. So I will vote. I vote "yea."

Mr. REED (when his name was called). I vote "nay." I wish to say by way of explanation that I have a pair with the Senator from Michigan [Mr. SMITH], but as I interpret his instructions I am at liberty to vote upon this question. As I understand his instructions, he would vote as I do if he were present.

Mr. TOWNSEND. If I may be permitted, the memorandum the Senator has is one I prepared and handed to him. I wish to say, to correct any misunderstanding about the views of my colleague, that the senior Senator from Michigan would vote "yea" on this proposition. I did not understand how the Senator from Missouri would vote.

Mr. REED. I voted "nay." I so interpreted the language of the document the Senator from Michigan [Mr. TOWNSEND] handed me and so interpreted my talk with the Senator from Michigan. However, if there is any doubt whatever in regard to it, I, of course, will take the construction of the colleague of the Senator with whom I am paired. I will withdraw my vote and transfer my pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH] is unavoidably absent from the city. I can state with a good deal of confidence that he instructed me to say that he would vote "yea" on this proposition if here. Although he did not expect it to come up in just this form, he is in favor of relieving boats other than those going through the Panama Canal from restrictions.

Mr. OVERMAN (when the name of Mr. SMITH of South Carolina was called). I was requested to announce that the Senator from South Carolina [Mr. SMITH] is unavoidably absent, and that he is paired with the Senator from Delaware [Mr. RICHARDSON].

Mr. SMOOT (when Mr. STEPHENSON's name was called). The junior senator from Wisconsin [Mr. STEPHENSON] is detained from the city. He has a general pair with the Senator from Oklahoma [Mr. GORE]. If the junior Senator from Wisconsin were present, he would vote "yea."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER]. In his absence I withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. In his absence I refrain from voting.

The roll call was concluded.

Mr. CHAMBERLAIN. I desire to announce a general pair between the senior Senator from Nebraska [Mr. BROWN] and the senior Senator from Oklahoma [Mr. OWEN]. I make this announcement for the day.

Mr. LODGE. I desire too announce the following pairs:

The Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN];

The Senator from Kansas [Mr. CURTIS] is paired with the Senator from Arkansas [Mr. DAVIS]; and

The Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER].

Mr. SHIVELY. I desire to announce that my colleague [Mr. KERN] is unavoidably absent from the Chamber.

The result was announced—yeas 49, nays 18, as follows:

YEAS—49.

Bacon	du Pont	Myers	Smith, Md.
Bankhead	Fall	Nelson	Smoot
Bourne	Gallinger	Oliver	Stone
Bradley	Heyburn	Overman	Thornton
Brandegee	Johnson, Me.	Page	Tillman
Burnham	Johnston, Ala.	Penrose	Townsend
Burton	Jones	Perkins	Warren
Catron	Lippitt	Pomerene	Wetmore
Clark, Wyo.	Lodge	Root	Williams
Crane	McCumber	Sanders	Works
Cullom	McLean	Simmons	
Cummins	Martin, Va.	Smith, Ariz.	
Dillingham	Massey	Smith, Ga.	

NAYS—18.

Ashurst	Clapp	Kenyon	Reed
Borah	Crawford	La Follette	Shively
Bristow	Culberson	Newlands	Swanson
Bryan	Fletcher	O'Gorman	
Chamberlain	Gronna	Poindexter	

NOT VOTING—27.

Bailey	Dixon	Kern	Richardson
Briggs	Foster	Lea	Smith, Mich.
Brown	Gamble	Martine, N. J.	Smith, S. C.
Chilton	Gardner	Owen	Stephenson
Clarke, Ark.	Gore	Paynter	Sutherland
Curtis	Guggenheim	Percy	Watson
Davis	Hitchcock	Rayner	

So the amendment of Mr. SMITH of Georgia was agreed to.

Mr. REED, Mr. BOURNE, and Mr. NEWLANDS addressed the Chair.

The PRESIDENT pro tempore. The Chair will state that the question is now upon the adoption of the amendment proposed by the committee, striking out the section which has just been amended and inserting the substitute proposed by the committee. If Senators have amendments to the section, they are now in order; otherwise they are not.

Mr. REED. I desire to offer an amendment to the section we have just been amending.

The PRESIDENT pro tempore. That is right. The Senator is in order for that purpose. The Chair has just so stated.

Mr. SMITH of Georgia. I should like to suggest that the Senator from Oregon send to the desk, also to be read, an amendment which he intends to offer to the section, so that we may have the benefit of it.

Mr. GALLINGER and others. One at a time.

The PRESIDENT pro tempore. The amendment which has been offered by the Senator from Missouri will be read.

The SECRETARY. On page 20, line 17, after the word "final," insert the following:

No ship engaged in or permitted by the terms of this act to engage in the coastwise 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, or said sections of the act of August 27, 1894. The question of fact may be determined by the Interstate Commerce Commission upon its own motion or upon complaint filed by any shipper, jurisdiction being hereby conferred to hear and determine such question, or by the judgment of any court of the United States of competent jurisdiction in any case pending before it to which the owners or operators of such ship are parties.

The PRESIDENT pro tempore. The question is on the adoption of the amendment.

Mr. REED. Upon that I ask for the yeas and nays.

Mr. SIMMONS. I think the Senator from Missouri ought to give us a short explanation of the amendment.

Mr. GALLINGER and others. No debate.

The PRESIDENT pro tempore. That is not in order. Nothing is in order except to vote.

Mr. REED. I wish to modify the proposition by inserting after the description of those acts the words "commonly known as the Sherman Antitrust Act and amendments thereto."

The PRESIDENT pro tempore. The amendment will be modified in accordance with the Senator's suggestion.

Mr. REED. I should like to have it read in that form.

Mr. CRAWFORD. An inquiry. Has this amendment been printed?

Mr. REED. The amendment was printed with the exception of the last lines. It was, however, intended to be inserted as printed after the Senate committee amendment. But the body of the amendment has been printed.

Mr. SIMMONS. I ask that it be read again.

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The PRESIDENT pro tempore. The Secretary will read the amendment as it has been modified by the Senator from Missouri.

The Secretary read the amendment as modified, as follows:

No ship engaged in or permitted by the terms of this act to engage in the coastwise 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, or said sections of the act of August 27, 1894, commonly known as the Sherman Antitrust Act and amendments thereto. The question of fact may be determined by the Interstate Commerce Commission upon its own motion or upon complaint filed by any shipper, jurisdiction being hereby conferred to hear and determine such question, or by the judgment of any court of the United States of competent jurisdiction, in any case pending before it to which the owners or operators of such ship are parties.

Mr. REED. I want the privilege of amending the amendment further. [A pause.] Now let the last two lines be read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary. The amendment is modified so that the last clause will read:

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.

The PRESIDENT pro tempore. The question is on the adoption of the amendment of the Senator from Missouri.

Mr. REED. I ask for the yeas and nays.

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

Mr. JOHNSON of Maine. Mr. President, I should like to have the amendment again stated as it now reads.

The PRESIDENT pro tempore. There having been no response to the roll call, the Secretary will again, without objection, read the amendment as modified.

The Secretary again read the amendment as modified.

The PRESIDENT pro tempore. The question is on the adoption of the amendment as modified, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). Under the transfer of my pair heretofore announced I feel at liberty to vote. I vote "nay."

Mr. LIPPITT (when his name was called). The exemption from the obligations of my pair did not apply to general questions of this kind, so I refrain from voting.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. Percy]. Not knowing how he would vote upon this question, I will withhold my vote.

Mr. SMITH of Maryland (when his name was called). Mr. President, for want of sufficient information I decline to vote.

Mr. OVERMAN (when the name of Mr. Smith of South Carolina was called). I will ask that the announcement I previously made in reference to the Senator from South Carolina [Mr. Smith] and his pair stand for the day.

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Maryland [Mr. Rayner], and on account of his absence I withhold my vote. I will let this announcement stand for subsequent votes upon this bill during the day.

Mr. WATSON (when his name was called). I again announce my general pair with the senior Senator from New Jersey [Mr. Briggs]. On account of his absence, I withhold my vote.

The roll call was concluded.

Mr. REED. I transfer my pair with the senior Senator from Michigan [Mr. Smith] to the Senator from Nebraska [Mr. Hitchcock], and will vote. I vote "yea."

Mr. TOWNSEND. I again announce that the senior Senator from Michigan [Mr. Smith] is unavoidably absent from the city. I do not know how he would vote on this question if he were present.

The result was announced—yeas 35, nays 28, as follows:

YEAS—35.

Ashurst	Culberson	Nelson	Simmons
Bacon	Cummins	Newlands	Smith, Ariz.
Borah	Gronna	O'Gorman	Stone
Bourne	Johnson, Me.	Overman	Swanson
Brandegee	Jones	Perkins	Thornton
Bristow	Kenyon	Poindexter	Tillman
Chamberlain	La Follette	Pomerene	Townsend
Clapp	Martin, Va.	Reed	Williams
Crawford	Myers	Shively	

NAYS—28.

Bankhead	Crane	Heyburn	Penrose
Bradley	Cullom	Johnston, Ala.	Root
Bryan	Dillingham	Lodge	Sanders
Burnham	du Pont	McLean	Smoot
Burton	Fall	Massey	Warren
Catron	Fletcher	Oliver	Wetmore
Clark, Wyo.	Gallinger	Page	Works

NOT VOTING—31.

Bailey	Foster	Lippitt	Smith, Ga.
Briggs	Gamble	McCumber	Smith, Md.
Brown	Gardner	Martine, N. J.	Smith, Mich.
Chilton	Gore	Owen	Smith, S. C.
Clarke, Ark.	Guggenheim	Paynter	Stephenson
Curtis	Hitchcock	Percy	Sutherland
Davis,	Kern	Rayner	Watson
Dixon	Lea	Richardson	

So Mr. Reed's amendment as modified was agreed to.

Mr. NEWLANDS. I offer the amendment, which I send to the desk, which is acceptable to the chairman of the committee.

The PRESIDENT pro tempore. Is it an amendment to the pending section?

Mr. NEWLANDS. It is an amendment to section 4.

The PRESIDENT pro tempore. Then the amendment is not now in order.

Mr. NEWLANDS. Then I withdraw it.

The PRESIDENT pro tempore. The amendment is withdrawn.

Mr. FALL. Mr. President, I desire to offer an amendment to the amendment which has just been adopted.

The PRESIDENT pro tempore. It is too late to offer an amendment to that amendment. The amendment can be offered as an independent amendment to the section as amended.

Mr. FALL. I offer it as an amendment to the section as amended.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Mexico will be stated.

The Secretary. Following the amendment just agreed to, it is proposed to insert the following:

No ships carrying goods, wares, or merchandise manufactured by any person, company, or corporation which is doing business in violation of any of the provisions of either of the acts of Congress referred to shall be permitted to enter or pass through the canal until such ship and cargo shall have been first examined by the proper officials and a decree of a court of competent jurisdiction shall have been rendered declaring that the owners of the ship have not violated any of the provisions of either of the acts referred to, and until after a decision should have been rendered that no portion of such cargo has been manufactured by any person, corporation, or company violating any of the provisions of said acts.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New Mexico [Mr. Fall] to the section as amended.

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

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

Mr. McCUMBER (when his name was called). I again announce my pair, but believe that I can make a fair guess as to how my pair would vote if he were present, and I will take the chance of voting. I vote "nay."

Mr. SUTHERLAND (when his name was called). Notwithstanding my pair, I think I will take the liberty of voting upon this question. I vote "nay."

The roll call was concluded.

Mr. ASHURST (after having voted in the affirmative). I should like to inquire how the Senator from Wisconsin [Mr. La Follette] has voted?

Mr. LA FOLLETTE. I voted "nay."

Mr. ASHURST. I desire to change my vote to "nay."

Mr. SHIVELY. I again announce that my colleague [Mr. Kern] is unavoidably and necessarily absent from the Chamber. Were he present he would vote "nay." I desire also to have this announcement as to his absence stand for the day.

The result was announced—yeas 0, nays 59, as follows:

YEAS—0.

NAYS—59.

Ashurst	Crawford	Lodge	Pomerene
Bacon	Culberson	McCumber	Sanders
Bankhead	Cullom	McLean	Shively
Borah	Cummins	Martin, Va.	Simmons
Bourne	Dillingham	Massey	Smoot
Bradley	du Pont	Myers	Stone
Brandegee	Fall	Nelson	Sutherland
Bristow	Fletcher	Newlands	Swanson
Bryan	Gronna	O'Gorman	Thornton
Burnham	Heyburn	Oliver	Tillman
Catron	Johnson, Me.	Overman	Townsend
Chamberlain	Johnston, Ala.	Page	Warren
Clapp	Jones	Penrose	Williams
Clark, Wyo.	Kenyon	Perkins	Works
Crane	La Follette	Poindexter	

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NOT VOTING—35.

Bailey	Foster	Lippitt	Smith, Ariz.
Briggs	Gallinger	Martine, N. J.	Smith, Ga.
Brown	Gamble	Owen	Smith, Md.
Burton	Gardner	Paynter	Smith, Mich.
Chilton	Gore	Percy	Smith, S. C.
Clarke, Ark.	Guggenheim	Rayner	Stephenson
Curtis	Hitchcock	Reed	Watson
Davis	Kern	Richardson	Wetmore
Dixon	Lea	Root	

So Mr. FALL'S amendment to the section as amended was rejected.

Mr. BOURNE. I offer the amendment which I send to the desk, to follow the amendment adopted on motion of the Senator from Missouri [Mr. REED] to the same section.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment just agreed to, at the end of line 17, it is proposed to insert the following:

Provided further, That whenever the Interstate Commerce Commission shall find after hearing, either upon complaint or upon its own motion, that any railroad company engaged in interstate commerce other than through the Panama Canal owns or has an interest, direct or indirect, in the ownership of a line of water transportation which if otherwise owned might compete with any line of railroad owned or operated by said company and that the effect of such ownership is injurious to the public, the Interstate Commerce Commission shall require such railroad company to divest itself of its ownership or interest in such water line or shall require such water line to be operated under such restrictions and regulations as, in the judgment of the commission, shall be necessary to protect the public interest.

After the making of a finding and order by the Interstate Commerce Commission under the authority hereby conferred it shall be unlawful for any railroad company to hold or operate such line of water transportation, except as permitted by such order.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oregon, which has just been read.

Mr. BOURNE. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FLETCHER. Mr. President, I did not catch where the amendment was to be inserted—whether it was an addition to the section or an insertion.

Mr. BOURNE. It is to be inserted immediately following the amendment of the Senator from Missouri [Mr. REED] just adopted.

Mr. OVERMAN. I desire to inquire if the amendment has been printed?

The PRESIDENT pro tempore. The Chair is informed that it has not been printed.

Mr. OVERMAN. Then I ask that it be again stated.

Mr. LA FOLLETTE. If I understood that amendment correctly, it in effect amends the Sherman Act. I ask to have it again read.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The Secretary again read the amendment of Mr. BOURNE.

Mr. POINDEXTER. A parliamentary inquiry. I should like to ask the Senator from Oregon——

The PRESIDENT pro tempore. The Senator from Washington can not ask the Senator from Oregon. He must ask the Chair.

Mr. POINDEXTER. I will ask the Chair. Does not this amendment in effect repeal the act——

The PRESIDENT pro tempore. The Senator must confine himself to the rule.

Mr. LODGE and others. Regular order!

The PRESIDENT pro tempore. The Senator must propound a parliamentary inquiry only.

Mr. POINDEXTER. I was going to ask as to the effect of the amendment.

The PRESIDENT pro tempore. That is not a parliamentary inquiry.

Mr. OLIVER. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. OLIVER. We are considering a bill to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, and an amendment is offered expressly excluding vessels passing through the canal.

The PRESIDENT pro tempore. The Senator must confine himself strictly to the order of the Senate.

Mr. OLIVER. I make the point of order that the amendment is not germane to the subject we are considering and is out of order.

The PRESIDENT pro tempore. The Chair will overrule the point of order in order that the Senate may vote upon the amendment. The question is upon the adoption of the amendment offered by the Senator from Oregon, and upon that the yeas and nays have been ordered. The Secretary will call the roll. The Secretary proceeded to call the roll.

Mr. LIPPITT (when his name was called). On account of my pair with the senior Senator from Tennessee [Mr. LEA] I withhold my vote.

Mr. McCUMBER (when his name was called). On account of my pair with the senior Senator from Mississippi [Mr. PERCY] I withhold my vote.

Mr. WATSON (when his name was called). I again announce my general pair and withhold my vote.

The roll call having been concluded, the result was announced—yeas 36, nays 25, as follows:

YEAS—36.

Ashurst	Cummins	McLean	Root
Bacon	Fall	Myers	Shively
Borah	Fletcher	Nelson	Simmons
Bourne	Gronna	Newlands	Smith, Ariz.
Bristow	Johnson, Me.	O'Gorman	Smith, Ga.
Bryan	Jones	Overman	Swanson
Chamberlain	Kenyon	Perkins	Tillman
Clapp	La Follette	Poindexter	Townsend
Crawford	Lodge	Pomerene	Works

NAYS—25.

Bankhead	Crane	Martin, Va.	Thornton
Bradley	Cullom	Massey	Warren
Brandegee	Dillingham	Oliver	Wetmore
Burnham	du Pont	Page	Williams
Burton	Gallinger	Penrose	
Catron	Heyburn	Sanders	
Clark, Wyo.	Johnston, Ala.	Smoot	

NOT VOTING—33.

Bailey	Foster	McCumber	Smith, Mich.
Briggs	Gamble	Martine, N. J.	Smith, S. C.
Brown	Gardner	Owen	Stephenson
Chilton	Gore	Paynter	Stone
Clark, Ark.	Guggenheim	Percy	Sutherland
Culberson	Hitchcock	Rayner	Watson
Curtis	Kern	Reed	
Davis	Lea	Richardson	
Dixon	Lippitt	Smith, Md.	

So Mr. BOURNE'S amendment was adopted.

Mr. CUMMINS. I offer an amendment to the House provision.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 19, line 23, after the word "traffic," insert "or any vessel carrying freight or passengers upon said water route," so that it will read:

In any common carrier by water operated through the Panama Canal 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, and in case of the violation of this provision, etc.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Iowa.

The amendment was agreed to.

Mr. NEWLANDS. I offer an amendment to be inserted at the end of section 4, which, I understand, has the approval of the chairman of the committee.

The PRESIDENT pro tempore. It is not now in order. The section under consideration is section 11, and the motion is to strike out the part of it which has been read and to insert an amendment proposed by the committee, and nothing is now in order except an amendment either to the section as contained in the House bill or the paragraph which is sought to be inserted in lieu thereof.

The question now is upon the motion to strike out the provision in the House bill, beginning on page 19, line 10, and extending to the remainder of that page, and on the succeeding page 20, from line 1 to 17, inclusive, as it has been amended by the vote of the Senate, and to insert in lieu thereof the amendment found on page 20, beginning in line 18 and extending to line 16, inclusive, on page 21.

Mr. SIMMONS. I did not understand that that was the motion. I understood that the motion was to strike out, but I did not know there was a motion to insert matter in lieu of the matter to be stricken out.

The PRESIDENT pro tempore. The motion to strike out and insert under the rules of the Senate is not divisible, although it is by general parliamentary law.

Mr. BRANDEGEE. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Connecticut will state it.

Mr. BRANDEGEE. Is not the question on agreeing to the committee amendment?

The PRESIDENT pro tempore. The question is necessarily one to strike out and insert, under the rules of the Senate.

Mr. BRANDEGEE. Yes; to strike out the House provision and insert the Senate committee amendment.

The PRESIDENT pro tempore. That is the question before the Senate—to strike out the House provision as it has been

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amended and to insert in lieu thereof the amendment proposed by the committee.

Mr. SIMMONS. A parliamentary inquiry. Is that motion divisible?

The PRESIDENT pro tempore. It is not, under the rule of the Senate. It is divisible according to general parliamentary law, but the rule of the Senate is expressly to the contrary.

The amendment was rejected.

The PRESIDENT pro tempore. The Secretary will state the next amendment.

The SECRETARY. On page 21, line 17, strike out the word "said" and insert the word "the" before the word "act."

Mr. BRANDEGEE. I think that inasmuch as the amendment proposed by the Senate committee has been disagreed to, that the word "said" should be reinstated as in the House print, so that it will read "section 6 of said act," because on the previous page, on page 19, the bill provided——

The PRESIDENT pro tempore. The Senator can not discuss it.

Mr. BRANDEGEE. I move——

The PRESIDENT pro tempore. All that is necessary is for the Senate to vote down the amendment proposed by the committee.

Mr. BRANDEGEE. I hope it will be disagreed to.

The PRESIDENT pro tempore. The Chair will submit the question to the Senate. The question is on the adoption of the amendment found in line 17, on page 20, to strike out the word "said" and insert the word "the."

The amendment was rejected.

The PRESIDENT pro tempore. The Secretary will report the next amendment.

The SECRETARY. On page 21, line 17, after the word "commerce" and the comma at the end of the line, insert "approved February 4, 1887."

Mr. BRANDEGEE. It ought to be disagreed to.

The amendment was rejected.

The PRESIDENT pro tempore. The Secretary will report the next amendment.

The SECRETARY. On page 22, line 15, after the word "public" and after the comma at the end of the line, insert "where the public, in the judgment of the commission, will be benefited by such connection."

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair is informed there are on the desk no other amendments by the committee, or amendments offered by any Senator on the floor.

Mr. NEWLANDS. Will it now be in order for me to offer the amendment I suggested?

The PRESIDENT pro tempore. It is now in order for the Senator from Nevada to offer his amendment.

Mr. NEWLANDS. I offer an amendment to section 4, which has the approval of the chairman of the committee.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. At the end of section 4 it is proposed to insert the following words:

The President, before the completion of the canal, shall cause the Commission of Arts to make report of their recommendation regarding the artistic character of the structures of the canal, such report to be transmitted to Congress.

The amendment was agreed to.

Mr. BRANDEGEE. A parliamentary inquiry. Is it in order now to move to strike out a section or should that motion be made in the Senate when the bill gets into the Senate?

The PRESIDENT pro tempore. It depends upon whether it has been previously acted upon as in Committee of the Whole. If it has been acted upon in Committee of the Whole it is not now in order. The Chair does not know to what section the Senator from Connecticut refers.

Mr. BRANDEGEE. I understood the Chair to say that there were no further amendments and that all the sections had been acted upon.

The PRESIDENT pro tempore. The Chair did not say all the sections had been acted upon. If it did, it was an inadvertence. The Chair stated that there were on the desk no other amendments proposed by the committee or any Senator.

Mr. BRANDEGEE. I inquire whether it is in order to submit an amendment to strike out section 11, which has been acted upon?

The PRESIDENT pro tempore. It is not.

Mr. GALLINGER. It will be in order in the Senate.

The PRESIDENT pro tempore. The Chair will state, to be a little more exact, that the part of section 11 which has been acted upon by the Senate can not now again be acted upon as in Committee of the Whole. There are other parts of section 11 upon which there has been no specific action by the Senate. A motion to strike out those parts would be in order. The bill is in Committee of the Whole and open to amendment.

Mr. SMITH of Georgia. I desire to make a parliamentary inquiry. According to the practice, is it necessary while the bill is still in Committee of the Whole to reserve an objection to an amendment which I intend to object to in the Senate?

The PRESIDENT pro tempore. The announcement can be made at any time. It is usually done at the present time, when the bill is about to pass from the Committee of the Whole to the Senate.

Mr. SMITH of Georgia. I thought that was about to take place.

The PRESIDENT pro tempore. The Chair will announce the fact that if there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate, and the Chair will now receive the notice.

Mr. SMITH of Georgia. I desire to reserve an objection to the Senate committee amendments to section 5.

The PRESIDENT pro tempore. The bill is in Committee of the Whole and still open to amendment. If there are no further amendments the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The bill is reported to the Senate with amendments. The Senator from Georgia has given notice of the reservation of the amendment adopted to section 5. With that exception, unless there be objection——

Mr. ROOT. I wish an opportunity to vote upon the provision of the bill as it was reported to the Senate relating to the relief of vessels engaged in the foreign trade from——

The PRESIDENT pro tempore. Will the Senator indicate it by number or section?

Mr. ROOT. I do not know whether it is covered by the reservation made by the Senator from Georgia.

Mr. SMITH of Georgia. That is the reservation I made.

Mr. ROOT. I undestand the reservation covers also the coastwise trade.

Mr. SMITH of Georgia. No; it does not.

Mr. ROOT. I wish an opportunity to vote upon each of those provisions.

The PRESIDENT pro tempore. Will the Senator please indicate by number the section he desires to have the reservation made in?

Mr. ROOT. It is the provision relating to tolls of vessels engaged exclusively in the coastwise trade of the United States in section 5.

The PRESIDENT pro tempore. It is sufficient if all the amendments to section 5 are reserved.

Mr. ROOT. I understood the reservation to cover it.

Mr. LODGE. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator from Massachusetts rises to a point of order. The Senator will please state it.

Mr. LODGE. Only the legislation exempting coastwise shipping from tolls is a part of the bill as passed by the House and not a reserved amendment. The only thing that can be reserved is the one word "exclusively."

The PRESIDENT pro tempore. That is correct.

Mr. LODGE. But it is open to any Senator to move to strike out those lines.

Mr. ROOT. I move now, Mr. President——

Mr. GALLINGER. I desire to reserve the amendment submitted by the Senator from Missouri [Mr. REED].

The PRESIDENT pro tempore. The Chair will state that the original text of the bill will be open to amendment in the Senate the same as if no action had been taken in Committee of the Whole. The only object in reserving amendments is that the Senate may concur en bloc in amendments not desired to be separately acted upon. The Senator from New Hampshire gives notice of a reservation of the amendment offered by the Senator from Missouri [Mr. REED], which was adopted by the Senate.

Mr. BRISTOW. I desire to have the amendment reserved in line 13, page 6, where the word "exclusively" was inserted. I desire a separate vote on that amendment.

The PRESIDENT pro tempore. The Senator from Kansas gives notice of a reservation of the amendment where the word "exclusively" was inserted.

Mr. SMITH of Georgia. I wish to lessen the number of reservations. The only amendment to which I desire my reservation to apply is the one that commences with the words "No tolls," at the foot of page 6, and ends with the word "conclusive," on page 7, line 13.

The PRESIDENT pro tempore. The Chair will state, in order that there may be no misunderstanding, the notice given by the Senator from Georgia. The Secretary will state it.

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The SECRETARY. The amendment is reserved beginning with the words "No tolls," on page 6, line 25, and going down to and including the word "conclusive," on page 7, line 13.

The PRESIDENT pro tempore. The Secretary will state the amendment reserved by the Senator from Kansas [Mr. BRISTOW].

The SECRETARY. The Senator from Kansas [Mr. BRISTOW] reserves the amendment in line 13, page 6, where, after the word "engaged," the word "exclusively" was inserted.

The PRESIDENT pro tempore. The Senator from New York will please state the amendment he desires to have reserved.

Mr. ROOT. I desire to move to strike out the words upon lines 13 and 14, on page 6.

The PRESIDENT pro tempore. That is not an amendment.

Mr. ROOT. It is not. Therefore I move to strike out those words.

The PRESIDENT pro tempore. It will be in order to offer that as an amendment in the Senate.

Mr. ROOT. I thought the bill was in the Senate.

The PRESIDENT pro tempore. It is in the Senate, and the Chair is trying to find out what amendments are to be reserved. Then the Chair will ask for amendments. The Senator from New York does not reserve any amendment which was adopted as in Committee of the Whole.

Mr. LODGE. The Senator from New York desires to make a motion to amend.

The PRESIDENT pro tempore. The time has not arrived when he can so do.

Mr. LODGE. That I know, and there was nothing further for him to say.

The PRESIDENT pro tempore. The Chair was simply inquiring of the Senator whether he reserved action on any amendment adopted as in Committee of the Whole.

Mr. ROOT. So long as the reservation of the Senator from Georgia covers the provision beginning on the last line of page 6; that is, "no tolls," and extending down to the middle of page 7, I make no further reservation.

The PRESIDENT pro tempore. What the Senator has in mind it is not necessary to be reserved, as it is not an amendment but is a part of the original text. The Chair does not misunderstand the Senator. The Secretary will state the amendment reserved by the Senator from New Hampshire [Mr. GALLINGER].

The SECRETARY. The Senator from New Hampshire reserves for a separate vote the amendment offered by the Senator from Missouri [Mr. REED] to come in on page 20, line 17, after the word "final."

The PRESIDENT pro tempore. The question is on concurring in the amendments adopted as in Committee of the Whole not reserved.

The amendments were concurred in.

The PRESIDENT pro tempore. The bill is open to amendment.

Mr. GALLINGER. The question is on the reserved amendments, I suggest.

The PRESIDENT pro tempore. The question will be first upon the several amendments that were reported by the Committee of the Whole and which have been reserved. The first occurring in point of position in the bill is the one reserved by the Senator from Kansas [Mr. BRISTOW], which the Secretary will state.

Mr. BRISTOW. I made that reservation, but prefer first to have the amendment reserved by the Senator from Georgia acted on.

The PRESIDENT pro tempore. If the Senator is not ready to have action on it, the Chair will pass it.

Mr. BRISTOW. I do not care to have it brought up until the other amendment is voted on.

The PRESIDENT pro tempore. Then the question is on the amendment adopted as in Committee of the Whole, beginning on the last line of page 6, with the words "No tolls," and extending to page 7, lines 1 to 13, inclusive, ending with the word "conclusive."

Mr. SMITH of Georgia. On concurring in that amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STONE. Mr. President, a parliamentary inquiry. I desire to know whether this amendment stands as it is printed in the bill in italics or was it amended in Committee of the Whole? Is it to be voted upon now in the same form as printed?

The PRESIDENT pro tempore. The Chair is informed that there was a verbal amendment which the Secretary will report to the Senate.

The SECRETARY. On page 7, line 3, as in Committee of the Whole, the words "and used," after the word "taken," were stricken out.

The PRESIDENT pro tempore. With that exception the Chair is informed the amendment was not otherwise amended. The Secretary will proceed with the call of the roll on concurring in the amendment.

The Secretary proceeded to call the roll.

Mr. MCCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. Understanding that he would vote the same way I would on this subject, I will vote. I vote "nay."

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH] is unavoidably absent from the city. If he were present and permitted to vote, he would vote "yea." He is paired with the junior Senator from Missouri [Mr. REED].

Mr. WATSON (when his name was called). Because of my general pair with the senior Senator from New Jersey [Mr. BRIGGS] I withhold my vote.

The roll call having been concluded, the result was announced—yeas 33, nays 29, as follows:

YEAS—33.

Bourne	Crane	La Follette	Smoot
Bradley	Crawford	Massey	Stone
Brandegee	Cummins	O'Gorman	Thornton
Bristow	Fletcher	Penrose	Townsend
Burnham	Gallinger	Perkins	Warren
Catron	Heyburn	Poindexter	Works
Chamberlain	Johnston, Ala.	Reed	
Clapp	Jones	Sanders	
Clark, Wyo.	Kenyon	Simmons	

NAYS—29.

Ashurst	Fall	Nelson	Smith, Ariz.
Bacon	Gronna	Newlands	Smith, Ga.
Bankhead	Johnson, Me.	Oliver	Swanson
Bryan	Lodge	Overman	Wetmore
Burton	McCumber	Page	Williams
Cullom	McLean	Pomerene	
Dillingham	Martin, Va.	Root	
du Pont	Myers	Shively	

NOT VOTING—32.

Bailey	Davis	Kern	Richardson
Borah	Dixon	Lea	Smith, Md.
Briggs	Foster	Lippitt	Smith, Mich.
Brown	Gamble	Martine, N. J.	Smith, S. C.
Chilton	Gardner	Owen	Stephenson
Clarke, Ark.	Gore	Paynter	Sutherland
Culberson	Guggenheim	Percy	Tillman
Curtis	Hitchcock	Rayner	Watson

So the amendment was concurred in.

Mr. BRISTOW. I have no further interest in the word "exclusively."

The PRESIDENT pro tempore. The insertion of the word "exclusively" will be considered as concurred in in the Senate.

Mr. ROOT. I move to strike out lines 13 and 14, on page 6, that "No tolls shall be levied upon vessels," and so forth.

The PRESIDENT pro tempore. If the Senator will pardon the Chair, there is one other amendment which was reserved, the amendment offered by the Senator from Missouri [Mr. REED] and adopted by the Senate as in Committee of the Whole.

Mr. GALLINGER. Which I desire to have read.

The PRESIDENT pro tempore. The Secretary will read the amendment adopted as in Committee of the Whole.

The SECRETARY. Amendment offered by the junior Senator from Missouri [Mr. REED] and agreed to as in Committee of the Whole, on page 20, line 17, after the word "final," insert:

No ship engaged in or permitted by the terms of this act to engage in the coastwise 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 and 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 ships are parties.

Mr. GALLINGER. I ask for the yeas and nays on the amendment.

The PRESIDENT pro tempore. The question is on concurring in the amendment just read, and on that the Senator from New Hampshire demands the yeas and nays.

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

Mr. MCCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. Not knowing what his vote would be on this question, I withhold my vote.

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Mr. WILLIAMS (when Mr. PERCY's name was called). I wish to make the statement, and let it stand for the day, that my colleague [Mr. PERCY] is unavoidably absent upon necessary business.

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I again announce the necessary absence of the senior Senator from Michigan [Mr. SMITH]. As has been stated, he has a pair with the junior Senator from Missouri [Mr. REED].

The roll call was concluded.

Mr. DU PONT (after having voted in the negative). I should like to inquire whether the senior Senator from Texas [Mr. CULBERSON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. DU PONT. In that case, as I have a general pair with him, I will withdraw my vote.

Mr. DILLINGHAM. I withhold my vote, because I am paired with the senior Senator from South Carolina [Mr. TILLMAN].

The result was announced—yeas 36, nays 23, as follows:

YEAS—36.

Ashurst	Crawford	Nelson	Simmons
Bacon	Cummins	Newlands	Smith, Ariz.
Borah	Gronna	O'Gorman	Smith, Ga.
Bourne	Johnson, Me.	Overman	Stone
Bradley	Jones	Perkins	Swanson
Brandegee	Kenyon	Poindexter	Thornton
Bristow	La Follette	Pomerene	Townsend
Chamberlain	Martin, Va.	Reed	Williams
Clapp	Myers	Shively	Works

NAYS—23.

Bankhead	Cullom	Lodge	Root
Bryan	Fall	McLean	Sanders
Burton	Fletcher	Massey	Smoot
Catron	Gallinger	Oliver	Warren
Clark, Wyo.	Heyburn	Page	Wetmore
Crane	Johnston, Ala.	Penrose	

NOT VOTING—35.

Bailey	Dillingham	Kern	Richardson
Briggs	Dixon	Lea	Smith, Md.
Brown	du Pont	Lippitt	Smith, Mich.
Burnham	Foster	McCumber	Smith, S. C.
Chilton	Gamble	Martine, N. J.	Stephenson
Clarke, Ark.	Gardner	Owen	Sutherland
Culberson	Gore	Paynter	Tillman
Curtis	Guggenheim	Percy	Watson
Davis	Hitchcock	Rayner	

So the amendment was concurred in.

Mr. ROOT. On page 6, line 13, I move to strike out the words—

> No tolls shall be levied upon vessels engaged exclusively in the coastwise trade of the United States.

I shall not ask for the yeas and nays on the amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New York will be stated.

The SECRETARY. On page 6, beginning in line 13, it is proposed to strike out the words:

> No tolls shall be levied upon vessels engaged exclusively in the coastwise trade of the United States.

The amendment was rejected.

Mr. BRANDEGEE. I move to strike out section 11 of the bill.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. It is proposed to strike out all of section 11, beginning on page 19, line 10, and ending on page 24, line 11.

Mr. BRANDEGEE. I ask for the yeas and nays on that amendment.

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

Mr. DILLINGHAM (when his name was called). I withhold my vote owing to the absence of the Senator from South Carolina [Mr. TILLMAN], with whom I am paired.

Mr. LIPPITT (when his name was called). On this question I consider myself at liberty to vote and I vote "yea."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "nay."

The roll call was concluded.

Mr. LODGE. I desire to announce the pair of the senior Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON].

The result was announced—yeas 18, nays 45, as follows:

YEAS—18.

Brandegee	Crane	Lodge	Thornton
Burnham	Fall	McLean	Warren
Burton	Gallinger	Oliver	Wetmore
Catron	Heyburn	Penrose	
Clark, Wyo.	Lippitt	Root	

NAYS—45.

Ashurst	Cummins	Nelson	Smith, Ariz.
Bacon	Fletcher	Newlands	Smith, Ga.
Bankhead	Gronna	O'Gorman	Smith, Md.
Borah	Johnson, Me.	Overman	Smoot
Bourne	Johnston, Ala.	Page	Stone
Bradley	Jones	Perkins	Swanson
Bristow	Kenyon	Poindexter	Townsend
Bryan	La Follette	Pomerene	Williams
Chamberlain	McCumber	Reed	Works
Clapp	Martin, Va.	Sanders	
Crawford	Massey	Shively	
Cullom	Myers	Simmons	

NOT VOTING—31.

Bailey	Dillingham	Hitchcock	Richardson
Briggs	Dixon	Kern	Smith, Mich.
Brown	du Pont	Lea	Smith, S. C.
Chilton	Foster	Martine	Stephenson
Clarke, Ark.	Gamble	Owen	Sutherland
Culberson	Gardner	Paynter	Tillman
Curtis	Gore	Percy	Watson
Davis	Guggenheim	Rayner	

So Mr. BRANDEGEE's amendment was rejected.

Mr. BRANDEGEE. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. It is proposed to strike out all of section 11 and to insert in lieu thereof a new paragraph as follows:

> That every ship, however owner or controlled, shall be permitted to use the Panama Canal, but the traffic through said canal between ports of the United States and between ports of the United States and ports of adjacent foreign countries shall be, and the same hereby is, placed under the jurisdiction of the Interstate Commerce Commission, with power to said commission to fix the rates to be charged and to make such rules and regulations in regard to said traffic as it may see fit.

The amendment was rejected.

Mr. BRANDEGEE. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. On page 22, lines 10 to 13, it is proposed to strike out all the words beginning with the word "or," on line 10, and ending with the word "dock" on line 13, and insert in lieu thereof a period; and on page 23, after line 22, to insert a new paragraph, as follows:

> In establishing any through route under any provision of this act the commission shall not require any company, without its consent, to embrace in such route substantially less than the entire length of its railroad and of any intermediate railroad operated in conjunction and under a common management and control therewith which lies between the termini of such proposed through route, unless to do so would make such through route unreasonably long as compared with another practicable through route which could otherwise be established; and in fixing such joint or proportional rates the commission shall not diminish the net revenue previously received by such company as its proportion of a reasonable rate for transportation over such through route.

The amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

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

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

Mr. DILLINGHAM (when his name was called). Because of my pair already announced, I withhold my vote.

Mr. LODGE (when Mr. DU PONT's name was called). The Senator from Delaware [Mr. DU PONT] is absent. He is paired with the Senator from Texas [Mr. CULBERSON].

Mr. LIPPITT (when his name was called). On account of my pair with the senior Senator from Tennessee [Mr. LEA], I withhold my vote.

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY], but on this particular question my pair has relieved me from its operation, and I will therefore vote. I vote "nay."

Mr. REED (when his name was called). I again announce the transfer of my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce the necessary absence of my colleague [Mr. SMITH]. If he were present he would vote "yea."

Mr. WATSON (when his name was called). I again announce my pair with the senior Senator from New Jersey [Mr. BRIGGS], and withhold my vote.

The roll call was concluded.

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Mr. WATSON. Again announcing the absence and pair of my colleague [Mr. CHILTON], I desire to say that if present on this vote he would vote "yea."

The result was announced—yeas 47, nays 15, as follows:

YEAS—47.

Ashurst	Crawford	Massey	Smith, Ariz.
Bacon	Cullom	Myers	Smith, Ga.
Borah	Cummins	Nelson	Smith, Md.
Bourne	Fletcher	Newlands	Smoot
Bradley	Gronna	O'Gorman	Stone
Brandegee	Johnson, Me.	Overman	Swanson
Bristow	Johnston, Ala.	Page	Thornton
Bryan	Jones	Perkins	Townsend
Burnham	Kenyon	Poindexter	Warren
Chamberlain	La Follette	Pomerene	Williams
Clapp	McLean	Reed	Works
Clark, Wyo.	Martin, Va.	Simmons	

NAYS—15.

Bankhead	Fall	McCumber	Sanders
Burton	Gallinger	Oliver	Shively
Catron	Heyburn	Penrose	Wetmore
Crane	Lodge	Root	

NOT VOTING—32.

Bailey	Dillingham	Hitchcock	Rayner
Briggs	Dixon	Kern	Richardson
Brown	du Pont	Lea	Smith, Mich.
Chilton	Foster	Lippitt	Smith, S. C.
Clarke, Ark.	Gamble	Martine, N. J.	Stephenson
Culberson	Gardner	Owen	Sutherland
Curtis	Gore	Paynter	Tillman
Davis	Guggenheim	Percy	Watson

So the bill was passed.

Mr. BRANDEGEE. I ask unanimous consent to make a statement. I was not at liberty to do it when we were voting.

I had announced in the open session of the Senate that I intended to change my vote on the question of tolls on our foreign ships. When that vote was put I was confused. I thought we were voting on the amendment of the Senator from Georgia about the word "exclusively," and I voted on the proposition of tolls on foreign ships the same way I did yesterday when I had announced that I intended to change my vote to "nay." It made no difference in the result, but having announced in open session I did not want the vote to stand in contradiction of what I said I wanted to do.

I ask that the bill may be printed with the Senate amendments, as the chairman of the House committee is anxious to get a copy of the bill as finally passed by the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE COTTON TARIFF.

Mr. SIMMONS. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 25034) commonly known as the cotton bill.

The PRESIDENT pro tempore. The Senator from North Carolina moves that the Senate proceed to the consideration of the bill (H. R. 25034) to reduce the duties on the manufacture of cotton.

The motion was agreed to.

STANDARD OIL AND AMERICAN TOBACCO COMPANIES.

Mr. POMERENE. I ask for the adoption of the order which I send to the desk. Under the rules I understand it must lie over until to-morrow. (S. Res. 375.)

The PRESIDENT pro tempore. The order will be read.

The Secretary read as follows:

Ordered, That the Committee on the Judiciary be, and it is hereby, relieved from further consideration of Senate concurrent resolution 4, declaring it to be the sense of the Senate and of the House of Representatives that criminal prosecutions should be begun against the Standard Oil Co. and the American Tobacco Co. and the other parties and persons who were declared by the Supreme Court of the United States to be violating the criminal provisions of sections 1 and 2 of the Sherman antitrust law, and instructing the Attorney General to institute criminal prosecutions against them where the evidence, in his opinion, justifies said proceedings; and it is

Further ordered, That said resolution be laid before the Senate for its consideration.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. It will go over under the rule.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4568) granting an increase of pension to Annie R. Schley.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and it was thereupon signed by the President pro tempore.

EXECUTIVE SESSION.

Mr. LODGE. 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 six minutes spent in executive session the doors were reopened, and (at 6 o'clock and 54 minutes p. m.) the Senate adjourned until to-morrow, Saturday, August 10, 1912, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 9, 1912.

COLLECTOR OF CUSTOMS.

Cyrus G. Engle, of Mississippi, to be collector of customs for the district of Natchez, in the State of Mississippi. (Reappointment.)

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. William Thomas Stromberg to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from June 19, 1912, in place of First Lieut. William Edward Wyatt Hall, promoted.

Third Lieut. Leo Charles Mueller to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from June 19, 1912, in place of Second Lieut. William Thomas Stromberg, promoted.

UNITED STATES DISTRICT JUDGE.

James M. Morton, jr., of Massachusetts, to be United States district judge, district of Massachusetts, vice Frederic Dodge, appointed circuit judge.

REGISTER OF THE LAND OFFICE.

John W. Cook, of Lander, Wyo., to be register of the land office at Lander, vice William T. Adams, term expired.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. Guy L. Edie, Medical Corps, to be colonel from August 6, 1912, vice Col. William B. Davis, retired from active service August 5, 1912.

Maj. George D. Deshon, Medical Corps, to be lieutenant colonel from August 6, 1912, vice Lieut. Col. Guy L. Edie, promoted.

Capt. Raymond F. Metcalfe, Medical Corps, to be major from August 6, 1912, vice Maj. George D. Deshon, promoted.

Capt. Edwin W. Rich, Medical Corps, to be major from August 7, 1912, vice Maj. William E. Purviance, retired from active service August 6, 1912.

CAVALRY ARM.

Second Lieut. Henry R. Smalley, Fourteenth Cavalry, to be first lieutenant from March 8, 1912, vice First Lieut. Timothy M. Coughlan, First Cavalry, promoted.

Second Lieut. Robert Blaine, Tenth Cavalry, to be first lieutenant from March 17, 1912, vice First Lieut. James Huston, Tenth Cavalry, promoted.

Second Lieut. Luther Felker, Fourteenth Cavalry, to be first lieutenant from March 18, 1912, subject to examination required by law, vice First Lieut. Goss L. Stryker, Thirteenth Cavalry, resigned March 17, 1912.

Second Lieut. Jonathan M. Wainwright, First Cavalry, to be first lieutenant from July 30, 1912, vice First Lieut. Frederick J. Herman, Ninth Cavalry, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from August 7, 1912.

Clarence Ralph Bell, of Illinois.
Royal Edwin Cummings, of California.
Halbert Porter Harris, of North Carolina.
Oliver Kinsey, jr., of North Carolina.
George Fairless Lull, of Pennsylvania.
Stephen Harrison Smith, of Virginia.
Edward Thomas Breinig Weidner, of Pennsylvania.
Edward Robert Guinan, of California.

PROMOTIONS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1912, to fill vacancies:

Hayne Ellis and
James H. Comfort.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1912, to fill vacancies:

Archibald G. Stirling and
Roland M. Brainard.

Ensign Joseph Baer to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1912, upon the completion of three years' service as an ensign.

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ation bills, conference reports, and the unfinished business. Then there might be no objection to it.

Mr. BRISTOW. Mr. President, why should we, at the close of a session, with the calendar congested with business, with important appropriation bills pending, and all kinds of controversies likely to be injected into them, make a special order here a week in advance? To mortgage our time by special orders seems to me to be ridiculous, I do not care what the merits of the bill are. If we have time to attend to it, let us take it up and attend to it, but not by a special order a week in advance mortgage the time of the Senate when we do not know what will be pending at that time.

Mr. PAGE. Mr. President, I have been in the Senate for about four years and I have never yet objected to a request for unanimous consent. There have been numerous unanimous-consent days since this bill has been before the Senate, and in every case where unanimous consent was asked I have been patient and said, "Certainly; go ahead." I do not want to interfere with the general business of the Senate, but the time has come when I feel that I must ask that my bill have its rights. I am perfectly willing to say that it shall not come up for consideration until Saturday of next week, or even until the following Monday, if we will have business that will occupy us until that time, or if we can adjourn before that time I am willing that the bill shall go over; but if we are to have a session that will last until week after next I believe the Senate ought to give consideration to this bill, for it is a very important measure.

Mr. BRISTOW. If we are here next Saturday and the Senate wishes to take it up, let us take it up then. We will know then what is pending and we will be able to say what is the most important thing to consider at that time. We can not know now what we ought to consider next Saturday. I would rather consider it now than next Saturday.

Mr. STONE. I rise to a parliamentary inquiry. I inquire whether the motion to fix a special order made by the Senator from Vermont is a debatable motion?

The PRESIDENT pro tempore. The Chair is of the opinion that it is not, except by unanimous consent.

Mr. STONE. Well, I do not give my consent for any further debate.

The PRESIDENT pro tempore. The Chair desires to lay before the Senate the rule of the Senate, which had been overlooked in responding to the inquiry of the Senator from North Carolina [Mr. SIMMONS]. The Secretary will read Rule X in regard to conflicts between a special order and the unfinished business.

The Secretary read as follows:

RULE X.

SPECIAL ORDERS.

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

Mr. CUMMINS. Mr. President, I think the bill suggested by the Senator from Vermont is one of the most important that has come before the Senate. I think it would be quite as helpful to the people of the United States as the canal bill that we have just passed, and we ought to vote upon it at this session.

I suggest to the Senator from North Carolina that he propose a unanimous-consent agreement for voting upon the cotton bill, the unfinished business. Can we not agree upon a time for the disposition of that bill?

The PRESIDENT pro tempore. The matter before the Senate now is the motion of the Senator from Vermont [Mr. PAGE].

Mr. STONE. I ask for the regular order.

The PRESIDENT pro tempore. The Senator from Missouri asks for the regular order.

Mr. PAGE. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. PAGE. The Senator from North Carolina suggests that my motion, as I understand, would displace the unfinished business. Do I understand that the ruling with reference to that is that the unfinished business would not be displaced?

The PRESIDENT pro tempore. The Chair has just had the rule read from the Secretary's desk.

Mr. PAGE. Then I ask for a yea-and-nay vote, as I understand that it takes a two-thirds vote to adopt the motion.

The PRESIDENT pro tempore. The Senator from Vermont moves that on Saturday next the Senate proceed to the consideration by special order of the bill named by him. As that requires a two-thirds vote the Chair will direct the Secretary to call the roll.

Mr. CULBERSON. A special order at what time of the day on Saturday?

The PRESIDENT pro tempore. Immediately after the morning business was the motion made by the Senator from Vermont. It should have been so stated by the Chair.

Mr. BOURNE. I understood the Senator to say that his motion included the statement that he would give way to the consideration of all conference reports and appropriation bills.

The PRESIDENT pro tempore. The matter will not rest within the control of the Senator from Vermont. It must be ordered now by the Senate in such terms as it desires to have settled.

Mr. PAGE. I think that was a part of my motion.

The PRESIDENT pro tempore. The Secretary will read what appears to be the motion of the Senator from Vermont.

The Secretary read as follows:

That on Saturday, August 17, 1912, immediately upon the conclusion of the routine morning business, not to interfere with the consideration of appropriation bills or reports of committees of conference, the Senate will take up for consideration Senate bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economies in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure.

The PRESIDENT pro tempore. The question is upon the adoption of the motion. A two-thirds vote being necessary, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I am paired with the senior Senator from Idaho [Mr. HEYBURN], and therefore withhold my vote.

Mr. CULLOM (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. CHILTON], and therefore withhold my vote.

Mr. TOWNSEND (when the name of Mr. JONES was called). The senior Senator from Washington [Mr. JONES] was called from the Senate on official business.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. He not being present, I withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH] is unavoidably absent from the city and is paired with the Senator from Missouri [Mr. REED].

Mr. SMOOT (when Mr. STEPHENSON'S name was called). I wish to announce the absence from the city of the junior Senator from Wisconsin [Mr. STEPHENSON]. He has a pair with the Senator from Oklahoma [Mr. GORE]. I will allow this notice to stand for the day.

Mr. STONE (when his name was called). I have a standing pair with the Senator from Wyoming [Mr. CLARK], and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER], and on account of his absence I withhold my vote.

Mr. SANDERS (when Mr. WARREN'S name was called). I have been requested to announce the pair of the Senator from Wyoming [Mr. WARREN] with the senior Senator from Louisiana [Mr. FOSTER].

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE], and therefore withhold my vote. If he were present, I should vote "yea."

The roll call was concluded.

Mr. OVERMAN. I have been requested to announce that the junior Senator from South Carolina [Mr. SMITH] is unavoidably detained at home on important business, and is paired with the Senator from Delaware [Mr. RICHARDSON].

Mr. LIPPITT. I have a pair with the Senator from Tennessee [Mr. LEA], and on that account I withhold my vote.

Mr. THORNTON. I wish to announce the necessary absence of my colleague [Mr. FOSTER], and will let the announcement stand for the day.

Mr. CULBERSON (after having voted in the affirmative). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Indiana [Mr. KERN], and will allow my vote to stand.

Mr. CURTIS (after having voted in the affirmative). I voted thinking my pair with the Senator from Arkansas [Mr. DAVIS] had expired. I find it stands for the day, and I transfer it to the Senator from Washington [Mr. JONES] and let my vote stand.

Mr. SIMMONS (after having voted in the affirmative). I have a pair with the Senator from Minnesota [Mr. CLAPP]. I

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understand if he were present, he would vote as I do on this question, and I will therefore let my vote stand.

Mr. LIPPITT. I transfer my pair to the Senator from New Mexico [Mr. CATRON] and vote. I vote "nay."

Mr. CHAMBERLAIN. The senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN], and I make this announcement for the day.

Mr. WILLIAMS. I wish to make the announcement, and to let it stand for the day, that my colleague [Mr. PERCY] is necessarily absent and is paired with the Senator from North Dakota [Mr. MCCUMBER].

Mr. LODGE. My colleague [Mr. CRANE] is absent from the city, and is paired with the Senator from Maine [Mr. GARDNER]. I will let this announcement stand for the day.

The roll call resulted—yeas 33, nays 13, as follows:

YEAS—33.

Ashurst	Curtis	Myers	Simmons
Bacon	Dillingham	Nelson	Swanson
Borah	Fletcher	O'Gorman	Thornton
Bourne	Johnson, Me.	Overman	Tillman
Bradley	Johnston, Ala.	Page	Townsend
Bryan	Kenyon	Perkins	Works
Chamberlain	Martin, Va.	Poindexter	
Culberson	Martine, N. J.	Pomerene	
Cummins	Massey	Sanders	

NAYS—13

Brandegee	Fall	Oliver	Wetmore
Bristow	Gallinger	Root	
Burton	Lippitt	Smith, Ga.	
Crawford	Lodge	Smoot	

NOT VOTING—48.

Bailey	Davis	Kern	Richardson
Bankhead	Dixon	La Follette	Shively
Briggs	du Pont	Lea	Smith, Ariz.
Brown	Foster	McCumber	Smith, Md.
Burnham	Gamble	McLean	Smith, Mich.
Catron	Gardner	Newlands	Smith, S. C.
Chilton	Gore	Owen	Stephenson
Clapp	Gronna	Paynter	Stone
Clark, Wyo.	Guggenheim	Penrose	Sutherland
Clarke, Ark.	Heyburn	Percy	Warren
Crane	Hitchcock	Rayner	Watson
Cullom	Jones	Reed	Williams

The PRESIDENT pro tempore. Upon the call of the roll of the Senate, on the question of the adoption of the motion made by the Senator from Vermont to make a special order, the yeas are 33, the nays are 13. No quorum has voted.

Mr. SMOOT. There is no quorum, Mr. President.

Mr. GALLINGER. Let the roll be called.

The PRESIDENT pro tempore. No quorum has voted.

Mr. GALLINGER. Let the roll be called.

The PRESIDENT pro tempore. Does the Senator from New Hampshire suggest the absence of a quorum? What is the motion of the Senator from New Hampshire? The Chair is trying to ascertain.

Mr. GALLINGER. I have an impression that when a vote shows a lack of a quorum, the roll should be called immediately to ascertain whether a quorum is present.

The PRESIDENT pro tempore. Very well.

Mr. GALLINGER. But, if necessary, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will proceed with the call of the roll.

Mr. SIMMONS. I suggest that probably when the names of absent Senators are called it will disclose a quorum.

The PRESIDENT pro tempore. There is no special rule to that effect.

Mr. SIMMONS. Votes might be cast.

The PRESIDENT pro tempore. The Senator from New Hampshire has suggested the absence of a quorum, and the calling of the roll is imperative. The Secretary will proceed to call the roll.

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

Ashurst	Culberson	Martin, Va.	Simmons
Bacon	Cullom	Martine, N. J.	Smith, Ariz.
Bailey	Cummins	Massey	Smith, Ga.
Bankhead	Curtis	Myers	Smoot
Borah	Dillingham	Nelson	Sutherland
Bourne	Fletcher	O'Gorman	Swanson
Bradley	Gallinger	Oliver	Tillman
Brandegee	Johnson, Me.	Overman	Townsend
Bristow	Johnston, Ala.	Page	Wetmore
Bryan	Kenyon	Perkins	Williams
Burton	Lippitt	Poindexter	Works
Catron	Lodge	Pomerene	
Chamberlain	McCumber	Root	
Crawford	McLean	Sanders	

Mr. TOWNSEND. I again announce that the senior Senator from Washington [Mr. JONES] is unavoidably detained on official business.

I also again announce the absence of my colleague [Mr. SMITH]. He is paired with the junior Senator from Missouri [Mr. REED]. I wish this announcement to stand for the day.

Mr. OVERMAN. Mr. President, I rise to a question of order. I desire to inquire whether a quorum is present. I should like to have the Senate go on and do business. If no quorum is present, it seems to me that the motion has failed for want of a quorum. That is parliamentary law. If there is anything in the rules of the Senate to the contrary, I should like to know it.

Mr. GALLINGER. We can not do business without a quorum, of course. That goes without saying.

Mr. TILLMAN. We can not do anything without a quorum.

Mr. OVERMAN. I ask for a ruling on the point I have made.

The PRESIDENT pro tempore. Does the Senator make the point of order that the motion has failed?

Mr. OVERMAN. I do. I say that under the general rule the motion has failed for want of a quorum.

The PRESIDENT pro tempore. The Chair does not think the point is well taken.

Upon the call of the roll of the Senate 53 Senators have answered to their names.

The Chair will again direct the question to be taken on the motion of the Senator from Vermont [Mr. PAGE]. The Secretary will proceed to call the roll upon the adoption of the motion made by the Senator from Vermont to make Senate bill No. 3 a special order for Saturday next under the terms stated in the motion which has been read to the Senate.

The Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I again announce my pair with the senior Senator from Idaho [Mr. HEYBURN]. I will let that statement stand for the day.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE] and vote. I vote "yea."

Mr. TOWNSEND (when Mr. JONES's name was called). I again announce the necessary absence of the Senator from Washington [Mr. JONES] on official business.

Mr. MCCUMBER (when his name was called). I again announce my pair and withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. I do not see him in his seat, and I withhold my vote.

Mr. SUTHERLAND (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. RAYNER]; but under the arrangement which I have with him with reference to votes which require a two-thirds majority, I am at liberty to vote upon this question. I vote "nay."

Mr. WILLIAMS (when his name was called). I again announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE].

The roll call was concluded.

Mr. CURTIS. I transfer my pair with the Senator from Arkansas [Mr. DAVIS] to the senior Senator from Washington [Mr. JONES] and vote "yea."

Mr. SIMMONS. I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I am advised that if present he would vote as I would on this motion, and therefore I will vote. I vote "yea."

Mr. STONE. I am paired with the Senator from Wyoming [Mr. CLARK] and withhold my vote.

Mr. REED. I announce my pair with the Senator from Michigan [Mr. SMITH], and I withhold my vote.

The result was announced—yeas 33, nays 13, as follows:

YEAS—33.

Ashurst	Curtis	Massey	Smith, Ariz.
Bacon	Dillingham	Myers	Swanson
Borah	Fletcher	Nelson	Thornton
Bourne	Gronna	Newlands	Tillman
Bradley	Johnson, Me.	O'Gorman	Townsend
Bryan	Kenyon	Page	Works
Chamberlain	McLean	Poindexter	
Cullom	Martin, Va.	Pomerene	
Cummins	Martine, N. J.	Simmons	

NAYS—13.

Brandegee	Gallinger	Root	Wetmore
Bristow	Johnston, Ala.	Smith, Ga.	
Burton	Lodge	Smoot	
Crawford	Oliver	Sutherland	

NOT VOTING—48.

Bailey	Davis	Kern	Reed
Bankhead	Dixon	La Follette	Richardson
Briggs	du Pont	Lea	Sanders
Brown	Fall	Lippitt	Shively
Burnham	Foster	McCumber	Smith, Md.
Catron	Gamble	Overman	Smith, Mich.
Chilton	Gardner	Owen	Smith, S. C.
Clapp	Gore	Paynter	Stephenson
Clark, Wyo.	Guggenheim	Penrose	Stone
Clarke, Ark.	Heyburn	Percy	Warren
Crane	Hitchcock	Perkins	Watson
Culberson	Jones	Rayner	Williams

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Mr. BAILEY. There is not a quorum. The roll itself makes the point of no quorum. I make the further point that the motion has failed for the lack of a quorum, and that the Senate pass to the consideration of other business.

The PRESIDENT pro tempore. The same point was made by the Senator from North Carolina [Mr. OVERMAN] and was overruled by the Chair, but if the Chair is in error he would be very glad to have the error designated or pointed out in regard to that matter.

Mr. BAILEY. I understand, of course, that——

The PRESIDENT pro tempore. The Chair will state, with the permission of the Senator, that the ruling was made simply as a matter of general impression, not in recollection of any specific precedent or rule to that effect. If the Chair is in error, he would be very glad to be corrected.

Mr. BAILEY. I have little hope, of course, of convincing the Chair that the ruling is erroneous, but I am perfectly satisfied myself that when the motion failed for want of a quorum the only thing the Senate can then do is either to adjourn or to take steps to enforce the attendance of absent Members.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Kansas?

Mr. BAILEY. I do.

Mr. BRISTOW. Since we have nothing to do, I move that the Senate do now adjourn.

Mr. BAILEY. We have much to do, and we are willing to do it. I do not yield for that motion.

The PRESIDENT pro tempore. The Senator from Texas has the floor.

Mr. LIPPITT. Is not a motion to adjourn in order at any time?

The PRESIDENT pro tempore. The Senator from Texas has the floor. The Senator from Kansas did not have the floor to make the motion.

Mr. BAILEY. I yielded to the Senator from Kansas because I thought he intended to interrogate me.

Mr. BRISTOW. I did not desire to take the Senator off his feet, but I simply wanted to emphasize the situation we are in. If we are unable to do business, we are able to adjourn; and if we are not able to do business, I think we ought to adjourn.

Mr. BAILEY. I am ready to adjourn without day.

Mr. PAGE. Will the Senator from Texas yield to me for a moment?

Mr. BAILEY. I will.

Mr. PAGE. In view of the existing situation, I think I have developed about all I care to do at this time, and, with the consent of the Senate, I will withdraw my motion.

The PRESIDENT pro tempore. The Senator from Vermont asks the leave of the Senate to withraw his motion. Is there objection? The Chair hears none, and it is so ordered.

Mr. GALLINGER. I ask for the regular order.

The PRESIDENT pro tempore. The Chair will direct the Secretary to again call the roll to ascertain the presence of a quorum.

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

Ashurst	Curtis	Massey	Simmons
Bacon	Dillingham	Myers	Smith, Ariz.
Bailey	Fall	Nelson	Smith, Ga.
Borah	Fletcher	Newlands	Smoot
Bourne	Gallinger	O'Gorman	Sutherland
Bradley	Gronna	Oliver	Swanson
Brandegee	Johnson, Me.	Overman	Thornton
Bristow	Johnston, Ala.	Page	Tillman
Bryan	Kenyon	Perkins	Townsend
Burton	Lippitt	Poindexter	Wetmore
Chamberlain	Lodge	Pomerene	Williams
Clapp	McCumber	Reed	Works
Crawford	McLean	Root	
Cullom	Martin, Va.	Sanders	
Cummins	Martine, N. J.	Shively	

The PRESIDENT pro tempore. On the call of the roll of the Senate 57 Senators have responded to their names. A quorum of the Senate is present.

DESIGNATION OF PRESIDENT PRO TEMPORE.

Mr. SMOOT. I ask unanimous consent that the Senator from New Hampshire [Mr. GALLINGER] be the President of the Senate pro tempore from Monday, August 12, 1912, to Saturday, August 17, 1912, both inclusive.

The PRESIDENT pro tempore. The Senate has heard the motion of the Senator from Utah. Without objection, it will be so ordered.

Mr. GRONNA. We can not hear in this part of the Chamber.

The PRESIDENT pro tempore. The Senator from North Dakota not having heard the motion, the Secretary will state it from the desk.

The SECRETARY. The Senator from Utah [Mr. SMOOT] asks unanimous consent that JACOB H. GALLINGER, a Senator from the State of New Hampshire, be President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President from Monday, August 12, 1912, to Saturday, August 17, 1912, both inclusive.

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

Mr. SMOOT submitted the following resolution (S. Res. 376), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President, from Monday, August 12, 1912, to Saturday, August 17, 1912, both inclusive.

Mr. SMOOT submitted the following resolution (S. Res. 377), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President, from Monday, August 12, 1912, to Saturday, August 17, 1912, both inclusive.

COOSA RIVER DAM, ALABAMA.

Mr. BANKHEAD. I ask unanimous consent for the present consideration of the bill (S. 7343) to authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river.

Mr. SUTHERLAND. I dislike to object to the consideration of that bill, but I intend to object to the consideration of any bill until we have taken up and disposed of the Post Office appropriation bill. I therefore object to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Utah objects.

Mr. BANKHEAD. Then I move that the Senate proceed to the consideration of the bill, notwithstanding the objection.

The PRESIDENT pro tempore. The Senator from Alabama moves that the Senate proceed to the consideration of the bill, notwithstanding the objection. [Putting the question.] The "noes" appear to have it.

Mr. BANKHEAD. I now ask unanimous consent for the consideration of the bill immediately after the disposition of the bill to which the Senator from Utah [Mr. SUTHERLAND] refers as the reason for objecting to the consideration of this bill.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the Senate agree, after the Post Office appropriation bill has been acted upon by the Senate, to proceed to the consideration of the bill to which he refers. Is there objection? The Chair hears none, and it is so ordered.

DEPARTMENT OF LABOR.

Mr. BORAH. I gave notice a few days ago that I would move this morning to take up the bill (H. R. 22913) to create a department of labor, but it is rather apparent to my mind that, considering the conditions in which we find the Senate this morning, it would perhaps be a waste of time to undertake to get that bill up by motion, especially in view of the desire of the Senator from Oregon [Mr. BOURNE] to proceed with the consideration of the Post Office appropriation bill. I therefore desire to prefer a request for unanimous consent that upon next Tuesday, after the routine morning business, the Senate take up the bill to which I have referred, and that we vote upon the bill and the amendments thereto before the close of that calendar day, not, however, to interfere with appropriation bills.

Mr. SMOOT. Or conference reports. Will the Senator accept that suggestion?

Mr. BORAH. Not to interfere with conference reports or appropriation bills.

Mr. GALLINGER. I must object to that, Mr. President.

The PRESIDENT pro tempore. The Senator from New Hampshire objects.

Mr. BORAH. Well, Mr. President, I will ask, Is the Senator from New Hampshire objecting on account of the particular day I have asked to be fixed for the consideration of the bill?

Mr. GALLINGER. Mr. President, I suppose there are 50 and perhaps 100 bills on the calendar as to which Senators would be glad to have special orders made for their consideration. I do not know why we should select this particular bill. It is going to lead to considerable debate, at least it will lead to some debate, and I think the Senator from Idaho had better let it remain a little while on the calendar. It has been there only a few days, and perhaps after a few days more consent for its consideration might be given; but I think this morning that consent ought not to be given. So I object, on the ground that, as I have stated, I think the bill ought to remain on the calendar

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a little while longer so that we may look into it and give it more consideration than I at least have been able to give up to the present time. There are half a dozen interests in this country demanding departments. The medical profession want a department; the transportation people want a department; and I apprehend that, while we have a Bureau of Mines now, they will want a department after a little while. It is a very serious question whether we want to enlarge the departments of the Government any further at the present time. I certainly want to look into the matter.

Mr. BORAH. Very well, Mr. President, I realize that it is an important question and may lead to some little discussion, but the fact that the people want a department is not conclusive evidence that they should not have it.

Mr. GALLINGER. That is what the physicians say, that there is no reason why they should not have a department.

Mr. BORAH. The Senator from New Hampshire ought to know the weaknesses of the physicians; I do not.

Mr. GALLINGER. I do not know that there is any weakness about it. I simply question the propriety of it at the present time; that is all. Hence I oppose it.

Mr. BORAH. Mr. President, I am not going to urge the matter this morning, partly on account of the suggestion of the Senator from New Hampshire, as I presume that he will come around in time to support the proposition, as he always does good measures, but principally for the reason that I think it but fair that the Post Office appropriation bill should be gotten out of the way. I do, however, want to suggest that I shall feel constrained to urge the bill at the very earliest opportunity, especially in view of the fact that two of the great political parties have indorsed it, and that it is important that we begin to carry out our platforms if we can.

POLITICAL CAMPAIGN CONTRIBUTIONS.

Mr. DILLINGHAM. At the request of some Senators who are particularly interested in the passage of the bill, I want to give notice that on Monday morning next, following the completion of the routine morning business, I shall ask the Senate to take up and consider the bill (S. 3315) to prohibit corporations from making contributions in connection with political elections and to limit the amount of such contributions by individuals or persons.

TENURE OF PRESIDENTIAL OFFICE.

Mr. BAILEY. Mr. President, I had given notice that at the conclusion of the routine morning business to-day I would move that the Senate proceed to the consideration of the Senate joint resolution (No. 78) to amend the Constitution with respect to the tenure of the presidential office, but I think it is only fair to the Senator from Oregon [Mr. BOURNE] to get out of his way until we can dispose of the Post Office appropriation bill. I therefore give notice that immediately after the Senate has disposed of the unanimous-consent order granted at the request of the Senator from Alabama [Mr. BANKHEAD], I shall move that the Senate proceed to the consideration of that joint resolution, unless some other Senator will relieve me from that necessity. I prefer, of course, that the Senator who introduced the joint resolution or the Senator who reported it should make the motion.

Mr. GRONNA. Mr. President, I want to address myself to the Senator from Texas, if he will listen to me. I had hoped that the Senator from Texas would at least move to take up the joint resolution to which he has referred this morning and explain it to the Senate.

Mr. BAILEY. I shall not do that, for two reasons. In the first place, I think the Senate, in its present frame of mind, would vote the motion down, and I am not sure but that it would be asking too much of the Senate to ask it to delay the consideration of the Post Office appropriation bill any longer. I also refrain from doing it in the hope that the Senator who reported the joint resolution will make the motion, or that the Senator who introduced it will make it, and I feel sure that one or the other will do so.

Mr. GRONNA. I want to say, Mr. President, that I should be very glad to have an opportunity to vote upon the joint resolution; but it will be impossible for me to be here next week. For that reason I suggest that the resolution be called up now.

Mr. CUMMINS. Mr. President, I reported the joint resolution, and I intend to bring it before the Senate at the very first moment at which I think the Senate will be willing to consider it, in view of the other business which is before the Senate.

Mr. WORKS. Mr. President, as the author of the joint resolution has been referred to, I desire to say that I have been anxious to secure consideration for the joint resolution at the earliest possible day. I have deferred, however, as a matter of courtesy, to the Senator from Iowa, who reported it; but I am exceedingly anxious that the joint resolution shall be considered at an early day.

Mr. BAILEY. Mr. President, I recognize, of course, that all the proprieties require that the matter shall be left with the Senator who proposed the joint resolution or the Senator who reported it; I also recognize that either Senator is quite equal to the task of conducting its consideration through the Senate; but I am extremely anxious that it shall be brought, with as little delay as possible, before the Senate, because I am satisfied from conversations with Senators, who have volunteered their opinions, that if it can be brought to a vote, it will command the necessary two-thirds. I desire to see it pass the Senate at this session, so that it may pass the House at the next session and be submitted to the legislatures of the various States which will convene during the next wintertime. In that way it can not affect the election which will be held before the amendment can be made part of the Constitution, and yet it will be voted upon far in advance of the following election, and can not possibly be supposed to have relation to the candidacy of any particular individual.

POST-OFFICE APPROPRIATION BILL.

Mr. BOURNE. I move that the Senate resume 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. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The pending amendment will be stated.

The SECRETARY. On page 37, beginning in line 15, the committee amendment is proposed to strike out down to and including line 22, on page 39, and in lieu thereof to insert:

> That a joint committee shall be appointed, composed of three members of the Senate Committee on Post Offices and Post Roads, and three members of the House Committee on the Post Office and Post Roads, to be designated by the respective chairmen thereof, to make an inquiry into the subject of Federal aid in the construction of highways, and report at the earliest practicable date, and said committee shall have power to employ such clerical and stenographic assistance as may be necessary and conduct hearings, and for the payment of the expenses of such inquiry there is hereby appropriated the sum of $5,000 to be paid upon vouchers signed by the chairman of said committee.

Mr. SIMMONS. Mr. President, I hope the amendment proposed by the Committee on Post Offices and Post Roads striking out the House provision for Government aid to postal roads and substituting for it a commission will not be adopted. It is said by the opponents of the House plan that the legislation proposed is crude, immature legislation. I do not think so; on the contrary, I think it fully meets the situation. I think it provides a just, equitable, and workable plan for contribution by the Government for the maintenance and upkeep of such roads as it is now using in the discharge of its constitutional duty every day of the week. The opponents of this measure—those interested in its defeat, those who think the Government should confine its assistance to good road building, to building great national highways connecting the great cities of the country—naturally look upon this simple plan as crude and objectionable, because it is not the way they want it done; but, to the people who have to keep up these roads which the Government has organized and established into postal roads and is using in carrying the mails, the plan proposed is an exceedingly direct, simple, and equitable one.

I do not mean to oppose the construction of national highways connecting important centers. These highways will serve an admirable purpose. But the benefits will be far more circumscribed and will bear but remote relation to the postal service.

The plan proposed in the House bill is a plan for the distribution of the governmental contribution, not among a few localities and sections but throughout the whole country wherever there is a postal road; the contribution is to be as broad as the postal service; it is intended to make that service more expeditious and efficient; it is intended to cheapen transportation from the farm to the railroad; it is intended to make the postal service a national service—one in which all the people are equally interested, the burdens to be borne by the people as a whole—without imposing special burdens and hardships upon detached portions of the system. In this connection the Government is asked to do nothing more than to contribute its part to keep up every section of road which it uses in discharging its constitutional duty to supply the people, and all the people, with adequate mail facilities—the people of the country as well as the people of the towns.

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P.O Approp Bill H.R 21279

The SECRETARY. On page 37, line 15, in lieu of the words proposed to be stricken out by the Senate committee it is proposed to insert the following:

That there shall be, and is hereby, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State for the building and repairing of good roads for star and rural routes now established, or which may be hereafter established, the sum of $250,000 for the year ending June 30, 1913, and an annual increase of the amount of such appropriation thereafter for 10 years by an additional sum of $25,000 over the preceding year, to be applied only for the building and repairing of good roads for rural and star routes, established or hereafter established: *Provided*, That no State shall receive any of the benefits of this act unless such State shall appropriate a sum at least equal to the amount herein appropriated for a similar purpose.

SEC. —. That the sums hereby appropriated to the States for the support and maintenance of good roads for rural and star routes now established, or hereafter to be established, shall be annually paid on or before the 31st day of July of each year by the Secretary of the Treasury upon the warrant of the Secretary of Agriculture and Postmaster General, out of the Treasury of the United States, to the State treasurer, or to such officers as shall be designated by the laws of said State to receive the same, and such treasurer shall be required to submit to the governor of each State, and the governor to the Postmaster General and the Secretary of Agriculture, on or before the 1st day of September of each year, a detailed statement of the amount so received and of its disbursements. The grants of moneys authorized by this act are made subject to the legislative assent of the several States to the purpose of said grants: *Provided*, That payment of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of the legislature of such State meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

SEC. —. That if any portion of the moneys received by the designated officers of the State for good roads for rural and star routes as provided in this act shall, by any action or contingency, be diminished or lost or be misapplied, it shall be replaced by the State to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State; the governor of each State shall report to the Secretary of Agriculture and the Postmaster General regarding the condition and progress of the road built or repaired, including statistical information in relation to its receipts and expenditures.

SEC. —. That on or before the 1st day of July in each year, after the passage of this act, the Secretary of Agriculture and the Postmaster General shall ascertain and certify to the Secretary of the Treasury as to each State whether it is entitled to receive its share of the annual appropriation for good roads for rural and star routes under this act, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture and the Postmaster General shall withhold a certificate from any State of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. And the Secretary of Agriculture and Postmaster General are hereby charged with the proper administration of this law.

SEC. —. That the Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States, and also whether the appropriation of any State has been withheld; and if so, the reasons therefor.

SEC. —. That Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

Mr. SWANSON. Mr. President, this is practically a motion to strike out the House provision and to insert what has been read. There is already a motion pending from the committee to strike out the House provision and to insert the amendment offered by the committee. My point of order is that we must first vote on the committee amendment to strike out and insert, instead of the amendment now proposed by the Senator from North Carolina. The motion of the Senator from North Carolina is to strike out the House provision for road improvements and to insert the provision he has offered.

Mr. OVERMAN. Mr. President, this is an amendment to perfect the House provision before the Senate amendment is voted on. That has been held time and again to be in order so as to perfect the text. If my amendment is adopted as stated by the Presiding Officer on Saturday, then the question will come upon the motion of the committee to strike out and insert. That is the parliamentary situation as stated by the Presiding Officer on Saturday.

Mr. BOURNE. Mr. President, I stated on Saturday that as between the two provisions the Senator's amendment and the Shackleford provision as it appears in the House bill, I prefer his for the reason that it provides for cooperation; but I stated further that I should vote against its adoption, because I thought it better to have the committee substitute than either.

Mr. SMITH of Georgia. Mr. President, there is at least one amendment pending to the House provision. I submitted an amendment to the House provision which has been printed, and I think we are first entitled to perfect the House provision before any amendment in the nature of a substitute should be inserted.

Mr. SWANSON. Mr. President, the Senator from Georgia has offered an amendment to the House provision which is to perfect the text. Of course, the Senator from North Carolina is right that the text must be perfected before a motion is made to strike out and insert; but that is not the motion of the Senator from North Carolina. The motion of the Senator from North Carolina is to strike out the House provision and to insert his amendment.

The PRESIDENT pro tempore. The Chair was not informed of the fact that there was any motion pending to perfect the House provision.

Mr. SMITH of Georgia. My amendment has been printed, and I should be glad to have it read.

Mr. OVERMAN. Of course, the amendment of the Senator from Georgia is first in order.

The PRESIDENT pro tempore. Unquestionably the amendment proposed by the Senator from Georgia is first in order and will now be stated.

The SECRETARY. On page 39, line 18, after the words "Postmaster General," it is proposed to insert the following:

Provided, That no part of said funds shall be paid to an officer in any State until the legislative authority of such State shall by law designate the officer or officers to receive it, and fix the manner of its use in aid of road improvement, and prescribe safeguards to enforce such use.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Georgia.

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from North Carolina [Mr. OVERMAN] now moves to strike out the provision and to insert the matter which has heretofore been read. The question is on that motion.

Mr. OVERMAN. As some Senators were not present when I offered the amendment, I will now explain it.

The PRESIDENT pro tempore. The Chair is constrained to overrule the point of order made by the Senator from Virginia [Mr. SWANSON]. The question is upon the amendment submitted by the Senator from North Carolina.

Mr. OVERMAN. Mr. President, this amendment provides for a cooperative system of working on public roads. If the Government is going to enter upon that operation, it is proposed to provide that the Government shall give $250,000, and before the States shall receive their proportion they shall appropriate a similar amount, which would make $500,000. Then, in dividing the money among the counties of the State, that the counties shall appropriate a certain amount, the townships so much, and the road districts so much. So that they will all be in cooperation with the Federal Government, and the State governments, the counties, the townships, and the road districts will all be contributing, and there will not be a State in the Union which, under this proposed appropriation, will not receive as much as a million dollars for road work, the Government appropriating but $250,000.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Ohio?

Mr. OVERMAN. I do.

Mr. POMERENE. Does not the amendment proposed by the Senator from North Carolina provide that there shall be the same appropriation of $500,000 to each and every State, regardless of its population and regardless of the number or the length of the roads, whether improved or unimproved? In other words, that the State of Delaware and the State of Rhode Island would receive exactly the same amount as would be received by the State of New York, the State of Texas, or the State of Ohio?

Mr. OVERMAN. That is exactly right, except that I have modified the amendment so as to appropriate to each State $250,000 instead of $500,000. I ought to say that that has been the policy of this Government for 75 years or more. In 1832, on motion of Mr. Clay, money was divided in that way, and the money under the Morrill Act in aid of education was divided the same way, and to-day every State, including Delaware and New York and North Carolina and Ohio, are receiving the same amount of money from the Public Treasury for the purpose of education.

Mr. POMERENE. Mr. President, I am not familiar with the Morrill Act; but does it not seem to the Senator that school funds should be distributed per capita rather than given to a State without respect to population?

Mr. OVERMAN. That has not been the policy of this Government. It divides such money equally. Your experiment station to-day in Ohio is getting the same amount as the experiment stations in Delaware and North Carolina. There is only one way to work such a matter out. The State is the unit of this Government. My idea is: If the Government is going to extend aid, give each State the same amount and then let

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the States administer the fund. Let the States take the money, let the States appropriate similar amounts, let the counties appropriate, and we will have a working system in which the Government, the road districts, the counties, and the State governments will cooperate.

Mr. POMERENE. I agree with the Senator that every political unit of the State should participate in this movement for good roads. The States should take a hand, as should the counties and the road districts; but at the same time it does seem to me that it is unfair to the great State of New York, the great State of Texas, and the great State of Ohio, that they should get as much and no more than is to be distributed to the small State of Delaware, the small State of Rhode Island, or such States as New Mexico and Arizona, which have substantially no improvements whatsoever so far as public highways are concerned.

Mr. OVERMAN. The State of Delaware has two Senators here and the State of Nevada has two Senators. There is no other way to make such a distribution that I can conceive of. If we should divide the money according to population, New York would get so much more than Delaware and Ohio that it would not be fair. Delaware contributes to this Government as a unit; so does North Carolina; so does New York; so does Ohio; and so do all the other States.

Mr. POMERENE. My thought is now and has been that the Federal Government should do everything it can do for the purpose of encouraging the building of permanent roads.

Mr. OVERMAN. The Senator and I agree on that, except as to the method of distributing the money.

Mr. POMERENE. I think we do, and I hope that some method may be devised whereby we can bring about a just and equitable arrangement.

Mr. JOHNSTON of Alabama. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Alabama rises to a point of order. The Senator will state it.

Mr. JOHNSTON of Alabama. The unanimous-consent agreement provides that no Senator shall speak more than once on this question, or for a longer period than 10 minutes.

Mr. OVERMAN. Have I spoken for 10 minutes?

Mr. JOHNSTON of Alabama. It also provides that no Senator shall speak more than once.

The PRESIDENT pro tempore. The Senator from North Carolina has not as yet exhausted his time.

Mr. JOHNSTON of Alabama. I call the attention of the Chair to the fact that no Senator shall speak more than once nor for a longer period than 10 minutes.

Mr. OVERMAN. Have I spoken more than 10 minutes?

Mr. JOHNSTON of Alabama. The Senator has spoken more than once.

Mr. POMERENE. Mr. President, it has not been my desire to take up the time of the Senator from North Carolina, but I will be obliged in a few moments to leave the Chamber, and I wanted to bring out distinctly what were the provisions of the amendment.

Mr. OVERMAN. I have tried to explain to the Senator. I think if this proposition could go into conference, probably some idea might be suggested along this line which would be better than the House provision.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from North Carolina [Mr. OVERMAN].

The amendment was rejected.

Mr. TOWNSEND. I desire to have read at the desk a letter which I have received with reference to this matter from the Hon. H. S. Earle, for several years road commissioner of the State of Michigan, who I think is perhaps as much interested in the subject as any man of whom I know.

The PRESIDENT pro tempore. Without objection, the letter will be read in the Senator's time.

The Secretary read the letter, as follows:

H. S. EARLE MANUFACTURING CO.,
Detroit, Mich., August 10, 1912.

Hon. CHARLES E. TOWNSEND,
United States Senator, Washington, D. C.

MY DEAR SENATOR: I am in receipt of your telegram which reads as follows:

"Hon. HORATIO S. EARLE,
"*Detroit, Mich.:*

"House bill provides for Federal aid to roads of $25 per mile for stone, $20 for gravel, and $15 for dirt. Senate proposes to amend by appointing a commission to investigate and report a plan at next session of Congress. What in your opinion should be done? Personally, I believe House provision is worse than useless.

"CHAS. E. TOWNSEND."

In answer to the above you are right in your opinion regarding the matter.

To scatter money, like House bill proposes, all over the United States would be as foolish as to sow a pint of wheat to the acre and expect to get a good crop.

"What is worth doing at all is worth doing well."

The National Government can not afford to become a party to flimsy road building.

Congress should appropriate $200,000 to pay for a preliminary survey and estimate of cost for a great national highway, connecting all States in the Union, and provide for the appointment of a commission to be composed of men of national repute in the work, and they should be given power to employ the best civil engineers for the purpose.

When this report is filed Congress would know how many miles long the whole road would be and how many miles there would be in each State.

Then Congress should pass the necessary enabling act to sell sufficient bonds to raise sufficient money to build this entire road, and also provide for its permanent repair at the expense of the National Government.

It should be completed in five years, and one-fifth of the miles to be built in each State should be built each year.

As a military road, as a post road, as a property value-raising road, and as a sample road it would be of inestimable value to every State.

It would educate in the art of road building hundreds and thousands in every State.

It would be following the precedents established in other civilized countries.

Respectfully, yours,

H. S. EARLE.

Mr. SWANSON. Mr. President, I only wish to take about five minutes.

The amendment offered by the Senator from Georgia [Mr. SMITH] and adopted, eliminates practically all objections which have been urged against the House provision. The House bill provides for the distribution of about $18,000,000 for roads all over the country if they are improved up to certain standards fixed in the bill. The objection has been urged against that provision that it provided no safeguard to see that the money was properly expended in the future for the improvement of roads. That objection has been strenuously urged in the Senate; but the Senator from Georgia has offered an amendment to the House provision, and it has been adopted, which provides that the money shall be paid to a person authorized by the legislature in each State, and the legislature of each State shall pass a law determining how the money shall be spent; so that it is left to the authorities of the State to determine in what manner the amount shall be expended. The State will be authorized to provide, if it so desire, that the money shall be expended on the condition that the county or the local authorities will furnish an equal amount, and the State will have the right to expend that money in permanent road improvement—for the construction of macadam roads—if the State so wishes.

Unless Senators think a State is incompetent to do what is right and wise for road improvement, unless they think the State governments are useless and have proven failures, there can be no objection to the House provision as amended on motion of the Senator from Georgia. If any State receives, say, a million dollars or a half million dollars under the bill as amended, it would be left to the legislative authority of that State to determine how that money should be expended. I have confidence in the wisdom and in the integrity and in the good intentions of the State legislatures, and I believe there will be no waste of the money under the road provision of the House bill as it has been amended.

What will be the advantage that will accrue from the adoption of this measure? In the first place, for the next 12 months every road in the United States must be improved, must be made to conform to a certain standard or condition provided in this bill, in order to obtain the aid provided. For the next 12 months efforts will be made by the supervisors of the roads to get them in good condition, so that their States can receive the Federal aid. I believe if this bill is passed, for the next 12 months in the United States there will be more activity, more energy, and more effort directed toward the improvement of roads than ever existed before. It will be a stimulus. Here is a reward or a prize given to every road overseer in the United States, whether his jurisdiction extends over dirt roads or hard-surface roads or macadam roads. We say to him, in effect, "Improve your roads for the next 12 months, get them in good condition, have them well drained, have them smooth, fill up the mudholes, and if you will keep them so for 12 months, at the end of that 12 months the Government will give you the amount named in the bill." It is an effort to stimulate the local authorities. It is an effort to get the people, by the offer of this prize, to improve their own roads.

But the bill as amended goes further. After that money is paid it is turned over to the officer designated by the State; and the officers in each State must determine the best methods of its expenditure and make provision to see that it is wisely spent in the improvement of the roads. As I have said, with the

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Agriculture. The purport of the paragraph is decidedly in opposition to the adoption of the House amendment——

The PRESIDENT pro tempore. The request of the Senator from Oregon to insert certain matter in the RECORD will be agreed to, if there be no objection.

The matter referred to is as follows:

Mr. PAGE. Mr. Chairman, that is a pretty big question, so suppose I present it in this way: Up to the present time about 62 bills for national aid in some form have been presented to this Congress, and they call for very large sums of money. There are a great many of them the results of which have not been considered and the effects of which, I think, would be very dangerous. I consider this measure among the more dangerous. If all the roads of this country—there are about 2,250,000 miles—were constructed in a first-class manner it would cost about $22,000,000,000. That is a very conservative estimate. I think there are only about $16,000,000,000 in the world, and four or five billion of that are unsecured notes. If we were to sprinkle the roads of this country for one summer season with ordinary watering carts and water it would cost about $880,000,000, which is $200,000,000 more than the national revenue. Any plan for the Government to participate seems to me to require a good deal of consideration. I have read all the bills which have been presented for a number of years, and the plan which seems to me to be the most reasonable and practicable for the Government is one for the Government to select a definite system of roads, to be considered from the standpoint of agriculture and commerce, the delivery of the mails, and the national defense, that system not to exceed 1½ per cent of the total mileage of the country. That would give the United States about 33,000 miles of road under this system, which would be the greatest road system under one management in the world. The French have about 23,000 miles. The construction of 33,000 miles of road would require a larger expenditure than I believe the Government could make—that is, to build the roads in sufficient time to suit the general demands of the public. However, if the Government were to adopt this system it could make an agreement with any State that had already improved any portion of this system falling within its limits to take over that portion and maintain it forever afterwards in first-class condition. It could make the same agreement with any State that would in the future build any portion of that system of roads or all of the system falling within that State, the Government to take over the road and maintain it forever afterwards. That would be fair to the older States that have borrowed money and raised it by taxation and have already improved their roads. They would not lose in any way by that, it would be a great incentive for the States which have not spent any money on their roads, and it would be excellent business for them to immediately borrow money and have the portion of the system within their borders constructed according to the Government's standard. I think when this entire 33,000-mile system was completed it would not require over $35,000,000 yearly for maintenance in first-class condition.

That would relieve the Government of an enormous expenditure for construction and you would get definite results. It would give the United States the largest system or unit of road of any country in the world.

Mr. BOURNE. I should also like to insert in the RECORD a statement from the Postmaster General, contained in his letter of June 21, addressed to the committee, in which he specifically states he is opposed to it on the ground that it would be impracticable.

The matter referred to is as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., June 21, 1912.

Hon. JONATHAN BOURNE, Jr.,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SENATOR: I am in receipt of your communication of the 14th instant making certain inquiries with respect to the provision incorporated in the Post Office appropriation bill for the fiscal year ending June 30, 1913, as passed by the House of Representatives, which provides that whenever the United States shall use certain highways for the purpose of transporting rural or star route mail compensation at specified rates per annum for each mile traveled shall be made to the proper State officers.

In reply to your inquiry as to what would be the total expense of classifying the roads, I beg to state that it would undoubtedly be necessary for a representative of the Government to make an inspection of each road sought to be brought within one of the classifications prescribed in the bill. The proposed legislation provides "that any question arising as to the proper classification of any road used for transporting rural or star route mail shall be determined by the Secretary of Agriculture," and, although the bill does not expressly so state, it would seem to follow that not only should all questions as to the proper classification of roads be determined by the Secretary of Agriculture, but that he should also cause the classification to be made.

An estimate of the cost of the initial classification and of subsequent classifications has been made by the Director of Public Roads, Department of Agriculture, and appears on page 5726 of the CONGRESSIONAL RECORD for April 27, 1912. The mileage of the rural and star routes has not changed materially since this estimate was made, and, as the Office of Public Roads is in the possession of far more data pertaining to highways than is this department, I have no reason to doubt the substantial accuracy of the director's estimate that the annual charge to the Government for the use of the roads now traveled by rural and star route carriers would amount to $16,116,500 per annum, exclusive of the cost of classification, which is estimated at $750,000 for the first year and at $200,000 per annum thereafter.

With reference to your inquiry as to whether this work could be done by the present force of inspectors or whether an additional force would be required, I beg to state that no part of the number of inspectors for which provision is now made would be available for assignment to the duty in question. Owing to the vast mileage requiring inspection and the limited time within which the classification would necessarily have to be completed, a large number of additional inspectors would be required. Under the Post Office Department provision is now made for 375 inspectors, exclusive of inspectors in charge, numbering 15, and the entire force is now working at its full capacity. To perform this work within the limited time necessary, if it be intended that it should be done by this department, would require several hundred additional inspectors. As the proposed legislation would take effect July 1, 1913, and as it is prescribed that payment would be made at the end of the fiscal year, the work of inspection could not be properly begun until the date mentioned. It will thus be seen that the actual work of classification would necessarily have to be done within the first six or eight months of the fiscal year beginning July 1, 1913, and would require during that period the unremitting services, it is estimated, of at least 350 inspectors or agents. During the remainder of the same fiscal year a very material addition, which is almost impossible to estimate, to the departmental clerical force would be required for the purpose of tabulating the information submitted by the road inspectors and of presenting it in proper form on which intelligent action could be based.

Inspectors so added to the regular force should be entitled to receive at least $1,500 each, with a per diem allowance not to exceed $3 for expenses of travel.

In this connection, permit me to suggest that if it should be determined to enact the proposed legislation, with its attendant expenses for rental, classification, etc., the committee consider the advisability of providing specifically that none of such expenses be made a charge against the revenues of the Post Office Department. For the first time in many years the department is now practically self-sustaining, and it would be manifestly unfair, in my opinion, to allow such payments, from which no possible benefit to the Government could accrue, to create another deficit in the department's finances and thus possibly cause an indefinite postponement of some postal reforms, such as 1-cent letter postage, for which there is now a widespread public demand.

In conclusion, I desire to call the special attention of the committee to my letter to you under date of May 22, 1912, relating to an amendment intended to be proposed by Senator GORE to the pending Post Office appropriation bill. That letter read, in part, as follows:

"The proposed legislation for which the amendment in question would be substituted, provides, in effect, that certain highways of the several States shall be divided into three classes, according to grade, width, and construction, and that whenever the United States shall use such highways for the purpose of transporting rural or star-route mail compensation, at specified rates per annum for each mile traveled shall be made to the proper State officers. Nowhere in the bill is it prescribed that the money so paid by the Government shall be used for highway improvements, nor is any provision made for cooperation in that regard between State and Government officers. The proposed payments seem, therefore, to amount substantially to a subsidy to be paid by the United States for the use of public highways for the purpose of continuing to the public a service which, although its benefits are recognized and appreciated in every quarter, is even now the source of an apparent loss of many millions of dollars annually.

"Before such loss is further augmented, as would be practically the case if the provision now incorporated in the bill as it passed the House of Representatives were enacted into law, it is believed that the matter of payment by the Government of compensation for the use of public highways by its mail carriers should be made the subject of an exhaustive investigation by a body, constituted either as proposed by Senator GORE or in some other acceptable manner, which would make a careful study of all questions involved and submit a report to Congress which could be made the basis of thoughtful deliberation and intelligent action."

Before reporting the bill, the committee will, of course, give most careful consideration to this matter in all of its phases, but, in amplification of the foregoing letter, I beg to direct atttention to the fact that, by analogy, if the Government is to be called upon to pay for the use of public highways by rural or star-route mail carriers, it is not unreasonable to assume that it will only be a matter of time when it will likewise be called upon to pay for the use of sidewalks by city letter carriers and of streets by mail wagons. One proposal is just as reasonable as the other, and if payment is to be made in the one case a demand that payment be made in the other will be difficult, if not impossible, to deny.

It need not be stated here that this department is in favor of good roads and will heartily indorse any broad, comprehensive plan of road improvement providing for cooperation in that regard, financial or otherwise, between Government and State officers, but I am strongly of the opinion that the proposed legislation, which provides for payments of sums entirely inadequate to produce any tangible or appreciable results, would utterly fail to accomplish the desired end, and would, in effect, constitute nothing more than a useless and indefensible drain on the Treasury of the United States.

Yours, very truly,
FRANK H. HITCHCOCK,
Postmaster General.

Mr. BOURNE. I would also like to insert in the RECORD a statement from the Secretary of Agriculture as set forth in a letter of June 26, addressed to the chairman of the committee, which I will read, as it is short:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, June 26, 1912.

Hon. JONATHAN BOURNE,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

DEAR SENATOR: In reply to your letter of June 22, asking for information concerning the possible participation of this department in the carrying out of the Shackleford amendment to the Post Office appropriation bill, I have the following statement to make:

(1) There is no available force in this department at present that could be assigned to this work.

(2) The appropriation recommended for the Office of Public Roads for the coming fiscal year is $202,120, all of which is apportioned for special lines of work.

(3) A force of from 250 to 300 trained men would be necessary to classify the post roads as designated in the Shackleford bill. It would be exceedingly difficult, if not impossible, to obtain and organize such a force, the duties of which would occupy such a short period of time.

(4) The cost for the first year for making such a classification would probably be from $750,000 to $1,000,000, and this work would be of an absolutely nonproductive nature.

(5) The cost of continuing this classification after the first year would probably be between $200,000 and $300,000 per year, depending on the demand for the work.

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Hoping that I have answered these questions to your satisfaction, I am,

Very respectfully, JAMES WILSON, *Secretary.*

As I understand, Mr. President, the motion is to strike out the House provision as improved by the amendments adopted in the Senate and to substitute therefor the Senate amendment, which motion I sincerely hope will prevail.

Mr. PAGE. May I ask the chairman of the committee a question? Has there ever been a suggestion made that the Government might loan States, towns, and counties a fund for highway purposes at a very low rate, perhaps a 2 per cent rate, instead of assuming the direct burden of building these highways?

Mr. BOURNE. In reply to the inquiry of the Senator from Vermont I will state that I heard such a suggestion. Whether any bill has been introduced I can not state.

Mr. PAGE. My own judgment is that this is too great a proposition to pass upon with such haste as we shall have to pass upon it now, and I am therefore inclined to favor the committee recommendation. I wish to say, however, that I have a great deal of sympathy with the idea that the Federal Government ought, in some way, to stimulate and encourage the building of good roads. It occurs to me that we are now accumulating a large fund by way of the postal savings deposits—I understand it has already reached about $20,000,000, and will, of course, rapidly increase in the future. Would it not be practicable to loan this fund, say to the extent of $300 per mile, on a 2 per cent basis to those sections which wish to borrow it for a highway fund? The interest would be only $6 per mile per year, and if it was thought best to have 1 per cent of the principal paid annually, then the entire expense would be only $9 per mile per year, and if it could be so arranged that the town should pay $6 of this $9, the county $2, and the State $1, it would so divide the expense that it would not be unreasonably burdensome. Let me repeat, I believe the time has come when the Federal Government ought, in some way, to stimulate road building, and I do not know but this is the most practicable way in which to extend Federal aid.

Mr. BOURNE. If the Senator from Vermont will permit me to interrupt him, I will state that was just the idea the majority of the committee had, and that is the reason they offer the substitute now before the Senate, in order to get intelligent ascertainment and conclusion and recommendation of Congress in reference to the action to be taken.

Mr. KENYON. I wish to ask the Senator from Vermont if there is any particular difference between putting the hands in the Treasury for good roads and for vocational education.

Mr. PAGE. It is precisely along the same lines, and I have studied the vocational education question so much that I think I am inclined to be more sympathetic in regard to the matter of roads.

Mr. KENYON. The Senator advocates national aid to vocational education. Most of us agree with him. Why not also national aid to good roads? It is the same proposition.

Mr. PAGE. Nothing pleases me better than to have that matter suggested at this time. The cost of education in this country is $500,000,000 per year. The vocational education proposition only calls for 3 per cent of that sum from the Federal Treasury. In other words, we stimulate and encourage education without taking large sums from the Federal Treasury, as, it seems to me, is contemplated for the benefit of highways by the proposition now before the Senate. From one point of view, the Federal Government would really contribute nothing under the plan I have suggested, but, as a matter of fact, it would furnish money to build these roads at 2 per cent, which is really worth 3 or 4 per cent, and in this way is making a really very important contribution toward this good-roads proposition.

Mr. JOHNSTON of Alabama. I make the point of order that the Senator from Vermont has occupied all his time.

The PRESIDENT pro tempore. The Senator from Vermont is speaking in his own time. However, the first part of his speech was in the time of the Senator from Oregon. The question is on the amendment of the committee as a substitute for the House provision.

Mr. STONE and Mr. SWANSON called for the yeas and nays.

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

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER]. I transfer that pair to the Senator from South Dakota [Mr. CRAWFORD] and vote. I vote "yea."

Mr. LIPPITT (when his name was called). I transfer the pair which I have with the senior Senator from Tennessee [Mr. LEA] to the senior Senator from South Dakota [Mr. GAMBLE] and vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I transfer that pair to the junior Senator from North Dakota [Mr. GRONNA] and vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH of Michigan] is unavoidably absent from the city. He is paired with the junior Senator from Missouri [Mr. REED].

Mr. SMITH of South Carolina. I have a pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Indiana [Mr. KERN] and vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER]. On account of his absence I withhold my vote.

The roll call was concluded.

Mr. LODGE. I desire to announce that my colleague [Mr. CRANE] is paired with the Senator from Arkansas [Mr. DAVIS], that the Senator from New Jersey [Mr. BRIGGS] is paired with the Senator from West Virginia [Mr. WATSON], that the Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN], that the Senator from Montana [Mr. DIXON] is paired with the Senator from Texas [Mr. BAILEY], that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Texas [Mr. CULBERSON], that the Senator from New Mexico [Mr. FALL] is paired with the Senator from Florida [Mr. BRYAN], that the Senator from Idaho [Mr. HEYBURN] is paired with the Senator from Alabama [Mr. BANKHEAD], that the Senator from Pennsylvania [Mr. PENROSE] is paired with the Senator from Mississippi [Mr. WILLIAMS], that the Senator from Delaware [Mr. RICHARDSON] is paired with the Senator from South Carolina [Mr. SMITH], that the Senator from Michigan [Mr. SMITH] is paired with the Senator from Missouri [Mr. REED], that the Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from Oklahoma [Mr. GORE], that the Senator from Rhode Island [Mr. WETMORE] is paired with the Senator from Maine [Mr. GARDNER], and that the Senator from Wyoming [Mr. WARREN] is paired with the Senator from Louisiana [Mr. FOSTER]. I make this announcement to cover all votes for the day.

Mr. BANKHEAD. I have a general pair with the senior Senator from Idaho [Mr. HEYBURN]. I transfer that pair to the Senator from Arkansas [Mr. CLARKE], and I shall vote. I vote "nay."

Mr. BRANDEGEE. Has the junior Senator from New York [Mr. O'GORMAN] voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. BRANDEGEE. I have a general pair with that Senator, and therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. CULBERSON. I have a general pair with the Senator from Delaware [Mr. DU PONT]. I understand he has not voted, and I therefore withhold my vote. If I were at liberty to vote, I should note "nay."

Mr. REED. I have a pair with the Senator from Michigan [Mr. SMITH]. I understand that the Senator from Utah [Mr. SUTHERLAND] has a pair with the Senator from Maryland [Mr. RAYNER]. I desire to transfer the pair I have with the Senator from Michigan to the Senator from Maryland, so that the Senator from Utah and I may be permitted to vote. I vote "nay."

Mr. SUTHERLAND. Under the announcement just made by the Senator from Missouri [Mr. REED], I feel at liberty to vote. I vote "yea."

Mr. CHILTON. I desire to announce the pair of my colleague [Mr. WATSON] with the Senator from New Jersey [Mr. BRIGGS].

Mr. CULBERSON. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Maryland [Mr. SMITH] and vote. I vote "nay."

Mr. BURNHAM. Under the transfer just stated by the Senator from Texas [Mr. CULBERSON], I am at liberty to vote, and I vote "yea."

Mr. JOHNSON of Maine. I desire to announce the unavoidable absence of my colleague [Mr. GARDNER], and to state that he has a general pair with the senior Senator from Rhode Island [Mr. WETMORE]. I make this announcement for the day.

Mr. SIMMONS (after having voted in the negative). I have a general pair with the Senator from Minnesota [Mr. CLAPP]. I transfer that pair to the Senator from South Carolina [Mr. TILLMAN], and will let my vote stand.

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Mr. DILLINGHAM. Under the arrangement just announced by the Senator from North Carolina [Mr. SIMMONS], I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Minnesota [Mr. CLAPP] and will vote. I vote "yea."

Mr. SHIVELY. I desire to announce the unavoidable absence of my colleague [Mr. KERN], who, on this vote, as has been stated, is paired with the Senator from Delaware [Mr. RICHARDSON]. I make this announcement for the day.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber by important business. I do not know how he would vote on this matter if he were present.

Mr. TILLMAN. I am informed, on just entering the Chamber, that the Senator from Vermont [Mr. DILLINGHAM], with whom I am paired, has arranged a transfer of pairs, which is satisfactory to me. I merely desire it to be known that I am present in the Chamber.

The result was announced—yeas 37, nays 21, as follows:

YEAS—37.

Borah	Cummins	Lodge	Sanders
Bourne	Curtis	McCumber	Shively
Bristow	Dillingham	McLean	Smoot
Bryan	Fall	Massey	Sutherland
Burnham	Fletcher	Nelson	Thornton
Burton	Gallinger	Oliver	Townsend
Catron	Guggenheim	Page	Works
Chamberlain	Johnson, Me.	Perkins	
Clark, Wyo.	Jones	Pomerene	
Cullom	Lippitt	Root	

NAYS—21.

Ashurst	Johnston, Ala.	Newlands	Smith, S. C.
Bacon	Kenyon	Overman	Stone
Bankhead	La Follette	Reed	Swanson
Chilton	Martin, Va.	Simmons	
Culberson	Martine, N. J.	Smith, Ariz.	
Hitchcock	Myers	Smith, Ga.	

NOT VOTING—36.

Bailey	Davis	Kern	Richardson
Bradley	Dixon	Lea	Smith, Md.
Brandegee	du Pont	O'Gorman	Smith, Mich.
Briggs	Foster	Owen	Stephenson
Brown	Gamble	Paynter	Tillman
Clapp	Gardner	Penrose	Warren
Clarke, Ark.	Gore	Percy	Watson
Crane	Gronna	Poindexter	Wetmore
Crawford	Heyburn	Rayner	Williams

So the amendment reported by the committee was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, in section 7, page 51, after line 8, to insert:

Transfers to the regular force of the Railway Mail Service may be made, and the needs of the Railway Mail Service with respect to acting, substitute, and temporary clerk service may be supplied, from the clerical force of post offices of the first, second, and third classes, and transfers may be made between the clerical force of the Railway Mail Service and post offices of the first, second, and third classes as the necessities may require, with the consent of the clerk, and the clerical forces of the division superintendents' and chief clerks' offices and terminal railway post offices and transfer services may be supplied either from the Railway Mail Service force, from the post-office force, or as otherwise provided by law or regulations, under such regulations as the Postmaster General may prescribe.

The amendment was agreed to.

Mr. BURTON. Mr. President, I rise to an inquiry as to the order of business. Are the amendments passed over to be first taken up, or is it the intention to go through with the committee amendments to the end of the bill and then return to those passed over?

Mr. BOURNE. Mr. President, I think we will expedite matters more by going through the bill and then returning to the amendments passed over. I would be perfectly willing, so far as I am concerned, if any Senator so desires, to have any amendment in which he is interested taken up for disposition. It is perfectly agreeable to me to do so.

Mr. LODGE. Mr. President, I think the usual, the more orderly way, the better way, is to go through with the bill and then return to the passed-over amendments.

Mr. BURTON. Mr. President, I have no objection to that being done, but the attendance is ample this morning to transact business and to act on the contested amendments.

Mr. SIMMONS. Mr. President, on Saturday we had up and discussed the amendment to increase the compensation of rural carriers, and I am under the impression that there was then an understanding that that matter should go over until this morning, to come up immediately after we disposed of the good-roads provision.

Mr. BOURNE. I have no recollection of an agreement being made of the nature indicated by the Senator from North Carolina. However, if that is his impression, and the amendment was passed over with that idea in his mind and in the minds of others, it is perfectly agreeable to me that we take that up for disposition now.

Mr. SIMMONS. I call the Senator's attention to the fact that the yeas and nays had been ordered on this particular amendment; but, to avoid the difficulty that might grow out of the absence of a quorum, it was passed over. My understanding was that it was suggested that those amendments upon which we could not have a roll call on Saturday evening, because of the absence of a quorum, should go over and be first taken up this morning.

Mr. McCUMBER. Mr. President, I hope the Senator from North Carolina will let some of the other amendments be proceeded with. I agreed to have ready this morning a certain table which I wished to present. That table is being prepared while the debate is proceeding on other matters.

Mr. SIMMONS. Very well; I will be glad to drop the suggestion.

Mr. McCUMBER. I think we can take up the amendment in a short time.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 51, line 23, after the words "nineteen hundred and," to strike out "thirteen" and insert "twelve," so as to read:

After June 30, 1912, clerks in class A shall be promoted successively to grade 3, clerks in class B shall be promoted successively to grade 4, and clerks in class C shall be promoted successively to grade 5, at the beginning of the quarter following the expiration of a year's satisfactory service in the next lower grade.

The amendment was agreed to.

The next amendment was, on page 53, after line 18, to insert:

After June 30, 1912, any clerk in a post office of the first or second class receiving compensation of $800 per annum or more, or in a post office of the third class who has performed continuous service in such office for a period of at least one year next preceding the date of his transfer, shall be eligible for transfer to the Railway Mail Service, and if he is a clerk in a post office of the first or second class his compensation may be increased not exceeding $100 per annum at the time of such transfer, and if he is a clerk in a post office of the third class he may be appointed at not exceeding $900 at the time of such transfer.

A railway postal clerk shall be eligible for transfer to the position of a clerk in a post office of any class.

In the case of a transfer under this law to the Railway Mail Service or to a post office of the first or second class without change in compensation, the time served by a clerk in a given grade prior to transfer shall be counted as a part of the year's service on which the clerk's promotion to the next higher grade may be based.

Acting, substitute, or temporary service in railway post offices may be performed by clerks of first and second class post offices, above the first grade ($600), and by clerks of third-class post offices who have served therein at least one year next preceding the date of temporary detail, who shall receive the same pay as when performing the work of the regular positions: *Provided*, That if their compensation is less than $900 in their regular positions, they may receive $900 in the Railway Mail Service when performing such service, and shall be paid from the appropriation for the Railway Mail Service and be entitled to such travel allowance as is usual to the assignment in the railway post-office line to which detail is made: *Provided further*, That in cases of emergency such service may be performed by clerks of first and second class post offices of the first grade ($600) and by clerks of third-class post offices, if there be any; if none, details may be made from the substitute list of such post offices, and the compensation therefor shall be at the lowest grade of pay of a regular clerk in the Railway Mail Service, with such travel allowance as is usual.

All Railway Mail Service substitutes remaining on the roll after the passage of this act shall be transferred to post offices of the first and second classes nearest to their places of residence, and in the transfer of substitute railway postal clerks to the substitute clerks' roll in first and second class post offices their relative positions thereon shall be determined by the dates when they were placed on the substitute roll of the Railway Mail Service.

Except in emergencies, when no other authorized means are available, clerks in post offices of the third class shall not be detailed for duty in the Railway Mail Service in any capacity, and shall not be transferred to the Railway Mail Service, as authorized by this act, without passing a competitive civil-service examination.

Nothing in this act shall be construed to prohibit the employment of joint employees at a compensation not exceeding $300 per annum, or the employment without additional compensation of regular railway postal clerks to perform such acting, substitute, temporary, or extra service as may be necessary.

The amendment was agreed to.

The next amendment was, on page 56, after line 16, to strike out:

SEC. 8. That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

That no article, package, or parcel shall be mailable as matter of the fourth class which exceeds 11 pounds in weight.

That on each and all rural mail delivery routes of the United States the postmaster at the starting point of such route shall, until June 30, 1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails by law and falling under the definition of fourth-class matter and not weighing in excess of 11 pounds, for transportation and delivery on said routes; and the carriers shall receive at intermediate points on all rural routes such mail matter of the fourth class for delivery on rural routes only.

That postage shall be paid on all articles, parcels, or packages entitled to transportation under the provisions of this act as matter of the fourth class on rural mail delivery routes only at the following rates: Five cents per pound, and 1 cent per pound for each additional pound or fraction thereof up to and including a total of 11 pounds. That the Postmaster General shall make all rules and regulations nec-

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essary and not inconsistent with law to the proper execution of this act, and shall provide for the transportation of farm and factory products as fourth-class matter if not perishable in transportation.

That for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcels post or express post a joint committee of six persons, three of whom shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcels post and express post by Senate and House committees and take such other testimony as they deem desirable. That the Postmaster General and the Interstate Commerce Commission shall furnish such data and otherwise render such assistance to the said commission as may be desired or available. For the purpose of defraying the expenses of this committee the sum of $25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated. The committee shall report fully to Congress on the first Monday in December, 1912.

And in lieu thereof to insert:

SEC. 8. That hereafter fourth-class mail matter shall embrace all matter not now embraced by law in either the first, second, or third class, not exceeding 11 pounds in weight, nor greater in size than 72 inches in length and girth combined, nor in form or kind likely to injure the person of any postal employee or damage the mail equipment or other mail matter and not of a character perishable within a period reasonably required for transportation and delivery.

That for the purposes of this section the United States and its several Territories and possessions, excepting the Philippine Islands, shall be divided into units of area 30 minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude, represented on appropriate postal maps or plans, and such units of area shall be the basis of eight postal zones, as follows:

The first zone shall include all territory within such quadrangle, in conjunction with every contiguous quadrangle, representing an area having a mean radial distance of approximately 50 miles from the center of any given unit of area.

The second zone shall include all units of area outside the first zone lying in whole or in part within a radius of approximately 150 miles from the center of a given unit of area.

The third zone shall include all units of area outside the second zone lying in whole or in part within a radius of approximately 300 miles from the center of a given unit of area.

The fourth zone shall include all units of area outside the third zone lying in whole or in part within a radius of approximately 600 miles from the center of a given unit of area.

The fifth zone shall include all units of area outside the fourth zone lying in whole or in part within a radius of approximately 1,000 miles from the center of a given unit of area.

The sixth zone shall include all units of area outside the fifth zone lying in whole or in part within a radius of approximately 1,400 miles from the center of a given unit of area.

The seventh zone shall include all units of area outside the sixth zone lying in whole or in part within a radius of approximately 1,800 miles from the center of a given unit of area.

The eighth zone shall include all units of area outside the seventh zone.

That the rate of postage on fourth-class matter weighing not more than 4 ounces shall be 1 cent for each ounce or fraction of an ounce; and on such matter in excess of 4 ounces in weight the rate shall be by the pound, as hereinafter provided, the postage in all cases to be prepaid by distinctive postage stamps affixed.

That except as provided in the next preceding paragraph postage on matter of the fourth class shall be prepaid at the following rates:

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, 5 cents for the first pound or fraction of a pound and 1 cent for each additional pound or fraction of a pound.

For delivery within the first zone, except as provided in the next preceding paragraph, 5 cents for the first pound, or fraction of a pound and 3 cents for each additional pound or fraction of a pound.

For delivery within the second zone, 6 cents for the first pound or fraction of a pound and 4 cents for each additional pound or fraction of a pound.

For delivery within the third zone, 7 cents for the first pound or fraction of a pound and 5 cents for each additional pound or fraction of a pound.

For delivery within the fourth zone, 8 cents for the first pound or fraction of a pound and 6 cents for each additional pound or fraction of a pound.

For delivery within the fifth zone, 9 cents for the first pound or fraction of a pound and 7 cents for each additional pound or fraction of a pound.

For delivery within the sixth zone, 10 cents for the first pound or fraction of a pound and 9 cents for each additional pound or fraction of a pound.

For delivery within the seventh zone, 11 cents for the first pound or fraction of a pound and 10 cents for each additional pound or fraction of a pound.

For delivery within the eighth zone and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 12 cents for the first pound or fraction of a pound and 12 cents for each additional pound or fraction of a pound.

That the Postmaster General shall provide such special equipment, maps, stamps, directories, and printed instructions as may be necessary for the administration of this section; and for the purposes of this section and to supplement existing appropriations, including the hiring of teams and drivers, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $750,000.

That the establishment of zones and postage rates of this section shall go into effect four months after its passage.

That all laws and parts of laws in conflict with the provisions of this section are hereby repealed.

Mr. ASHURST. Mr. President, I now offer an amendment to section 8 in the nature of a substitute. I should apologize for the way in which it is presented. It has been drawn very hurriedly by me, with such assistance as I have been able to procure. It is very lengthy and I am loath to ask the Senate to listen to its reading, but I desire for a few moments to address myself to the proposed substitute.

Mr. BOURNE. Mr. President, for the Senate to act intelligently we certainly will have to know what is the nature of the substitute.

The PRESIDENT pro tempore. The Chair will rule that the amendment must be read. The Secretary will read.

The Secretary read the proposed amendment, as follows:

Strike out all of section 8 of said bill and insert the following:

"SEC. 8. That hereafter fourth-class mail matter shall embrace all matter (including farm and factory products) not now embraced by law in either the first, second, or third class, not exceeding 11 pounds in weight, except as hereinafter provided, nor greater in size than 72 inches in length and girth combined, nor in form or kind likely to injure the person of any postal employee or damage the mail equipment or other mail matter, and not of a character perishable within a period reasonably required for transportation and delivery.

"That for the purposes of this section the United States and its several Territories and possessions, excepting Alaska and the Philippine Islands, shall be divided into units of area 1 degree square (or uniform subdivisions thereof, as the Postmaster General may decide), identical with the area formed by the intersecting parallels of latitude and meridians of longitude, represented on appropriate postal maps or plans, and such units of area shall be the basis of 11 postal zones, as follows:

"The first zone shall include all territory within such quadrangle, in conjunction with every contiguous quadrangle the centers of which are within a radial distance of 200 miles from the center of any given unit of area.

"The second zone shall include all units of area outside the first zone the centers of which are within a radius of 400 miles from the center of a given unit of area.

"The third zone shall include all units of area outside the second zone the centers of which are within a radius of 600 miles from the center of a given unit of area.

"The fourth zone shall include all units of area outside the third zone the centers of which are within a radius of 800 miles from the center of a given unit of area.

"The fifth zone shall include all units of area outside the fourth zone the centers of which are within a radius of 1,000 miles from the center of a given unit of area.

"The sixth zone shall include all units of area outside the fifth zone the centers of which are within a radius of 1,200 miles from the center of a given unit of area.

"The seventh zone shall include all units of area outside the sixth zone the centers of which are within a radius of 1,400 miles from the center of a given unit of area.

"The eighth zone shall include all units of area outside the fourth zone the centers of which are within a radius of 1,600 miles from the center of a given unit of area.

"The ninth zone shall include all units of area outside the fifth zone the centers of which are within a radius of 1,800 miles from the center of a given unit of area.

"The tenth zone shall include all units of area outside the sixth zone lying in whole or in part within a radius of 2,000 miles from the center of a given unit of area.

"The eleventh zone shall include all units of area outside the tenth zone.

"That the rate of postage on fourth-class matter shall be by the pound, as hereinafter provided, except, that where the rate of postage at the pound rate shall exceed the ounce rate now in effect, the rate shall be by the ounce at the rate of 1 cent for each ounce or fraction of an ounce, the postage in all cases to be prepaid by distinctive postage stamps affixed.

"That except as provided in the next preceeding paragraph postage on matter of the fourth class shall be prepaid at the following rates:

"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, 5 cents for the first pound or fraction of a pound and 1 cent for each additional pound or fraction of a pound.

"For delivery within the first zone, except as provided in the next preceding paragraph, 6 cents for the first pound or fraction of a pound and 2 cents for each additional pound or fraction of a pound.

"For delivery within the second zone, 7 cents for the first pound or fraction of a pound and 3 cents for each additional pound or fraction of a pound.

"For delivery within the third zone, 8 cents for the first pound or fraction of a pound and 4 cents for each additional pound or fraction of a pound.

"For delivery within the fourth zone, 9 cents for the first pound or fraction of a pound and 5 cents for each additional pound or fraction of a pound.

"For delivery within the fifth zone, 10 cents for the first pound or fraction of a pound and 6 cents for each additional pound or fraction of a pound.

"For delivery within the sixth zone, 11 cents for the first pound or fraction of a pound and 7 cents for each additional pound or fraction of a pound.

"For delivery within the seventh zone, 12 cents for the first pound or fraction of a pound and 8 cents for each additional pound or fraction of a pound.

"For delivery within the eighth zone, 12 cents for the first pound or fraction of a pound, 10 cents for the second pound or fraction of a pound, and 9 cents for each additional pound or fraction of a pound.

"For delivery within the ninth zone, 12 cents for the first pound or fraction of a pound, 12 cents for the second pound or fraction of a pound, and 10 cents for each additional pound or fraction of a pound.

"For delivery within the tenth zone, 12 cents for the first pound or fraction of a pound, 12 cents per pound for each succeeding pound or fraction of a pound up to and including 4 pounds, and 11 cents for each additional pound or fraction of a pound.

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outside organizations having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington.

Mr. SMITH of South Carolina. Mr. President, I am not going to take the time of the Senate to discuss this, only to say one word. I do not believe it is within the province or the right of the United States Senate or any other legislative body, because of the employment of an American citizen, to attempt by legislation to restrict his rights. I believe that a postal employee has as much right, as an American citizen, to join what he pleases and act as he pleases as any Senator on this floor. He has a right to join the Masons; he has a right to join the Knights of Pythias; he has a right to join any organization. Because we desire certain service of certain individuals, why should we restrict their rights as American citizens and say that they can not join a certain labor organization?

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Kansas?

Mr. SMITH of South Carolina. I do.

Mr. BRISTOW. There is no objection, as I understand it, from any source for a postal employee to join any organization if the membership of that organization does not affect undesirably his service as a Government officer. I can not understand why objection should be made to an order of the department prohibiting an officer of the department from belonging to an association if the belonging to that association is detrimental to the public service.

Mr. SMITH of South Carolina. We might as well say what church he shall belong to if the tenets of that church affects him, in our judgment, adversely.

Mr. BRISTOW. It is an entirely different proposition, and if the Senator will permit me——

Mr. SMITH of South Carolina. It is different in name, but not in principle.

Mr. BRISTOW. One is whether or not he shall belong to an organization and affiliate with an organization if such affiliation will result in detriment to the public service and thereby lessen his value as a public servant.

Mr. SMITH of South Carolina. Then, I reply to the Senator from Kansas, you should legislate against an organization the membership of which renders any man unworthy of a position in the Government of the United States.

Mr. BRISTOW. Mr. President, it is not desired here to legislate against any organization whatever, but to leave the department officials free to enforce proper discipline in the public service. That is all that is desired.

Mr. MARTINE of New Jersey. Who will be the judge of that, I will ask?

Mr. BRISTOW. The department officials charged with the responsibility of administering the affairs of this Government are to be the judges, and not a Member of Congress, because it is not his function to interfere with the executive departments, unless they do an unlawful thing, and then he has a lawful remedy.

The PRESIDENT pro tempore. The Chair will suggest to Senators that under the unanimous-consent agreement the five-minute rule is in operation.

Mr. SMITH of South Carolina. I understand.

The PRESIDENT pro tempore. Senators will remember that in yielding, because they lose their time when they yield to another Senator. The Senator from South Carolina has the floor.

Mr. SMITH of South Carolina. I want to ask the Senator from Kansas [Mr. BRISTOW] this question: Is this not an indirect way of saying that membership in certain labor organizations is dangerous to governmental affairs?

Mr. BRISTOW. It is not.

Mr. SMITH of South Carolina. Then why would you preclude them from membership in such organizations?

Mr. BRISTOW. I would not preclude them unless that membership and their relation to the organization interferes with the public service. Neither, as I understand it, will any Post Office Department official; and if he does he goes beyond his authority or beyond proper administration; and because some departmental official may have done that does not justify the enactment of a law which might bother or interfere with the service at some other time when a departmental official is undertaking to do his duty in the protection of the public service.

Mr. SMITH of South Carolina. Just one sentence, and I shall have nothing further to say. It seems to me a subterfuge and an indirection to lay restrictions on one class of public servants that we do not lay on every citizen of the United States when it comes to a question of a man's rights as a citizen. I, for one, shall not vote for any measure that insinuates that we are incompetent to deal with the subject directly, but must go indirectly to do that thing.

The PRESIDENT pro tempore. If the Senator will permit the Chair, the Chair desires to make a correction in the statement he just made. Upon examining the terms of the unanimous-consent agreement it appears that the five-minute rule does not apply until the hour of 4 o'clock has been reached. The Senator from South Carolina will proceed.

Mr. SMITH of South Carolina. Mr. President, I do not care to go into any fuller discussion of the question. Every fair-minded Senator on this floor knows that the only criterion by which we are to measure public service is efficiency. We can promote and demote on that basis, but it comes with a sinister meaning to me when the Senate of the United States and the lawmaking bodies of this country begin to lay legal restrictions upon the rights of the individual citizens. We have no right to inject that here.

If we believe that certain labor organizations are beginning to menace this country and to have a bad influence upon its citizenship, then it is our duty to ferret that out and prohibit the organizations that threaten the welfare of this country and not to be cowardly enough to say to certain officials of the Government, "You shall not affiliate with these men or with these organizations." Give them the full liberty of all institutions, of all societies in this country, and then promote or demote them according to their personal efficiency or deficiency.

I would prefer to see all reference to membership in any society stricken from any bill that we are seriously to discuss. My position would be that according to the employee's efficiency should he be promoted and according to his inefficiency should he be demoted. I for one, so long as these organizations exist, so long as they are struggling against what they consider the inequalities amongst men, so long as they organize for self-protection, shall not stand here and by indirection inveigh against these organizations.

It is cowardly to do so. If we believe they are detrimental to the best interests of the American Government let us come out in the open and say so and pass legislation to dissolve their organizations. But as they are not detrimental to the Government I for one shall not stand upon this floor and by indirection say that the employees of the United States Government must come out from amongst them, that the members of these labor organizations are not worthy to have in their midst employees of the American Government. And you dare not say it. But that is what you are saying in this bill. I do not propose to sit quietly and see this injustice done. We are practically saying that in order to keep our Government pure and uncontaminated from these organizations, we will not allow an employee of the Government to belong to them. It is a shame on the United States Senate; it is cowardice and it is a subterfuge.

Mr. JOHNSTON of Alabama. I desire merely to say a few words. I am informed, and I think very reliably so, that the amendment proposed by the Senator from Washington [Mr. JONES] is entirely acceptable to the employees of the Government. I do not think that my information is incorrect. They believe that this does not restrict their liberties in any way whatever in the line suggested by the Senator from South Carolina [Mr. SMITH]. I shall, therefore, take pleasure in voting for the amendment.

Mr. CULBERSON. Mr. President, may I ask that the amendment be again stated? I did not undertsand it.

The PRESIDENT pro tempore. The amendment will be again stated.

The SECRETARY. On page 48, line 25, after the words "postal employees," it is proposed to insert the words "not affiliated with any outside organization," so that it will read:

That membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

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Mr. SMITH of Georgia. Mr. President, I shall vote against all this legislation, because I do not think it ought to come in on an appropriation bill. This is brought in just as was brought in on an appropriation bill the effort to change the term of service of civil-service clerks. The relation of the Government to our civil-service employees, if it is to be modified, should be modified by broad legislation, carefully prepared and applicable to all the departments. This effort to put in a little dab here and another little dab there with reference to employees of particular departments is utterly demoralizing to our general civil-service law. We ought not to have put anything in another appropriation bill about the tenure of office of civil-service clerks; and we ought not to have anything in this bill about the civil-service relations of the Post Office Department other than such provisions as would be applicable to all the departments. If we would leave these subjects out of the appropriation bills and broadly undertake to amend and perfect our civil-service law through one bill on that subject, we might hope to have intelligent, useful, and valuable legislation; but so long as we seek by these little specks here and there to interfere with the civil service, we will not improve it and we are likely to injure it.

The PRESIDENT pro tempore. The question is upon the amendment of the Senator from Washington [Mr. JONES].

Mr. SMITH of South Carolina. Before the vote is taken I should like to say, in this connection, that if some other Senator does not do so, I shall draft an amendment to this provision prohibiting the heads of departments from discriminating against or punishing any employee who exercises his right as a citizen to petition Congress or any Member of Congress, and that upon testimony to the effect that he has exercised such right as an employee he shall not suffer any evil consequences therefrom at the hands of the head of any department.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Washington. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CHILTON. Before the vote is taken, I should like to have the amendment again stated.

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The Secretary again stated the amendment.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I am paired with the senior Senator from Idaho [Mr. HEYBURN], and therefore withhold my vote.

Mr. BRYAN (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], and therefore withhold my vote.

Mr. BURNHAM (when his named was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I withhold my vote.

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Mississippi [Mr. WILLIAMS]. As I observe he is not in the Chamber I shall refrain from voting; otherwise I should vote "yea."

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH]. I transfer that pair to the Senator from Arkansas [Mr. CLARKE] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Indiana [Mr. KERN] and will vote. I vote "nay."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK], and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a pair with the senior Senator from Maryland [Mr. RAYNER]. I transfer that pair to the Senator from Massachusetts [Mr. LODGE] and will vote. I vote "yea."

Mr. SWANSON (when his name was called). I should like to inquire whether the junior Senator from Nevada [Mr. MASSEY] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. SWANSON. I have a general pair with the junior Senator from Nevada. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "nay."

The roll call was concluded.

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN], who is not present. I transfer that pair to the Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea."

Mr. PENROSE. I will transfer my pair with the junior Senator from Mississippi [Mr. WILLIAMS] to the senior Senator from New Mexico [Mr. CATRON] and will vote. I vote "yea."

Mr. OVERMAN. I am requested to announce that the senior Senator from Louisiana [Mr. FOSTER] and the junior Senator from Louisiana [Mr. THORNTON] are unavoidably detained from the Senate.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I understand that he has not voted. I will transfer that pair to the junior Senator from Michigan [Mr. TOWNSEND] and vote. I vote "yea."

Mr. CULBERSON (after having voted in the negative). I will transfer my pair with the Senator from Delaware [Mr. DU PONT] to the junior Senator from Louisiana [Mr. THORNTON] and permit my vote to stand.

Mr. CHAMBERLAIN. I desire to announce that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. I ask to have this announcement stand for the day.

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is detained from the Senate on important business.

Mr. LA FOLLETTE. I desire to announce that the junior Senator from North Dakota [Mr. GRONNA] is unavoidably absent. I think I can state from his conversation with me that, if present, he would vote "nay" upon this amendment.

Mr. STONE. I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Maine [Mr. JOHNSON] and will vote. I vote "nay."

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Massachusetts [Mr. CRANE] with the Senator from Arkansas [Mr. DAVIS];

The Senator from Montana [Mr. DIXON] with the Senator from Texas [Mr. BAILEY];

The Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE];

The Senator from Rhode Island [Mr. WETMORE] with the Senator from Maine [Mr. GARDNER]; and

The Senator from Colorado [Mr. GUGGENHEIM] with the Senator from Kentucky [Mr. PAYNTER].

I ask that this announcement may stand for the day.

The result was announced—yeas 20, nays 31, as follows:

YEAS—20.

Bourne	Burton	Jones	Root
Bradley	Crawford	Nelson	Sanders
Brandegee	Dillingham	Oliver	Smoot
Briggs	Gallinger	Overman	Sutherland
Bristow	Johnston, Ala.	Penrose	Works

NAYS—31.

Ashurst	Cummins	Martine, N. J.	Simmons
Bacon	Curtis	Myers	Smith, Ariz.
Borah	Fletcher	Page	Smith, Ga.
Chamberlain	Hitchcock	Perkins	Smith, S. C.
Chilton	Kenyon	Poindexter	Stone
Clapp	La Follette	Pomerene	Swanson
Culberson	McLean	Reed	Tillman
Cullom	Martin, Va.	Shively	

NOT VOTING—43.

Bailey	du Pont	Lea	Richardson
Bankhead	Fall	Lippitt	Smith, Md.
Brown	Foster	Lodge	Smith, Mich.
Bryan	Gamble	McCumber	Stephenson
Burnham	Gardner	Massey	Thornton
Catron	Gore	Newlands	Townsend
Clark, Wyo.	Gronna	O'Gorman	Warren
Clarke, Ark.	Guggenheim	Owen	Watson
Crane	Heyburn	Paynter	Wetmore
Davis	Johnson, Me.	Percy	Williams
Dixon	Kern	Rayner	

So the amendment of Mr. JONES was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment of the committee to strike out.

Mr. BOURNE. Mr. President, I send to the desk an amendment recommended by the National Civil Service Reform League of New York. I will state, for the information of Senators, that in the study of the House bill, I, as chairman of the committee, subpœnaed to appear before the committee Mr. Edward J. Cantwell, secretary of the National Association

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ever tolerate the thought of a strike against the Government, I shall vote against every amendment which seeks to brand the employees of this Government as having within their purpose the possibility under any circumstances of striking against their Government.

Mr. REED. Mr. President, in view of the affidavit read by the Senator from Oregon [Mr. BOURNE], I ask unanimous consent to be permitted to modify the amendment which I submitted.

The PRESIDENT pro tempore. That is the Senator's right.

Mr. REED. I desire to add, after the word "strike," the words "or proposing to assist them in any strike," so that the amendment will read as follows:

Provided, however, That membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike against the United States.

And so forth.

Mr. WILLIAMS. Mr. President, I know of nothing in the nature of our institutions that makes a man who enters into the civil service of the United States a slave. I know of nothing that can bind him to involuntary servitude; I know of nothing that exempts him from the operation of the rules of the Constitution in favor of the freedom of assembly and the freedom of petition. All citizens are guaranteed the right peaceably to assemble and to address the Government, to petition the Government for a redress of grievances. That means, I take it, any part of the Government except, perhaps, the judiciary, whose functions are totally out of line with that sort of thing. A man can not address a petition to the Government of the United States; it would have to be addressed to the President or to a department or to Congress or to some particular Senator or some particular Representative.

I think we are making a good deal of a mountain out of a molehill. There is no danger of any civil employees of the Federal Government striking. They are getting about from 30 to 40 per cent more than they could get for like work anywhere else; they are not fools, and they know that as well as you do. They will use their rights if they are left uninfringed—I do not believe that Congress could infringe them; I believe that the courts would hold that whatever Congress did in that connection was invalid; but even if Congress could infringe them they would hold their rights uninfringed, subject to their own common sense. When they are receiving from 30 to 40 or 50 per cent more than they would get for like work in private employment, getting shorter hours, getting 30 days' sick leave whether they are sick or not, and 30 days more in addition to the sick leave, they "know a good thing when they see it," and they are not going to strike; but if they wanted to strike they have as much right to strike against the Government of the United States—which in that sense is not a Government at all, but simply an employer—as have any other employees. They have just exactly the same rights with regard to the Government when the Government is an employer that they have with regard to me or to you.

Some analogy has been sought to be drawn between the civil employees and those in the naval or military service. There can be no such analogy for a very simple reason. The civil employees of the Government are subject to the civil law, while men who have enlisted in the Army or the Navy are subject to martial law, and a direct exception has been made in the Constitution with regard to those who are subject to martial law. It seems to me that the freer we leave these people, the better. In fact, it is my idea that the freer we leave everybody, the better. These men have the right to form associations if they wish to do so; they have the right to affiliate with other associations if they so wish; they have the right peaceably to assemble if they so wish; they have the right, if they wish to do so, to petition me for redress of grievances, or to petition you or anybody else, or any part of the Government, and I do not see why Congress should be "putting its finger in the pie."

If 10,000 of these employees did conclude to quit work at any time, then, after they had quit, the rights of sovereignty would come into bearing. If they undertook to intimidate other people to prevent them from accepting employment, then the Government would have the right to speak, and to speak in thunder tones, and it would speak in thunder tones, if necessary with Cavalry and Infantry and Artillery. But that is a different proposition.

This proposition is simply the proposition of their having the right to quit work, either 1 of them by himself, or 3 of them after a previous conversation, or 10,000 of them after a previous meeting and resolution. That, as I understand and as I take it, is their constitutional right; and if we pass a law to prevent it, in my opinion, it would not be worth the paper it is written on; but if we had the power to pass it, I would be opposed to passing it because it would be a useless infringement of liberty.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment of the Senator from Missouri [Mr. REED] as modified. [Putting the question.] The Chair is in doubt.

Mr. OVERMAN. I ask for the yeas and nays.

Mr. WILLIAMS. What is the amendment?

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend the text of the House bill, on page 48, line 25, after the word "employees," by inserting "not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike or proposing to assist them in any strike against the United States," so that if amended it will read:

Provided, however, That membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike or proposing to assist them in any strike against the United States having for its objects, etc.

The PRESIDENT pro tempore. The Senator from South Carolina has demanded the yeas and nays on the amendment.

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

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is not in the Chamber. I transfer that pair to the Senator from New Mexico [Mr. CATRON] and vote. I vote "yea."

Mr. McCUMBER (when his name was called). I will announce my pair with the senior Senator from Mississippi [Mr. PERCY]. I will transfer that pair to the junior Senator from North Dakota [Mr. GRONNA] and vote. I vote "yea."

Mr. REED (when his name was called). I transfer my pair to the Senator from Arkansas [Mr. CLARKE] and vote "yea." My pair is the Senator from Michigan [Mr. SMITH].

Mr. SMITH of South Carolina (when his name was called). I am paired with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Indiana [Mr. KERN] and vote. I vote "yea."

Mr. STONE (when his name was called). I have a standing pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from Maine [Mr. JOHNSON] and vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER]. On account of his absence, I refrain from voting.

Mr. OVERMAN (when Mr. THORNTON's name was called). I was requested to announce that the senior Senator from Louisiana [Mr. FOSTER] and the junior Senator from Louisiana [Mr. THORNTON] are unavoidably detained from the Senate. I will let this announcement stand for the day.

The roll call was concluded.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the junior Senator from Tennessee [Mr. SANDERS] and vote "yea."

Mr. LIPPITT. I have a general pair with the senior Senator from Tennessee [Mr. LEA], which I transfer to the Senator from South Dakota [Mr. GAMBLE]. I vote "yea." I will also state that my colleague [Mr. WETMORE] is necessarily absent.

Mr. LODGE. I desire to announce that my colleague [Mr. CRANE] is absent from the city. He is paired with the Senator from Arkansas [Mr. DAVIS]. If my colleague were present, he would vote "yea."

Mr. SMOOT. I desire to announce the absence from the city of the junior Senator from Wisconsin [Mr. STEPHENSON]. He is paired with the Senator from Oklahoma [Mr. GORE]. If the Senator from Wisconsin were present, he would vote "yea."

Mr. TOWNSEND. I desire to announce the necessary absence of the Senator from Michigan [Mr. SMITH]. I will state that he is paired with the junior Senator from Missouri [Mr. REED].

Mr. CULBERSON. In view of my general pair with the Senator from Delaware [Mr. DU PONT], I withhold my vote.

Mr. BRYAN. I am paired with the Senator from New Mexico [Mr. FALL], and therefore withhold my vote.

Mr. SMITH of Arizona. I announce that my colleague [Mr. ASHURST] is detained from the Chamber on important business.

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The result was announced—yeas 49, nays 7, as follows:

YEAS—49.

Bacon	Fletcher	Nelson	Smith, Ariz.
Bourne	Gallinger	Newlands	Smith, Ga.
Bradley	Guggenheim	O'Gorman	Smith, Md.
Brandegee	Hitchcock	Oliver	Smith, S. C.
Briggs	Johnston, Ala.	Overman	Smoot
Bristow	Jones	Page	Stone
Burnham	Lippitt	Penrose	Swanson
Burton	Lodge	Perkins	Tillman
Chamberlain	McCumber	Pomerene	Townsend
Chilton	McLean	Reed	Works
Crawford	Martin, Va.	Root	
Cullom	Martine, N. J.	Shively	
Dillingham	Massey	Simmons	

NAYS—7.

Borah	Cummins	La Follette	Williams
Clapp	Kenyon	Poindexter	

NOT VOTING—38.

Ashurst	Curtis	Heyburn	Sanders
Bailey	Davis	Johnson, Me.	Smith, Mich.
Bankhead	Dixon	Kern	Stephenson
Brown	du Pont	Lea	Sutherland
Bryan	Fall	Myers	Thornton
Catron	Foster	Owen	Warren
Clark, Wyo.	Gamble	Paynter	Watson
Clarke, Ark.	Gardner	Percy	Wetmore
Crane	Gore	Rayner	
Culberson	Gronna	Richardson	

So Mr. REED's amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the substitute submitted by the Senator from Oregon [Mr. BOURNE].

Mr. REED. I offer the following amendment, to follow the provision of the House which is proposed to be stricken out by the Senate amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 49, line 9, after the word "service," insert:

The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress or any Member thereof, or to furnish information to any House of Congress or to any committee or Member thereof, shall not be denied or interfered with.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. REED].

The amendment was agreed to.

The PRESIDENT pro tempore. The question is now upon the amendment in the nature of a substitute submitted by the Senator from Oregon [Mr. BOURNE], which will be stated.

The SECRETARY. In lieu of the matter proposed to be stricken from the bill by the committee insert the following words:

Provided, however, That membership in any society, association, club, or other form of organization composed of postal employees only, which is not secret nor affiliated with any outside organization and which may have for its objects, among other things, improvements in the conditions of labor of its members, including hours of labor and compensation therefor, and leaves of absence, or the presenting of any grievance or grievances to Congress, or any Member thereof, by any person or groups of persons employed in the postal service, shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

Mr. BOURNE. In view of the perfection made by the Senator from Missouri to the House provision, I will ask consent to withdraw the suggested substitute which has just been read.

The PRESIDENT pro tempore. Without objection the substitute is withdrawn.

Mr. POINDEXTER. If it is not too late, I ask for the yeas and nays on the amendment proposed by the Senator from Missouri [Mr. REED]. As I understand the amendment, it has the effect of striking out of the bill altogether the House provision allowing the right of employees to organize.

Mr. LODGE. Not at all.

Mr. REED. The Senator is mistaken. It is an addition to the House provision.

Mr. POINDEXTER. The printed amendment which I have here says to insert in lieu of the words stricken out.

Mr. REED. That is not the way it was offered. I offered it to go in at the end of the House provision.

Mr. LODGE. The Senator from Missouri withdrew that amendment and offered it to the text.

Mr. POINDEXTER. Very well. I was going by the printed amendment.

The PRESIDENT pro tempore. The question is on striking out the provision of the House bill as reported by the committee. [Putting the question.] The noes have it, and the motion is not agreed to.

Mr. SMITH of Georgia. I desire to move to reconsider that portion of the bill adopted in Committee of the Whole known as the parcel post so that we may have the opportunity to discuss it. A number of Members desire to make some inquiries and to present some views upon it. It seems to me that it would be better to do it at this time. I move to reconsider the vote by which the amendment was agreed to.

Mr. JONES. Before leaving section 6 I wish to offer a further amendment.

Mr. SMITH of Georgia. It will only take a moment to reconsider and give us a chance for discussion.

Mr. JONES. I shall not discuss it. I simply wish to offer this amendment. In line 9 I move to strike out the words "in the postal service," so as to make the provision apply to all members of the classified service as well as of the postal service.

Mr. LA FOLLETTE. If I understand the effect of the amendment last adopted, offered by the Senator from Missouri, it covers exactly that. It broadens the whole provision.

Mr. LODGE. The amendment offered by the Senator from Missouri would cover the whole service.

Mr. JONES. The first part of this section relates to the removal of members from the classified service, and by the language of the bill it applies only to those in the postal service. The last amendment does not cover that.

Mr. SMITH of Georgia. I do not yield the floor further to the Senator from Washington.

The PRESIDENT pro tempore. The Chair is of opinion that section 6 having been under consideration it is proper first to consider amendments to that section. The amendment submitted by the Senator from Washington will be read.

The SECRETARY. On page 49, line 4, strike out the words "in said postal service."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Washington.

The amendment was agreed to.

Mr. JONES. It will be necessary, in view of the adoption of that amendment, to reconsider the amendment striking out in the bill, lines 18 and 19, the words "officer making the removal" and inserting "the Postmaster General." I move to reconsider that.

Mr. BOURNE. Will the Secretary kindly read the clause so that we can have the information as to the proposed amendment.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. On page 48 the Senate, as in Committee of the Whole, has already agreed to an amendment, in line 15, striking out the words "officer making the removal," and inserted in lieu the words "the Postmaster General," so that it reads:

But no examination of witnesses nor any trial or hearing shall be required except in the discretion of the Postmaster General.

Mr. JONES. With a view of extending this to the classified service, we should not accept that amendment.

Mr. LODGE. The object was to give to the head of the department.

Mr. BAILEY. The officer making the removal.

Mr. LODGE. It ought to be limited to the heads of departments.

Mr. JONES. I am willing to accept that.

Mr. BOURNE. I think as it is in the bill it necessarily must be the head of the department.

Mr. LODGE. I think it ought to be the head of the department.

Mr. BAILEY. If only the head of the department can remove, then this covers it. If anybody else can remove, then it ought to be a limitation on him just the same.

Mr. JONES. I ask to reconsider the vote by which the Senate adopted the amendment recommended by the committee, and that the amendment of the committee be disagreed to.

The PRESIDENT pro tempore. The question is on agreeing to the motion to reconsider the vote by which the amendment was agreed to.

The motion to reconsider was agreed to.

Mr. JONES. I ask that the amendment be disagreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. This restores the House bill.

Mr. SMITH of Georgia. I move to reconsider the action of the Senate in reference to the parcel post, so that we may have an opportunity as in Committee of the Whole to discuss it. It is the most important legislation, perhaps, in the entire bill.

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Now, for remailing. The suggestion of this amendment is that periodicals published not more frequently than every two weeks can have their option to be sent by fast freight or to go by mail, as they see fit. If they elect to go by fast freight they will travel at a cent a pound, the present rate. If they elect to go by mail they will pay 2 cents a pound, which is still less than half of what it costs the Government to carry them by fast mail.

I desire now to send to the desk the report of the Post Office Department upon this amendment. I am not very hopeful of its adoption. I have received telegrams since I offered it and published it in the RECORD from men whom I esteem very highly urging me to abandon it; from friends of mine who own periodicals, who protest that it is wrong, who protest that they ought to have a full hearing before it is adopted. I repeat what I have heard from them in substance, because I would not conceal that in any sense from the Senate, but I think their position is unreasonable. I think if we leave them the privilege of the fast mail at about one-third of what the transportation of the fast mail costs they ought not to complain. I dislike to see this effort of the department to save over $2,000,000 a year just thrown aside. I am willing myself to stand up, even if I am alone, to commend an effort of economy by the department, though I do not think the department practices it in a very wise way.

Mr. POINDEXTER. I should like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Georgia desire to have the paper read?

Mr. SMITH of Georgia. I want the letter from the Post Office Department read; it is only 2 pages.

Mr. POINDEXTER. What would be the effect in cost to the Government if that portion of the Senator's amendment which allows the periodicals to be shipped by freight were retained and no increase made in the rate of periodicals shipped by fast express?

Mr. SMITH of Georgia. They would all go by mail then. If you offer them two routes at the same price they would take the best route. You have got to discriminate in price because they would take the cheaper route. I am advised there are very few who are still protesting against the cheap route.

Mr. POINDEXTER. I understood the proposition was that the department classify the papers and require some of them to go by freight.

Mr. SMITH of Georgia. I am satisfied that each of the departments would arbitrarily classify them. Paying the same amount of money they ought to be entitled to the same service if they want it.

The PRESIDENT pro tempore. The time of the Senator from Georgia has expired, but if there is no objection, the letter sent to the desk will be read. Without objection, the letter will be read.

The Secretary read as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., August 9, 1912.

Hon. HOKE SMITH,
United States Senate.

MY DEAR SENATOR: I am in receipt of the draft of the amendment you propose to offer to the pending appropriation bill for the service of the Post Office Department with respect to the transportation of certain second-class periodical publications in fast freight trains, which you handed to the Second Assistant Postmaster General, with request for an expression of the department's opinion thereon.

The amendment in question reads as follows:

"*Provided*, That publications admitted to the mails as second-class matter, published biweekly or less frequently, may be carried wholly or partly in fast freight trains, whenever deemed practicable by the Postmaster General, and at the option of the publishers thereof, and the transportation charges therefor may be paid out of the appropriation for transportation by railroad routes at rates not exceeding the usual freight rates; and on and after January 1, 1913, the rate of postage on such second-class mail matter as may be transported wholly or partly in fast freight trains shall be 1 cent for each pound or fraction of a pound, and the rate of postage on other second-class mail matter, published biweekly or less frequently, transported in the regular mail trains at the option of the publishers thereof and when the transportation of the same wholly or partly in fast freight trains is deemed practicable by the Postmaster General, shall be 2 cents for each pound or fraction of a pound: *Provided further*, That the Postmaster General is authorized to weigh, whenever practicable, the mails diverted from the freight trains to the regular mail trains and from the regular mail trains to the freight trains for a period of not less than 30 successive working days, and ascertain the average daily weight thereof, and readjust the compensation for the transportation of the mails on the railroad mail routes affected."

In the opinion of the officers of the department, this provision is entirely practicable. It provides for the transportation of periodicals published biweekly or less frequently in fast freight trains when deemed practicable by the Postmaster General, but leaves it to the option of the publisher whether he will elect to have the publication transported in that manner or in the regular mail trains. If transported in fast freight trains the rate of postage is to be 1 cent a pound or fraction of a pound. If it is practicable to transport such publication in fast freight trains and the publisher elects to have his periodical transported in regular mail trains, the rate of postage is to be 2 cents a pound or fraction of a pound. The provision authorizing payment for transportation at the regular freight rates will obviate the complicated method of adjusting pay now necessarily followed for these particular shipments. Furthermore, the provision authorizing the Postmaster General to weigh the diverted mails whenever practicable will enable him to restore to the regular mail trains periodicals which have been carried in freight trains without the necessity of reweighing all the mails on the routes affected. It will also enable him to make changes from freight to regular mail and from regular mail to freight trains as the preference of the publisher may be made known.

If this amendment becomes law it is believed that but few publishers whose periodicals are now transported in fast freight trains will elect to have them carried in the regular mail trains and pay the higher rate of postage. It is impracticable to estimate the probable weight of the publications which would be restored to the regular mail trains under these circumstances. It is believed, however, that $100,000 would cover the additional cost of transportation and weighings of the periodicals restored, and therefore that with the enactment of this provision the item for inland transportation by railroad routes as reported by the Senate committee could be reduced $2,290,000, and that the item for railway post office car service as reported by the Senate committee could be reduced $204,000. The respective amounts added by the Senate committee were intended to make provision for the cost of the restoration of the second-class matter in question to the regular mail trains. Furthermore, it should not be overlooked that should the amendment be adopted the substantial saving made by the department will be continued in the future.

Yours, very truly,

FRANK H. HITCHCOCK,
Postmaster General.

Mr. SMITH of Georgia. I ask the Secretary to read the accompanying memorandum.

The Secretary read as follows:

AUGUST 10, 1912.

Memorandum of items of saving that will be effected by this provision under the amounts stated in the bill.

For additional cost of transportation of blue-tag matter (difference between cost at freight rates and cost at regular mail rates), additional cost for one year's increase in mails which must be paid if a reweighing is had, and the cost of reweighing the mails in the second and third contract sections	$2,390,000
Less (for necessary reweighings and cost of possible diverted mails under the provision suggested)	100,000
	2,290,000
Cost of additional car space	204,000
Total saving	2,494,000

Mr. GUGGENHEIM. Mr. President, the Senator from Georgia has expressed the object of the amendment, in my judgment, very clearly and very tersely. As a member of the Committee on Post Offices and Post Roads I was in favor of the amendment at the time it was considered there, and for one I should like to see the amendment adopted now, for I regard it as an amendment of great advantage to the Post Office Department.

Mr. JONES. I wish to ask the Senator from Georgia what specific publications the amendment applies to; that is, whether weekly or biweekly.

Mr. SMITH of Georgia. Biweekly.

Mr. JONES. Why does it not apply to the weekly publications?

Mr. SMITH of Georgia. They do not any of them go by fast-mail freight now. There is no system of fast freight that can handle the weekly papers, unless with very few exceptions, I understand.

Mr. JONES. Why not give those exceptions the opportunity, anyhow?

Mr. SMITH of Georgia. Because we have left all the weekly papers at 1 cent a pound.

Mr. BRISTOW. Mr. President, I hope the amendment will not prevail, because I can not see why the Outlook should have the privileges of the mail at 1 cent a pound and the Review of Reviews be charged 2 cents a pound simply because the Outlook is printed once a week and the Review of Reviews once a month. They are publications of the same general character. It is manifestly, to my mind, unjust to penalize a publication because it is published every two weeks instead of every week.

Why should Collier's Weekly be given the mail privileges at 1 cent a pound and the Review of Reviews or some similar publication that is not printed every week or every two weeks be charged 2 cents a pound? If we are going to increase the rate on second-class mail it should apply the same to all publications. You can not make an equitable segregation, in my judgment. The Post Office Department has tried it and utterly failed. They tried to make the segregation from the standpoint of the news, declaring that a publication that had current news should go in the fast mail trains, and if it did not contain what was called current news it could go in the freight trains; and the opinion of each individual as to what was news varies in just the proportion as to the number of individuals. So the blue tag has become one of the odious things to the postal history of the United States.

In my judgment the amendment offered by the Senator from Georgia would be just as impracticable. If we are going to raise the rate on second-class matter let us take hold of it and raise it on all—on the weekly, the daily, and the monthly publications all alike.

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Mr. GUGGENHEIM. It was shown in the hearings [illegible]

The PRESIDENT pro tempore. The next reserved amendment will be stated.

The SECRETARY. On page 21, the Senator from Georgia [Mr. SMITH] reserved an amendment relative to inland transportation by railroad routes to which he offers a substitute, to read as follows:

Provided, That publications admitted to the mails as second-class matter, published biweekly or less frequently, may be carried wholly or partly in fast freight trains, whenever deemed practicable by the Postmaster General, and at the option of the publishers thereof, and the transportation charges therefor may be paid out of the appropriation for transportation by railroad routes at rates not exceeding the usual freight rates; and on and after January 1, 1913, the rate of postage on such second-class mail matter as may be transported wholly or partly in fast freight trains shall be 1 cent for each pound or fraction of a pound, and the rate of postage on other second-class mail matter, published biweekly or less frequently, transported in the regular mail trains at the option of the publishers thereof, and where the transportation of the same wholly or partly in fast freight trains is deemed practicable by the Postmaster General, shall be 2 cents for each pound or fraction of a pound: *Provided further*, That the Postmaster General is authorized to weigh, whenever practicable, the mails diverted from the freight trains to the regular mail trains and from the regular mail trains to the freight trains for a period of not less than 30 successive working days, and ascertain the average daily weight thereof and readjust the compensation for the transportation of the mails on the railroad mail routes affected.

[illegible] pair with the Senator from New Mexico [Mr. FALL]. I transfer that pair to my colleague [Mr. FLETCHER] and vote. I will let this announcement stand for the afternoon. I vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is not in the Chamber, and I will withhold my vote.

Mr. GUGGENHEIM (when his name was called). On account of the absence of my pair I am obliged to withhold my vote.

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. During his absence, not knowing what his vote would be, I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I am paired with the senior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Indiana [Mr. KERN] and vote "nay."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from Louisiana [Mr. THORNTON] and vote "yea."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER] and withhold my vote on account of his absence. I will not repeat this announcement, but will let it stand for any other votes to-day.

The roll call was concluded.

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from New Jersey [Mr. MARTINE] and vote "yea."

Mr. LIPPITT. I again announce the transfer of my pair with the Senator from Tennessee [Mr. LEA] to the Senator from South Dakota [Mr. GAMBLE]. I will let that announcement stand for the day. I vote "yea."

Mr. SHIVELY. I wish to announce that my colleague [Mr. KERN] is unavoidably absent from the city. He is paired with the Senator from Delaware [Mr. RICHARDSON]. I wish this announcement to stand for the rest of the day.

The result was announced—yeas 29, nays 28, as follows:

YEAS—29.

Bacon	Johnston, Ala.	Page	Smith, Md.
Borah	Lippitt	Perkins	Stone
Burnham	Lodge	Reed	Tillman
Burton	McLean	Root	Warren
Chilton	Martin, Va.	Sanders	Williams
Crawford	Nelson	Shively	
Gallinger	Oliver	Simmons	
Johnson, Me.	Overman	Smith, Ga.	

NAYS—28.

Ashurst	Chamberlain	Jones	Poindexter
Bourne	Clapp	Kenyon	Pomerene
Bradley	Cullom	Massey	Smith, Ariz.
Brandegee	Cummins	Myers	Smith, S. C.
Bristow	Curtis	Newlands	Smoot
Bryan	Dillingham	O'Gorman	Swanson
Catron	Hitchcock	Penrose	Townsend

NOT VOTING—37.

Bailey	du Pont	Kern	Smith, Mich.
Bankhead	Fall	La Follette	Stephenson
Briggs	Fletcher	Lea	Sutherland
Brown	Foster	McCumber	Thornton
Clark, Wyo.	Gamble	Martine, N. J.	Watson
Clarke, Ark.	Gardner	Owen	Wetmore
Crane	Gore	Paynter	Works
Culberson	Gronna	Percy	
Davis	Guggenheim	Rayner	
Dixon	Heyburn	Richardson	

So the amendment of Mr. SMITH of Georgia was agreed to.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

The SECRETARY. The next amendment reserved is on page 37—the good roads amendment—reserved by Mr. SWANSON.

Mr. SIMMONS. Mr. President, that amendment was reserved by the Senator from Virginia for me. I send to the Secretary's desk an amendment which I propose to come in after line 9, on page 40. This amendment, I desire to state, was prepared by the Senator from Alabama [Mr. BANKHEAD] and myself.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 40, after line 9, it is proposed to insert:

That there is hereby appropriated the sum of $1,000,000, out of any money in the Treasury not otherwise appropriated, to be expended by the Secretary of Agriculture in cooperation with the Postmaster General in improving the conditions of roads to be selected by them over which rural delivery is or may hereafter be established, such improvement to be for the purpose of ascertaining the increase in the territory which could be served by each carrier as a result of such improvement, the possible increase of the number of delivery days in each year, the amount required in excess of local expenditures for the proper maintenance of such roads, and the relative saving to the Government in the operation of the Rural Delivery Service, and to the local inhabitants in the transportation of their products by reason of such improvement: *Provided*, That the State, or the local subdivision thereof in which such improvement is made under this provision, shall furnish an equal amount of money for the improvement of the road or roads so selected. Such improvement shall be made under the supervision of the Secretary of Agriculture.

SEC. 2. That the Secretary of Agriculture and the Postmaster General are hereby directed to report to Congress within one year after the ratification of this act the result of their operations under this act, the number of miles of road improved, the cost of same, and such other information as they may have acquired in connection with the operation of this act, together with such recommendations as shall seem wise for providing a general plan of national aid for the improvement of postal roads in cooperation with the States and counties, and to bring about as near as possible such cooperation among the various States as will insure uniform and equitable interstate highway regulations.

Mr. SIMMONS. Mr. President, I desire to say to the Senate that this is not offered as a substitute for the Senate amendment adopted on yesterday providing for the appointment of a joint committee to make inquiry into the subject of Federal aid in the construction of highways, but it is proposed as a supplemental proposition. The information which the Congress will secure through the amendment adopted on yesterday will be only such as the members of that commission, which is to be composed of Members of the House and of the Senate, will be able to gather after an examination of the highways of the country and such information as they can pick up. The amendment which I propose is for the purpose of obtaining practical experimental information, to be gathered by the Department of Agriculture and the Post Office Department, in the work of actually constructing highways here and there throughout the country in cooperation with the local communities.

Of course, it is intended that the Government officials will make their selections in various sections of the country where conditions are different. For instance, in my own State there is a great variety of conditions which affect the subject of road construction. In the mountainous country there is one condition which entails many difficulties in connection with road construction; in the Piedmont section there is another condition; and in the coastal section there is still a different condition. In order to obtain experimental knowledge it is necessary that they should construct some roadways in all three of these sections of that State.

There are different physical conditions in the West from those existing in the South with reference to this matter, and different physical conditions in the East from those which exist in the West. Therefore the amendment which I have offered authorizes them to experiment here and there in the different portions of the country so as to bring out the difficulties with reference to road construction, for the purpose of obtaining experimental information, first, as to the cost of construction; then as to the best methods for the application of Government aid; and for the further purpose of ascertaining what is the best process for cooperation between the Government and different localities concerned. Then, Mr. President, the amendment further provides that after this small sum of money—a million dollars—has been expended in this experimental way and this information is obtained, these two departments shall report to Congress, giving us the benefit of all the information they have obtained in connection with these experiments, and with the further requirement that they shall report a comprehensive plan for Government cooperation with the States, counties, and other communities in the work of improving the postal highways.

Mr. President, one further observation and I will have concluded: The Government in recent years, in undertaking any

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sions there can be no doubt as to the power of the Congress to enact a law permitting the delivery of packages and packets, frequently called express matter.

In the case of Ex parte Jackson (96 U. S., 727) the Supreme Court of the United States explicitly held that "the power to establish post offices and post roads * * * since the foundation of our Government has been construed to authorize not merely the routes over which mail shall be carried, but *what* should be carried and its weight and form."

The PRESIDENT pro tempore. The time of the Senator from Arizona has expired.

Mr. BRISTOW. Mr. President, I regret very much that the Senator from Georgia has offered this amendment. As he knows, the committee has spent weeks and months in working out what we thought was the best possible system. The amendment as reported in the bill, as I understand it, was the unanimous action of the committee. I had not the slightest idea that the Senator from Georgia had changed his mind until he offered the amendment this afternoon.

It is admitted by all that with the present rate after the distance of 2,000 miles is reached the Government in carrying the packages carries them at a loss. In the committee I sought to have the zones increased so that there would be 12 instead of 8 and making the maximum charge 16 cents a pound instead of 12 cents a pound. But the committee refused to consider that favorably, because it was of the opinion that since the rate on foreign parcels between our country and other countries was 12 cents, we should not have any rate for domestic parcels of more than 12 cents. So we have fixed the rates, and on the long distance the packages must be carried at a loss. What the cost is of carrying the packages for the short distances can not be actually ascertained. It must be an estimate and the estimate must be based upon the expenses of the service at the present time or in the past.

Granting that the rate suggested by the Senator from Georgia would maintain the service, which I doubt seriously, the bill, as I said during the afternoon, has added to the expense of the delivery approximately $8,000,000 in a single item. In the postal service we do not increase the expense in proportion to the revenue. The increase of the expenditure of the postal department is largely a matter of political concern. We did not add $8,000,000 to the expenditures for rural delivery, because we could not get carriers for the salary that is now paid, but because the Senate wanted to pay the carriers more than they are now receiving.

Those increases are likely to occur at any time during any session of Congress, and, when these rates are once established, then you will have very great difficulty and impose very great injustice in certain cases if you increase them, because the business becomes adjusted to that rate. By the amendment that was offered by the Senator this afternoon, and which the Senate adopted, the rate on certain second-class publications is raised from 1 cent to 2 cents per pound. You are imposing a very great burden upon certain publications that, in my judgment, will destroy the profits of a number of publications and put out of business a number of publishers of magazines. It becomes then a matter of grave concern. In establishing the new service, why is it necessary to put the rates below what we know are safe and sound? Why do you take the chance of being confronted in the future with a loss in handling packages, as we are to-day, confronted with a loss in handling second-class matter? What is the occasion for it? If we find from experience and practice that the rate is too high, it can be reduced, but it is very difficult to raise a rate. A reduction confers a favor on the man whose business has been established, because it lessens his expense; but an increase imposes an additional expense for which he has not made any preparation.

I sincerely trust that this amendment, which, in my judgment, will launch the Government into an expenditure for the carrying of packages which will ultimately result in a loss, will not be adopted.

Mr. WILLIAMS. Mr. President, one position taken by the Senator from Kansas is absolutely unwarranted by anything in the amendment or by anything in the course of possible argument concerning the amendment. It is the idea that any monthly magazine would be put out of business by the adoption of the amendment. The owners of the magazines have their choice under the amendment to choose whether or not they shall pay a 2-cent rate by mail or pay a cent rate and go by fast freight. So unless the proprietors of the magazines or the men who are authorized by the magazines to look out for the mail matter choose to go by fast freight they can not be forced under the amendment to go by fast freight. I will ask the Senator from Georgia if that is correct or not.

Mr. SMITH of Georgia. The amendment the Senator refers to has already been disposed of. The amendment now pending proposes to lessen somewhat the cost of the parcel post on a 50-mile distance. The Senator from Kansas brought the amendment we had already passed into this argument, and I suppose misled the Senator from Mississippi into supposing that that was still the amendment under consideration.

Mr. WILLIAMS. The Senator from Mississippi humbly confesses that he was entirely misled. It has not been the first time in his life that he was misled by the Senator from Kansas. It was not very long ago when he was misled by him. I thought from the Senator's argument that that was the matter under discussion, and I wanted to express a view of constructive statesmanship concerning it. Now I find that, much to my own humiliation, I have been discussing something in the air, which amounts to nothing.

Mr. SMITH of Georgia. Mr. President, I desire to rise to a matter of personal privilege for just a moment.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SMITH of Georgia. The Senator from Kansas stated that we unanimously agreed to this increase in the committee. That is true, but I do not think because I agreed to it in the committee if I subsequently concluded that it could be improved by a change it would not be proper to suggest a change in the Senate. I did agree to it there, and it was unanimously agreed to.

Mr. BOURNE. Mr. President, I find myself in a most embarrassing situation. The rates proposed by the Senator from Georgia are the rates that I had in the bill I prepared and introduced on the 16th of May for the first two zones, with the exception that in my bill the second zone was 200 miles. The zone in the bill now before the Senate is 150 miles.

I attempted, and I think successfully, even at the risk of the charge of egotism, to demonstrate that those rates would be self-supporting upon the basis of the construction of the bill and the best obtainable data bearing upon the problem which in my opinion was worthy of adoption in coming to the conclusion. The committee increased the rates, as has been shown and demonstrated here before the Senate.

I am chairman of the committee. The vote was unanimous, I voting myself for the increased rate on these two zones, and I shall now vote against the amendment offered by the Senator from Georgia, because I believe that it is my duty as a temporary representative here of the committee to do so. But I do not want to be put in the attitude of stating that I do so because I believe the rates suggested by the Senator from Georgia would incur a loss to the Government.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. SMITH]. [Putting the question.] The noes appear to have it.

Mr. SMITH of Georgia. I call for the yeas and nays. It is a very important matter.

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

Mr. BURNHAM (when his name was called). I have a general pair, as I have stated, but upon this vote I have been released from my pair. I vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is not in the Chamber, and I withhold my vote.

Mr. LA FOLLETTE (when Mr. GRONNA's name was called). For the Senator from North Dakota [Mr. GRONNA], I desire to state that he is unavoidably absent, and that if present he would vote for this amendment.

Mr. GUGGENHEIM (when his name was called). On account of my general pair I withhold my vote. I desire this announcement to stand for the balance of the day.

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I withhold my vote.

Mr. REED. I again announce my pair with the senior Senator from Michigan [Mr. SMITH] and the transfer of that pair to the Senator from New Jersey [Mr. MARTINE]. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). As I said before, the senior Senator from Michigan [Mr. SMITH] is unavoidably absent. I do not know how he would vote on this proposition, although as to the general question he is favorable to the so-called parcel-post bill. He is paired with the junior Senator from Missouri [Mr. REED].

Mr. SMITH of South Carolina (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Indiana [Mr. KERN] and vote "yea."

Mr. STONE (when his name was called). I transfer the pair I have with the Senator from Wyoming [Mr. CLARK] to the Senator from Louisiana [Mr. THORNTON] and vote "yea."

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The roll call was concluded.

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. I withhold my vote. Were he present I would vote "nay."

Mr. BRYAN. Under my pair, as transferred, I vote "nay."

Mr. JOHNSON of Maine. I wish to announce the unavoidable absence of my colleague [Mr. GARDNER]. He is paired with the senior Senator from Rhode Island [Mr. WETMORE].

The result was announced—yeas 22, nays 33, as follows:

YEAS—22.

Ashurst	Martin, Va.	Pomerene	Smith, S. C.
Bacon	Myers	Reed	Stone
Chilton	Newlands	Shively	Swanson
Johnson, Me.	O'Gorman	Simmons	Williams
La Follette	Overman	Smith, Ariz.	
Lippitt	Poindexter	Smith, Ga.	

NAYS—33.

Borah	Chamberlain	Kenyon	Root
Bourne	Clapp	Lodge	Sanders
Bradley	Crawford	McLean	Smoot
Brandegee	Cullom	Massey	Townsend
Bristow	Cummins	Nelson	Warren
Bryan	Curtis	Oliver	Works
Burnham	Gallinger	Page	
Burton	Johnston, Ala.	Penrose	
Catron	Jones	Perkins	

NOT VOTING—39.

Bailey	Dixon	Heyburn	Richardson
Bankhead	du Pont	Hitchcock	Smith, Md.
Briggs	Fall	Kern	Smith, Mich.
Brown	Fletcher	Lea	Stephenson
Clark, Wyo.	Foster	McCumber	Sutherland
Clarke, Ark.	Gamble	Martine, N. J.	Thornton
Crane	Gardner	Owen	Tillman
Culberson	Gore	Paynter	Watson
Davis	Gronna	Percy	Wetmore
Dillingham	Guggenheim	Rayner	

So the amendment of Mr. SMITH of Georgia was rejected.

Mr. SMITH of Georgia. I consider that vote applicable to both amendments, the same principle is involved; and I will not prolong the session further by pressing the other amendment.

Mr. POMERENE. On page 62, after line 18, I move to insert the amendment which I send to the desk.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. On page 62, after line 18, at the end of the section insert:

For the purpose of perfecting and extending the facilities of the parcel post hereby provided for, and for the purpose of inquiring into the advisability and propriety of adding thereto an express post, a committee of 10 persons shall be appointed, composed of five Senators, to be named by the President of the Senate, and five Representatives, to be named by the Speaker of the House of Representatives, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcel post and express post by the Senate and House Committees on Post Offices and Post Roads, and take such other and additional testimony as they may deem desirable.

The Postmaster General and the Interstate Commerce Commission shall furnish data and otherwise render such assistance to the said committee as may be desired or available. For the purpose of defraying the expenses of said committee $25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated.

The committee shall report to the Congress on the first Monday in December, 1912.

Mr. POMERENE. Mr. President, if any one thing has been made apparent I do not believe I overstate it when I say that the rates which have been adopted are largely a matter of experiment. There has been a good deal of conflicting evidence in the reports which have been presented by the House and by the Senate committee as to whether we should adopt a parcels post or an express post. This is a new proposition in the United States, considering it from a legislative standpoint. Our citizens are without practical experience upon the subject. The purpose of the amendment is evident. It does seem to me that we ought to have some further investigation of this subject with a view to ascertaining what we shall do with respect to additional legislation upon it. I do not care to occupy the time of the Senate further.

Mr. LODGE. I desire to make a point of order against the amendment, that it is general legislation and not contemplated either in the House provision or in the Senate amendment. It is not embodied in either of them.

Mr. BAILEY. Unless the Chair is ready to rule against the point of order, I would like to be heard a moment.

The PRESIDENT pro tempore. The Chair prefers to have the matter discussed.

Mr. BAILEY. Then, Mr. President, of course, the Senator from Massachusetts will be entitled to the first word, but as I only wish to say a word, and being on the floor, I will do that now. If we regard the substance and not the mere phraseology, the two propositions are the same, and the proposition of the Senator from Ohio is more logical than the other, because in the one case you mix the mail and the merchandise obviously to the disadvantage of both, while in the case proposed by the Senator from Ohio you perform a service as a common carrier for merchandise, and you will perform it independently of the governmental function of a mail carrier.

Now, the very necessity of the mail service compels a limitation upon the length and upon the bulk of these packages. There can be no logic in saying that the Government may carry my neighbor's mail within the limitation of 11 pounds because it is 71 inches long and shall not carry my mail, no heavier, because it happens to be 73 inches long. The matter of inches is made material only because the length interferes with a totally different service. I have no hesitation in saying that if the Government of the United States has to step down from its high place as a sovereign and become a common carrier for hire I would prefer to see it perform that service in the manner and in the character which insures the best performance of it.

Mr. POMERENE. Mr. President——

Mr. LODGE. If the point of order is going to lead to debate, I withdraw it.

The PRESIDENT pro tempore. The Chair is prepared to rule on the point of order. At the same time the Chair feels that courtesy to Senators would require him to hear Senators further upon the point of order.

Mr. LODGE. I withdraw my point of order in the somewhat vain hope that we may reach a vote on the amendment.

The PRESIDENT pro tempore. The point of order is withdrawn. The question is on the amendment submitted by the Senator from Ohio. [Putting the question.] The noes appear to have it.

Mr. POMERENE. I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Ohio asks for the yeas and nays. Is the demand seconded? [After a pause.] Not a sufficient number.

Mr. BAILEY. I demand that the other side be counted so that we can see if a fifth of those present have seconded the call for the yeas and nays.

The PRESIDENT pro tempore. Those opposed to ordering the yeas and nays will rise and stand until they are counted or raise their hands. [After a pause.] Seven have seconded the demand for the yeas and nays and there are 39 in the negative. The yeas and nays are not ordered. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Has the Senator an amendment he desires to offer to this provision?

Mr. HITCHCOCK. I have an amendment I desire to offer to the original bill.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. BAILEY. Mr. President, what amendment are we voting on?

The PRESIDENT pro tempore. On the parcel-post amendment.

Mr. BAILEY. I ask for the yeas and nays on that.

The yeas and nays were ordered.

Mr. McCUMBER. Mr. President, I have refrained from taking five minutes' time in the discussion of any of the amendments in order that I might occupy a few moments on the final passage of this proposition.

Mr. President, the platform of each of the great political parties declares unequivocally in favor of a parcel-post system. When both, or all of the great political parties of this country declare for a proposition, and especially if such proposition be new, we can feel sure that the subject so declared will be crystallized into a law. The country stands pledged to-day for a parcel-post system, and a parcel-post system the country will have.

The matter then resolves itself into a question of what kind of a parcel post shall be established. The local merchants in almost every little town in the country view the subject with fear and disfavor. They fear the commission houses of the great cities with their cash system will put them with their credit system out of business. The farming element of the country on the other hand demands greater facilities and a broader field for their purchases.

As a protectionist, as one who believes in building up and sustaining our local interests, I want no law that will work disaster to the country merchants, nor do I want a law that would hamper the opportunities of the farmer. I believe that in this Bourne bill a system has been worked out that will benefit both and harm neither. This bill should provide a rate

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for carriage that will be equitable and just. It should provide for a rate that will vary according to the length of the haul so that each parcel will carry a charge that will approximately pay the expense of carrying for the particular distance required.

The system adopted gives the rural merchant a great advantage over the city commission house, and especially is this true in those States having no very large cities. If we are to have a parcel post, that should be the case. In this bill the rural merchant can not complain that the charges are not as just and equitable as could be devised.

On the other hand, the farmer who desires to secure his goods from a far-off city is only charged what is presumed to be the actual expense of carrying, and he can hardly ask for more than that. The advantage over the express companies, especially within the first zone of 50 miles, is very great, as will appear from the table which I here present:

	Not over 1 pound.	Not over 2 pounds.	Not over 3 pounds.	Not over 4 pounds.	Not over 5 pounds.	Not over 6 pounds.	Not over 7 pounds.	Not over 8 pounds.	Not over 9 pounds.	Not over 10 pounds.	Not over 11 pounds.
50 miles:											
Present express rate from New York	$0.25	$0.25	$0.25	$0.30	$0.30	$0.35	$0.35	$0.35	$0.35	$0.35	$0.35
Proposed express rate from New York	.21	.21	.21	.22	.22	.22	.23	.23	.24	.24	.24
Original Bourne parcel-post bill	.06	.08	.10	.12	.14	.16	.18	.20	.22	.24	.26
Amended Bourne parcel-post bill	.05	.08	.11	.14	.17	.20	.23	.26	.29	.32	.35

I have made two other computations which I have reduced into the form of tables, showing what the express rates will be as proposed by the Interstate Commerce Commission and what the parcel-post rates will be. I make these tables a part of my remarks that those in my own State who are desirous of obtaining the information at the present time may understand just what the comparative charges are.

One table shows the comparative rates from St. Paul to Bismarck and the other from Chicago to Bismarck. In both of these tables it will be observed that for any package below 5 pounds there is a decided advantage in favor of the parcel post, even for these long distances, while in the short distances, which take in the rural deliveries, the rates under this parcel-post bill are only a small percentage of the express rates. And it must also be remembered that the rural parcel-delivery service is a service which, up to the present time, does not exist, and that the rural service must be confined exclusively to the postal department, as the express companies can not afford to deliver in the country.

We must also remember that while on parcels above 5 pounds on the long distances the express charges are less than the parcel-post charges, in all of these cases the customer has the right to take the cheaper method of conveyance. On small packages the farmer has an advantage in using the mails on all routes and on all distances, long or short. On large packages his advantage will be best subserved by using the express on the long hauls. On the rural service he has advantages which he can not have and never has had without this bill.

The great advantage to the local merchant under this bill is in his ability to deliver to the country customer at a very small expense, and in this he has a most decided advantage over his competitor, the commission house of the great city.

This is the initial step in the matter of parcel deliveries by the Post Office Department. The law, if enacted, starts out on the right principle, that of basing the charge on the actual service performed and in accordance with the length of the haul. After the law shall be in operation it can be amended as to rates to conform to the just requirements of the service.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. McCUMBER. I ask, Mr. President, that the two tables to which I have referred may be inserted in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, the tables will be inserted.

The tables referred to are as follows:

Proposed rates from St. Paul to Bismarck, N. Dak., Bismarck being in the fourth zone from St. Paul, according to Bourne postal bill.

(Distance, approximately 500 miles.)

BOURNE PARCEL POST BILL.

	Cents.
1-pound package	8
2-pound package	14
3-pound package	20
4-pound package	26
5-pound package	32
6-pound package	38
7-pound package	44
8-pound package	50
9-pound package	56
10-pound package	62
11-pound package	68

EXPRESS RATES PROPOSED BY INTERSTATE COMMERCE COMMISSION.

1-pound package	23
2-pound package	25
3-pound package	27
4-pound package	30
5-pound package	32
6-pound package	34
7-pound package	37
8-pound package	39
9-pound package	42
10-pound package	44
11-pound package	46

Proposed rates from Chicago to Bismarck, N. Dak., Bismarck being in the fifth zone from Chicago, according to Bourne postal bill.

(Distance, approximately 1,000 miles.)

BOURNE PARCEL POST BILL.

	Cents.
1-pound package	9
2-pound package	16
3-pound package	23
4-pound package	30
5-pound package	37
6-pound package	44
7-pound package	51
8-pound package	58
9-pound package	65
10-pound package	72
11-pound package	79

EXPRESS RATES PROPOSED BY INTERSTATE COMMERCE COMMISSION.

1-pound package	24
2-pound package	27
3-pound package	30
4-pound package	34
5-pound package	37
6-pound package	41
7-pound package	44
8-pound package	48
9-pound package	51
10-pound package	54
11-pound package	58

The PRESIDENT pro tempore. The yeas and nays have been ordered upon the so-called parcel-post amendment. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I again announce my pair and withhold my vote.

Mr. BRYAN (when his name was called). Again announcing my pair and its transfer, I vote "yea."

Mr. BURNHAM (when his name was called). On this vote I am released by my pair and will vote "yea."

Mr. PAGE (when Mr. DILLINGHAM's name was called). My colleague [Mr. DILLINGHAM] has been obliged to leave the Chamber. He is paired with the senior Senator from South Carolina [Mr. TILLMAN]. I make this announcement for the rest of the day.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON], who is not in the Chamber. I therefore withhold my vote. If he were present, I should vote "yea."

Mr. JOHNSON of Maine (when Mr. GARDNER's name was called). I again announce the unavoidable absence of my colleague [Mr. GARDNER] and his pair with the senior Senator from Rhode Island [Mr. WETMORE].

Mr. GUGGENHEIM (when his name was called). I have consent of my general pair to vote upon this proposition, and therefore will vote. I vote "yea."

Mr. McCUMBER (when his name was called). I again announce my general pair with the senior Senator from Mississippi [Mr. PERCY]. As he is absent and I do not know how he would vote, I am compelled to withhold my vote. I ask that this announcement may stand for this and any subsequent vote upon this bill.

Mr. REED (when his name was called). I again announce the transfer of my pair with the Senator from Michigan [Mr. SMITH] to the Senator from New Jersey [Mr. MARTINE] and will vote. I vote "yea."

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Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I again announce the unavoidable absence of my colleague [Mr. SMITH of Michigan]. I will state that if he were present he would vote "yea."

Mr. SMITH of South Carolina (when his name was called). Again announcing my pair with the Senator from Delaware [Mr. RICHARDSON] and the transfer of that pair to the Senator from Indiana [Mr. KERN], I will vote. I vote "yea."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. I therefore withhold my vote.

The roll call was concluded.

Mr. DU PONT. My colleague [Mr. RICHARDSON], as already announced, has a general pair with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "yea."

Mr. LA FOLLETTE. For the Senator from North Dakota [Mr. GRONNA] I again announce his unavoidable absence from the Senate. If he were present, he would vote "yea."

Mr. WARREN. My colleague [Mr. CLARK of Wyoming] is detained from the Chamber, but is paired, as already stated by the Senator from Missouri [Mr. STONE], with that Senator.

Mr. CLAPP. The junior Senator from California [Mr. WORKS] was necessarily obliged to leave. If he were present, he would vote "yea."

Mr. BANKHEAD. I transfer my pair with the senior Senator from Idaho [Mr. HEYBURN] to the Senator from Arkansas [Mr. DAVIS] and will vote. I vote "yea."

Mr. OVERMAN. I desire to announce that the Senator from Louisiana [Mr. FOSTER] and the Senator from Louisiana [Mr. THORNTON] are both unavoidably detained. If they were present, they would respectively vote "yea."

Mr. BAILEY. I have a general pair with the Senator from Montana [Mr. DIXON], which I have observed for more than two months. I am so certain that my vote would not make any difference in this matter and I am so anxious to have it recorded that I will disregard, instead of transferring, that pair and will vote. I vote "nay."

Mr. CHILTON. I desire to announce that my colleague [Mr. WATSON] is unavoidably absent. He is paired with the senior Senator from New Jersey [Mr. BRIGGS].

The result was announced—yeas 54, nays 2, as follows:

YEAS—54.

Ashurst	Clapp	McLean	Root
Bacon	Crawford	Martin, Va.	Shively
Bankhead	Cullom	Massey	Simmons
Borah	Cummins	Myers	Smith, Ariz.
Bourne	Gallinger	Nelson	Smith, Ga.
Bradley	Guggenheim	Newlands	Smith, S. C.
Brandegee	Hitchcock	Oliver	Smoot
Bristow	Johnson, Me.	Overman	Swanson
Bryan	Johnston, Ala.	Page	Tillman
Burnham	Jones	Penrose	Townsend
Burton	Kenyon	Perkins	Warren
Catron	La Follette	Poindexter	Williams
Chamberlain	Lippitt	Pomerene	
Chilton	Lodge	Reed	

NAYS—2.

Bailey	Curtis

NOT VOTING—38.

Briggs	Fall	McCumber	Smith, Mich.
Brown	Fletcher	Martine, N. J.	Stephenson
Clark, Wyo.	Foster	O'Gorman	Stone
Clarke, Ark.	Gamble	Owen	Sutherland
Crane	Gardner	Paynter	Thornton
Culberson	Gore	Percy	Watson
Davis	Gronna	Rayner	Wetmore
Dillingham	Heyburn	Richardson	Works
Dixon	Kern	Sanders	
du Pont	Lea	Smith, Md.	

So the amendment was concurred in.

The PRESIDENT pro tempore. The bill is in the Senate and still open to amendment.

Mr. HITCHCOCK. I offer the amendment which I send to the desk.

The SECRETARY. On page 48, line 15, after the amendment adopted inserting the words "Postmaster General," it is proposed to insert:

And no demotion made since October, 1910, without notice of charges and without an opportunity to answer the same, shall be continued longer than October 1, 1912, except upon the procedure herein provided to be had in cases of removal.

Mr. HITCHCOCK. Mr. President, section 6 is intended, as I understand, to put a stop to a practice that prevailed toward the close of the year 1910 and the first part of the year 1911, when the Post Office Department, in attempting to enforce its so-called "slack order," disciplined a number of post-office employees in a manner which is now considered to be unjust, and which the Congress in the future proposes to prevent by law. As I understand, some time after the "slack order" was issued, the President himself issued an order which is very similar in its terms to section 6 of this bill. That order put a stop to further demotions made without an opportunity for the men to present their defense and without an opportunity being given them even to hear the charges made against them. Nevertheless, there were, and are now, some 23 men who are the victims of that unreasonable practice and who are still suffering from the demotions so incurred.

This amendment which I offer is intended to provide that, unless the department reinstates them on the 1st of October next, they shall be given an opportunity to meet the charges, such opportunity having heretofore been denied them. I hope that the amendment, which is designed to correct the injustice to these men who were the victims of a practice that we all now concede is wrong, may be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment. [Putting the question.] By the sound the "noes" appear to have it.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. The noes have it, and the amendment is rejected.

Mr. HITCHCOCK. Mr. President, the Senator from Missouri was endeavoring to get the floor.

The PRESIDENT pro tempore. The Chair begs pardon.

Mr. HITCHCOCK. I refrained from voting on that account.

The PRESIDENT pro tempore. The Chair did not observe that the Senator from Missouri was endeavoring to get recognition.

Mr. REED. I had risen before the Chair had put the motion, and addressed the Chair to have the amendment again stated.

The PRESIDENT pro tempore. The amendment will be again stated.

The Secretary again stated the amendment.

The PRESIDENT pro tempore. The Chair will again put the question. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK].

The amendment was rejected.

Mr. MYERS. Mr. President, I ask that my motion to reconsider the vote by which the amendment offered by the Senator from Florida [Mr. BRYAN] was adopted be now put before the Senate; and, in order to enlighten the Senate upon the subject to be voted upon, I ask that the amendment be read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 47, lines 20 and 21, an amendment was agreed to as in Committee of the Whole on motion of Mr. BRYAN, to strike out "paid extra in proportion to their salaries as fixed by law" and insert "allowed compensatory time on one of the six days, Sunday excepted, following the day on which they perform such service."

Mr. MYERS. Mr. President, it seems to me, in all fairness, that the motion to reconsider the vote by which that amendment was adopted ought to carry, because that is an important matter. It was argued as extensively as it could be under the rules that are prevailing to-day. Several Senators spoke for it and several others against it; but when it came to a vote I do not believe six Senators, all told, voted one way or the other. The Senator from Florida [Mr. BRYAN] demanded the yeas and nays, but not in a very loud tone of voice, and I assume, of course, that the Chair possibly did not hear the demand; but some of us here supposed that a second for the demand would be called for, and we intended to second the demand and get a yea-and-nay vote. However, some little conversation was going on and a second was not called for. There was a good deal of confusion at that time, and some of us who desired to vote for or against the amendment did not have the privilege of voting understandingly on the amendment; and the motion was put and carried with two or three votes, I think, all told, and we did not know that it had been put at all.

Mr. BRYAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Florida?

Mr. MYERS. Certainly.

Mr. BRYAN. I should like to inquire of the Senator from Montana where he was when that vote was taken?

Mr. MYERS. I was here waiting for a second for the demand for the yeas and nays. The Senator from Florida did not withdraw his demand for the yeas and nays.

Mr. BRYAN. I saw the amendment was adopted, and so I did not call for the yeas and nays.

Mr. MYERS. The motion had been put without a second being called on the demand for the yeas and nays. There was a good deal of confusion, and some of us who wanted to vote on the amendment did not have the opportunity of voting, and

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really I have not had the privilege of voting on the amendment. Therefore I think it ought to be reconsidered, and then let Senators vote as they please on the adoption of the amendment, so as to give us the right to vote.

The PRESIDENT pro tempore. It is proper that the Chair should say that the Chair did not hear the demand for the yeas and nays.

Mr. BRYAN. Mr. President, it was not the fault of the Chair. I did not demand the yeas and nays. I was sitting in my seat and I said "We will ask for the yeas and nays;" but I reconsidered the matter of calling for the yeas and nays. The Chair was not at fault at all.

Mr. MYERS. That is the only way of demanding the yeas and nays that I know of—to say "I demand the yeas and nays."

Mr. BRYAN. I did not demand the yeas and nays of the Chair, but merely made the remark among those who were near me and were speaking of it.

Mr. JOHNSTON of Alabama. Mr. President——

Mr. MYERS. I yield to the Senator.

Mr. JOHNSTON of Alabama. I should like to ask the Senator if he voted for the amendment?

Mr. MYERS. No; I did not vote at all. I did not have an opportunity of voting.

Mr. CRAWFORD. I make the point of order that the Senator from Montana can not interpose a motion to reconsider when he did not even vote on the question.

The PRESIDENT pro tempore. The point of order is well taken. The Senator from Montana did not vote in the affirmative.

Mr. REED. Mr. President, I think the Chair is in error about that. There was no record vote, and where there is no record vote it occurs to me that anyone can move to reconsider.

Mr. LODGE. I make the point of order that under the unanimous-consent agreement debate is out of order on a motion to reconsider.

The PRESIDENT pro tempore. The Chair will put the motion of the Senator from Montana to reconsider the vote. There was not a record vote, and so the Senator has the right to make the motion. The question is on agreeing to the motion of the Senator from Montana to reconsider the vote by which the amendment of the Senator from Florida [Mr. BRYAN] was agreed to. By the sound the "noes" appear to have it.

Mr. MYERS. I ask for the yeas and nays.

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

Mr. BRYAN (when his name was called). Again announcing my pair and its transfer, I will vote. I vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I withhold my vote.

Mr. BRYAN (when Mr. FLETCHER'S name was called). I desire to announce that my colleague [Mr. FLETCHER] has been absent this afternoon on official business.

Mr. OLIVER (when Mr. LIPPITT'S name was called). The junior Senator from Rhode Island [Mr. LIPPITT] has been compelled to leave the Chamber on official business.

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN], who is not in the Chamber. I will transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE], and will vote. I vote "nay."

Mr. REED (when his name was called). I make the same announcement as heretofore of my pair with the Senator from Michigan [Mr. SMITH] and the transfer. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and its transfer to the Senator from Indiana [Mr. KERN]. I vote "yea."

Mr. STONE (when his name was called). I again announce my pair with the Senator from Wyoming [Mr. CLARK] and withhold my vote.

Mr. TILLMAN (when his name was called). I have a pair with the Senator from Vermont [Mr. DILLINGHAM]. I do not know how he would vote. I therefore withhold my vote.

The result was announced—yeas 22, nays 29, as follows:

YEAS—22.

Ashurst	Hitchcock	Newlands	Shively
Bacon	Johnson, Me.	O'Gorman	Simmons
Brandegee	Kenyon	Page	Smith, Ariz.
Burton	La Follette	Poindexter	Smith, S. C.
Chilton	McLean	Pomerene	
Curtis	Myers	Reed	

NAYS—29.

Bankhead	Crawford	Massey	Smith, Ga.
Borah	Cullom	Nelson	Smoot
Bourne	Cummins	Oliver	Swanson
Bradley	Gallinger	Overman	Townsend
Bristow	Johnston, Ala.	Penrose	Williams
Bryan	Jones	Perkins	
Catron	Lodge	Root	
Clapp	Martin, Va.	Sanders	

NOT VOTING—43.

Bailey	Dixon	Kern	Smith, Mich.
Briggs	du Pont	Lea	Stephenson
Brown	Fall	Lippitt	Stone
Burnham	Fletcher	McCumber	Sutherland
Chamberlain	Foster	Martine, N. J.	Thornton
Clark, Wyo.	Gamble	Owen	Tillman
Clarke, Ark.	Gardner	Paynter	Warren
Crane	Gore	Percy	Watson
Culberson	Gronna	Rayner	Wetmore
Davis	Guggenheim	Richardson	Works
Dillingham	Heyburn	Smith, Md.	

So the motion to reconsider was not agreed to.

Mr. BOURNE. I send to the desk an amendment and ask to have it read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On line 17, page 29, strike out "or" and insert, after the words "substitute railway postal clerk," the words "or post-office inspector," so that it will read:

Which shall be exempt from the payment of debts of the deceased, to the legal representatives of any railway postal clerk, substitute railway postal clerk, or post-office inspector.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PORT BOLIVAR, TEX.

Mr. REED. On the 8th instant, from the Committee on Commerce, I reported back favorably without amendment the bill (H. R. 22199) to extend the limits of the port of entry of Galveston, Tex., to include Port Bolivar, in that State. I call the attention of the Senator from Texas to the bill.

Mr. BAILEY. I ask unanimous consent for 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.

COOSA RIVER DAM, ALA.

Mr. LODGE, Mr. BANKHEAD, and others addressed the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. LODGE. I move that the Senate now adjourn.

Mr. BAILEY. There is a special order. I hope the Senator from Massachusetts will wait.

Mr. LODGE. I withdraw the motion with great pleasure, if the special order is to be taken up.

Mr. BANKHEAD. The Senate has now been in session for the past nine hours. It may be that the Senate would prefer that Senate bill 7343, to authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river should go over until to-morrow morning, to be made a special order immediately after the morning business has been concluded. If that can be agreed to, I would have no objection.

Mr. LODGE. I have no objection. I think it ought to go over.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

FUR-SEAL CONVENTION.

Mr. LODGE. I desire to say in addition that when the measure relating to the Coosa Dam is disposed of, I shall then call up House bill 16571 to ratify the convention with Russia, England, and Japan in regard to fur seal.

VOCATIONAL EDUCATION.

Mr. PAGE. I wish to give notice that on Wednesday, August 14, at the close of the consideration of the so-called seal bill, I will ask the Senate to consider and dispose of Calendar No. 348, Senate bill 3, to cooperate with the States in encouraging instruction in agriculture, the trades, and industries, and home economics in secondary schools, and so forth.

THE PANAMA CANAL—FOREIGN-BUILT SHIPS.

Mr. LODGE. I move that the Senate adjourn.

Mr. WILLIAMS. I ask the Senator who moved to adjourn to withdraw the motion for one minute while I state a question of personal privilege.

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

Mr. WILLIAMS. The other day I offered an amendment to the Panama Canal bill (H. R. 21969), which was adopted, to admit to American registry ships engaged in foreign commerce. In some way or other, I do not know how, the amendment as adopted by the Senate has been changed upon the record. As I moved the amendment it was that "foreign-built ships, to engage only in foreign commerce, should be admitted to American registry." As it was reported in the Senate proceedings it was that "foreign-built ships, built only to engage in foreign commerce, should be admitted to American registry." It would seem that one word would not make much difference, but one word in that case does make a great deal of difference.

As I proposed the amendment and as it was adopted we might have gone out on the high seas and bought the tramp ships or other ships at any time and provided that they were engaged only in the foreign commerce they would be entitled to American registry. But under this provision, as some clerk or employee of the Senate has changed it in some way—and I do not charge that they have done it with any object at all in view; I suppose it was a mere accident—it reads, "built only to engage," so that no foreign-built ship engaged in foreign commerce could fly the American flag under the provision as it appears in the RECORD, unless it had been built only to engage in foreign commerce. In other words, no ship afloat now could be bought to engage in the foreign commerce, which was totally contradictory of the amendment as it was passed by the Senate.

I might, perhaps, make a motion to bring the measure back to the Senate in order that it might be corrected, but I do not want to do that, because I know that the records of the Senate show I am correct in the statement I have made. I merely wanted to make this explanation in order that the Senate conferees might be duly informed as to what the Senate actually did. What the Senate actually did was to adopt an amendment, which I would read, but some one has taken it from my desk. The amendment was that all laws preventing the admission to American registry of foreign-built ships to engage only in the foreign trade were repealed, and to that was added subsequently an amendment proposed by the Senator from New Hampshire [Mr. GALLINGER], now in the chair, to which I agreed, putting upon an equal footing as regards the mail subventions all ships built in foreign yards and the ships built in American yards for the foreign trade.

I thought it proper to make that announcement in order that the Senate conferees would understand the situation.

Mr. PENROSE. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, August 14, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August 13, 1912.*

The House met at 12 o'clock noon.

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

Infinite and eternal Spirit, author of life, intelligence, and purity, help us with firmer grasp to lay upon those things which are eternal, that by an adequate use of things temporal we may be prepared for whatsoever awaits us in the life that now is and in the life beyond the confines of earth. For Thine is the kingdom and the power and the glory forever. Amen.

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

FEDERAL INCORPORATION.

Mr. GARDNER of Massachusetts. Mr. Speaker, I wish to present a request for unanimous consent. I am about to introduce two measures providing for Federal incorporation, one of them drafted by Mr. Justice Charles F. MacLean, of the New York Supreme Court, and the other drafted by Mr. Blackburn Esterline, of the Department of Justice, in cooperation with myself.

I ask unanimous consent to print on the front of each bill the name of its author. Otherwise there is likely to be very great confusion.

I take no responsibility for Mr. Justice MacLean's bill. It represents his views, not mine. At the same time I do not wish to introduce it "by request." I wish to introduce it and to print on the front of it, "Drafted by Mr. Justice Charles F. MacLean." On the other bill I wish to show the fact that it is drafted by Mr. Blackburn Esterline in consultation with me. That is my request.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that when he introduces two certain bills which he names he may print on the front page of each bill the words, "Drafted by ———." Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, where would we end if this practice were once started, and every Member who wanted to distinguish the product of his own brain from that of somebody's else brain should desire to print the announcement, "Drafted by Mr. ———?"

Mr. GARDNER of Massachusetts. Mr. Speaker, I should think——

Mr. FITZGERALD. These bills are numbered, and the fact can be made known that a bill of such a number is one bill and a bill of another number is another bill. These bills are printed for the use of the House in accordance with a well-settled practice, and I doubt very much the propriety or advisability of putting anybody's name on a bill except that of whoever introduces it; certainly not the name of anyone who is not a Member of this House.

Mr. GARDNER of Massachusetts. Let me say to the gentleman that that is all very well in theory. As a matter of fact the minority report of the steel committee is going to have a good deal of circulation among college professors and others. They may perhaps ask for the Gardner bill on Federal incorporation. In reply it is quite as likely that the MacLean bill would be furnished instead of the Gardner bill.

Mr. FITZGERALD. The gentleman can obviate that in one of two ways, either by introducing only one bill, which will represent his own views, or by leaving instructions that whenever anybody requests the Gardner bills, all of them shall be sent, with the notice that the receiver of them can take his choice.

Mr. GARDNER of Massachusetts. Does the gentleman seriously object to this?

Mr. FITZGERALD. I very seriously object to printing the name of some outsider, not a Member of this House, upon bills introduced into the House.

Mr. FOSTER. Let me ask the gentleman this question, Is it not a rule of the House that Members have a right to introduce bills by request?

Mr. GARDNER of Massachusetts. And wash my hands of it like Pontius Pilate. I should never think of introducing a bill prepared by a justice of the Supreme Court of the State of New York and of marking it "by request." That is as much as to say, "I consider this bill of no importance." That is my very reason for asking this unanimous consent, because I do not want to introduce the MacLean bill "by request."

Mr. BURKE of Pennsylvania. Can not the gentleman obviate the difficulty by introducing only one bill?

Mr. GARDNER of Massachusetts. A justice of the Supreme Court of New York asked me to introduce the bill. It is not the bill that is recommended by the minority of the steel committee. I can not say to Mr. Justice MacLean, "I decline to introduce your bill."

Mr. FITZGERALD. Why not?

Mr. GARDNER of Massachusetts. When a member of the supreme court asks the gentleman from New York to introduce a bill, does he generally like to say, "No; I shall not do it"?

Mr. FITZGERALD. In the first place, members of the supreme court seem not to be overanxious to ask me to introduce bills. I never introduce a bill into this House that I personally do not favor, and it would be much better if all Members of the House would make it a rule not to introduce bills unless they were willing to advocate them. That should be the theory upon which legislative bodies should act.

Mr. GARDNER of Massachusetts. That may be so. Never mind about the theory. Here is a practical question. Here is a justice of the supreme court of the gentleman's State. First he went to a Member upon the Democratic side of the House and asked him to introduce this bill. This Member said that the bill did not represent his ideas, but that the minority of the steel committee had declared in favor of Federal incorporation. I was called into consultation. I suggested to the Member on the other side of the House that I should be glad to introduce the bill "by request." He said, "Please do not do that. You know what consideration the House gives and what people usually think is meant when you introduce a bill 'by request.'"

Mr. UNDERWOOD. Mr. Speaker, I must ask for the regular order. I have no objection to the gentleman's request being submitted, but I do object to a discussion of the matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. FITZGERALD. Mr. Speaker, I object.

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The PRESIDENT pro tempore. The Senator from Wisconsin offers an amendment, which will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

That the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended by striking out all of the paragraphs of Schedule I of section 1 of said act, from 313 to 332, inclusive of both, and inserting in place thereof the following:

1. Cotton card laps, sliver, roving, or roping, 5 per cent ad valorem.

2. Cotton waste and flocks, manufactured, or manufactures of, 10 per cent ad valorem.

3. Cotton yarns, in the gray or otherwise, not advanced beyond the condition of singles by grouping or twisting two or more single yarns together, not exceeding No. 40, 7½ per cent ad valorem.

Exceeding No. 40 and not exceeding No. 80, 10 per cent ad valorem.

Exceeding No. 80, 15 per cent ad valorem.

4. Cotton yarn or thread not otherwise provided for, in the gray or otherwise, advanced beyond the condition of singles by grouping or twisting two or more single yarns together; and cable-laid yarns or threads, in the gray or otherwise, made by grouping or twisting two or more twisted yarns or threads together, shall be subject to the same rates of duty as the single yarns from which they are made, and in addition thereto 5 per cent ad valorem.

Spool thread of cotton, crochet, darning, and embroidery cottons, on spools, shall be dutiable at the same rates of duty as the single yarns from which they are made.

5. Cotton cloth, plain woven, in the gray, or bleached, dyed, colored, stained, painted, printed, mercerized, or otherwise finished, containing not more than 5 square yards to the pound, 5 per cent ad valorem.

Containing more than 5 and not more than 7½ square yards to the pound, 10 per cent ad valorem.

Containing more than 7½ square yards to the pound, 15 per cent ad valorem.

6. Cotton cloth, fancy woven, in the gray, or bleached, dyed, colored, stained, painted, printed, mercerized, or otherwise finished, containing figures produced by various weaving devices known as dobby, drop-box, leno, lappet, swivel, or any other name except Jacquard, 20 per cent ad valorem.

7. Cotton cloth woven by means of the Jacquard attachment, not otherwise provided for, 25 per cent ad valorem.

Cotton table damask, 25 per cent ad valorem; manufactures of cotton table damask, or of which cotton table damask is the component material of chief value, not specially provided for in this section, 25 per cent ad valorem.

8. Cloths containing silk or artificial silk, in which cotton is the component material of chief value, shall be subject to the same rates of duty as cotton cloths of similar weave, and in addition thereto 5 per cent ad valorem.

9. Cotton cloths filled or coated, in whole or in part, including oilcloth of cotton; waterproof cloths composed of cotton or in which cotton is the component material of chief value, 20 per cent ad valorem.

10. Handkerchiefs or mufflers of cotton, in the piece or otherwise, finished or unfinished, hemstitched or not, not specially provided for, shall pay the same rate of duty as the cloth of which they are made, and in addition thereto 5 per cent ad valorem.

11. Plushes, velvets, and all pile fabrics made of cotton, or of which cotton is the component material of chief value, whether the pile covers the entire surface or not:

Uncut, 15 per cent ad valorem.

Cut, in whole or in part, 40 per cent ad valorem.

Provided, That manufactures or articles in any form, including such as are commonly known as bias dress facings or skirt bindings, made or cut from plushes, velvets, or other pile fabrics composed of cotton, or of which cotton is the component material of chief value, shall be subject to the same rates of duty as the fabrics from which they are made.

12. All articles manufactured of cotton chenille, or of which cotton chenille is the component material of chief value; cotton reps, Jacquard-figured tapestry, and Jacquard-figured upholstery goods, weighing over 6 ounces per square yard, made of cotton, or of which cotton is the component material of chief value, 40 per cent ad valorem.

13. Stockings, hose, and half hose, made wholly or in part on knitting machines or frames, commercially known as seamless, composed of cotton, or of which cotton is the component material of chief value, 20 per cent ad valorem.

14. Stockings, hose, or half hose, made wholly or in part on knitting machines or frames, or knit by hand, and commercially known as full-fashioned, composed of cotton, or of which cotton is the component material of chief value, valued at not more than $2 per dozen pairs, 50 per cent ad valorem; valued at more than $2 per dozen pairs, 60 per cent ad valorem.

15. All underwear of every description, made wholly or in part on knitting machines or frames, or knit by hand, finished or unfinished, not otherwise provided for, composed of cotton, or of which cotton is the component material of chief value, valued at not more thon $1.50 per dozen garments, 20 per cent ad valorem.

Valued at more than $1.50 per dozen garments and not more than $3 per dozen garments, 30 per cent ad valorem.

Valued at more than $3 per dozen garments and not more than $6 per dozen garments, 40 per cent ad valorem.

Valued at more than $6 per dozen garments, 45 per cent ad valorem.

16. Men's and boys' gloves, knitted or woven, composed of cotton, or of which cotton is the component material of chief value, 50 per cent ad valorem.

17. Tire fabric or fabric suitable for use in pneumatic tires, made of cotton, or of which cotton is the component material of chief value, 25 per cent ad valorem.

18. Bone casings, garters, suspenders and braces, webs, webbings, and tubing, any of the foregoing composed wholly or in chief value of cotton, or of cotton and india rubber, and not embroidered by hand or machinery; spindle banding, woven, braided, or twisted lamp, stove, or candle wicking, loom harness, healds or collets, boot, shoe, and corset lacings, labels for garments or other articles; composed of cotton, or of which cotton is the component material of chief value, 30 per cent ad valorem.

Belting for machinery made of cotton and india rubber, or of which cotton is the component material of chief value, 20 per cent ad valorem.

19. Clothing, ready-made, and articles of wearing apparel of every description, wholly or partly manufactured, not specially provided for, composed wholly or in chief value of cotton, 30 per cent ad valorem.

20. All articles made from cotton cloth, and all manufactures of cotton, or of which cotton is the component material of chief value, not specially provided for, 30 per cent ad valorem.

21. The term cotton cloth wherever used in the paragraphs of this schedule, unless otherwise specially provided, shall be held to include all woven fabrics composed wholly or in chief value of cotton, in the piece or cut in lengths, and shall not include any article finished or unfinished made from cotton cloth.

SEC. 2. That the last clause of paragraph 347 of said act of August 5, 1909, is hereby amended so as to read as follows:

Waterproof cloth composed of vegetable fiber other than cotton, whether composed in part of india rubber or otherwise, 10 cents per square yard and 20 per cent ad valorem.

SEC. 3. That paragraph 347 of said act of August 5, 1909, is hereby amended by adding the following proviso:

Provided, That none of the foregoing shall apply to coated or filled cotton cloth, or articles made therefrom.

SEC. 4. That paragraph 348 of said act of August 5, 1909, is hereby amended so as to read as follows:

Shirt collars and cuffs, composed of linen, or of which linen is the component material of chief value, 40 cents per dozen pieces and 20 per cent ad valorem.

SEC. 5. That paragraph 349 of said act of August 5, 1909, is hereby amended by striking out therefrom the words "webs and webbings."

The PRESIDENT pro tempore. The question is on agreeing to the amendment, in the nature of a substitute, offered by the Senator from Wisconsin.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

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

Ashurst	Clapp	La Follette	Root
Bacon	Crawford	Lodge	Sanders
Bailey	Cullom	McCumber	Simmons
Bankhead	Cummins	Martin, Va.	Smith, Ga.
Borah	Curtis	Massey	Smoot
Bourne	Dillingham	Myers.	Stone
Bradley	du Pont	Nelson	Sutherland
Brandegee	Fall	Oliver	Thornton
Briggs	Fletcher	Overman	Tillman
Burnham	Gallinger	Page	Townsend
Burton	Guggenheim	Penrose	Warren
Catron	Johnston, Ala.	Perkins	Williams
Chamberlain	Jones	Pomerene	Works
Chilton	Kenyon	Reed	

Mr. THORNTON. I wish to announce that the senior Senator from Louisiana [Mr. FOSTER] is necessarily absent.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. LA FOLLETTE. Mr. President, I am not going to take the time of the Senate at this late day in the session for any extended discussion of this schedule. I shall not consume time by going into a detailed explanation of the amendment I have just offered.

On August 22, 1911, the President vetoed precisely the bill which is presented to the Senate and under consideration and for which I have offered an amendment in the nature of a substitute. That bill is identical with the bill now presented, excepting a change in the date. The President in his veto message of that bill at that time said:

> When the reports of the Tariff Board upon these schedules are received, the duties which should be imposed can be determined upon justly and with intelligent appreciation of the effect that they will have both upon industry and upon revenue.

The President's chief reason for withholding executive approval of the bill as set forth in his message at that time was lack of information enabling him to pass upon the rates fixed in the bill as it reached him.

As soon as the Tariff Board completed its investigation of Schedule I, the cotton schedule, the President transmitted the findings of that board to Congress with a message, from which I wish to read a few lines:

> I now transmit a report of the Tariff Board on Schedule I (cotton manufactures). In this report, also, the board is unanimous in its findings. On the basis of the report I now recommend that the Congress proceed to a consideration of this schedule, with a view to its revision and a reduction of its rates.
>
> I base this recommendation on the declaration of the platform on which I was elected—that a reasonable protective tariff should be adjusted to the difference in cost of production at home and abroad.

And the President transmits this report to Congress as a suitable and fit finding upon which Congress may proceed to legislate, to redeem the pledges upon which he and a Republican Congress were elected.

Now, Mr. President, the amendment which I have presented was drafted by the Tariff Board in accordance with its findings in this report, and offered in the House of Representatives by Congressman HILL, of Connecticut, a Republican member of the Committee on Ways and Means.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE. I do.

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Mr. REED. I want to know if I correctly understood the Senator. I understood him to say that this amendment which he now offers was actually drawn by the Tariff Board.

Mr. LA FOLLETTE. I so stated.

Mr. REED. Has it come to this, in the progress of events, that the power which the Constitution vested in the House of Representatives to originate revenue measures can not be exercised until a Tariff Board appointed by the President shall have reported; and, second, that Congress must follow its recommendation; and, finally, that that board is to completely usurp the functions and powers of Congress and actually prepare the bill? If that is true, then I want to know how much is left of the constitutional power of Congress to originate revenue measures.

Mr. LA FOLLETTE. Mr. President, if my friend, the Senator from Missouri, had given me the opportunity to say so, he would have learned that this bill was drawn by the Tariff Board at the request of a Republican member of the Ways and Means Committee of the House of Representatives who introduced it. I apprehend that the Senator from Missouri has solicited the assistance of experts in and out of the employ of the Government in the preparation of bills and amendments which he has from time to time introduced, without for a moment thinking that he was surrendering his high prerogative as a Member of the Senate of the United States.

Mr. REED. Mr. President——

Mr. LA FOLLETTE. Pardon me. I was particularly addressing myself to Senators upon this side of the Chamber. I am aware that the Democratic Members of the Senate are generally opposed to and have generally voted against the establishment of a tariff commission. Upon their theory of the fixing of customs duties upon a revenue basis they do not require to the same extent the services of a Tariff Board, although I have always believed that the services of a Tariff Board or commission, if rendered under such complete authority as to make them effective, would be found very helpful in framing a tariff bill upon a strictly revenue basis.

Pursuant to the recommendations of the President and to the suggestions which he made in his message, when he vetoed the cotton bill, about a year ago, this Tariff Board had completed its investigations and arrived at conclusions which were transmitted to the Congress of the United States, and, according to the President's view, were sufficiently thorough and accurate to be the basis of a recommendation upon his part that there should be instituted a revision of the duties upon the cotton schedule in accordance with that recommendation.

Mr. REED. Will the Senator from Wisconsin pardon another interruption?

Mr. LA FOLLETTE. Certainly.

Mr. REED. What I said ought not to be construed by the Senator or anyone else as a criticism of the Senator because he brings in here a bill written by the Tariff Board. What I meant to emphasize, if I could, was the fact that under the policy of the President this board has been given a supreme power, if not authority, and that we are drifting to a position to-day that is utterly untenable.

Now, I make this distinction: It is true that any Senator or Representative has the right to call upon any expert for information in regard to facts, and when he has received those facts to use them in the preparation of a tariff bill. There is no objection to that; it has always been done; but it was not until the creation of this Tariff Board that we were told two things: First, that Congress did not possess the necessary wisdom to ascertain the facts itself and must obtain those facts from the Tariff Board alone, and, second, that we must follow the conclusions and recommendations of the Tariff Board or substitute their judgment for the judgment of Congress.

Now, it seemed to me that we had gone just a step farther. The Tariff Board puts its conclusions in the form of a bill and passes that bill over to Congress or to a Congressman, and the proposition now is, on the part of the President, "take that which my board has agreed to or take nothing."

Now, I can understand how in that extremity a Senator will adopt it in the hope to get something through, but I submit to Senators it is an act of outrageous usurpation and abuse of the veto power, and that all Members of both bodies ought to resent it.

Mr. LA FOLLETTE. Mr. President, the substitute which I have offered here was introduced in the House of Representatives by Congressman HILL, of Connecticut, a Republican member of the Ways and Means Committee. Mr. HILL in offering it as a substitute for the Democratic bill, after stating that he believed it to be his duty to support legislation in accordance with the platform of the party upon which he was elected and, as applied to this particular subject, to support legislation which measured the difference in the cost of production in this and competing foreign countries, goes on to say:

> Feeling my own unfitness for the work, I called to my assistance several of the experts who had conducted the investigation, and after many weary days of careful study a new Schedule I was constructed, which, if the report of the Tariff Board as to American costs is correct, is protective in every item and yet is in strict accord with the Republican platform as to the elimination of excessive duties, while still preserving the security against foreign competition to which American producers and wageworkers are entitled.

Mr. President, the investigation conducted by the Tariff Board, upon which this bill was drawn, was, I think, more thorough and more scientifically exact than that made in respect to any one of the other schedules investigated. It was especially conducted by the tariff expert of the board, the chief statistician, Mr. N. I. Stone. Of this investigation Mr. Emery, the president of the board, has this to say in a letter addressed to Mr. HILL:

> THE TARIFF BOARD,
> *Treasury Building, Washington, May 25, 1912.*
>
> Hon. EBENEZER J. HILL,
> *House of Representatives, Washington, D. C.*
>
> MY DEAR MR. HILL: Referring to your questions in conversation with Mr. Cowgill regarding the accuracy of the cost figures in our cotton report and your request that a statement be made in writing, I beg to say that in all instances where reports were obtained from cotton-manufacturing companies the results of our cost extensions were carefully examined by the officers of the mill before the report was forwarded to the Tariff Board. This examination was complete, and went into each detail of the extensions rather than merely to have the officers sign their names without making a close examination. The cost-extension figures were carefully compared with the cost extension made by the mills, and all the reports forwarded to the board were agreed by the officers of the company and representatives of the board to be correct. As to the accuracy of these extensions, I wish to state that the total expenditures of the company were carefully checked to agree with the figures published in their annual financial statement. Using these sums as a basis, we then made up our own cost statement according to our own methods, which we believe to be accurate and not merely the accepting of the company's own estimates of cost.
>
> In one instance a company was doing an $8,000,000 annual business; after the costs had been extended for this company and the total number of yards of each kind of goods multiplied by the cost per yard as shown by the report, the figures checked within $8.33 of the total amount of money expended by this company in manufacture during the year for which the costs were taken. In another case, by the same method, the variation amounted to $332. The greatest variation in any of the reports was in the case of a company doing a $2,000,000 annual business where, by multiplying the number of yards produced by the cost per yard ascertained by us, the difference amounted to $3,500. But this difference would not affect the costs in the sixth decimal place.
>
> In every case the companies agreed, after a careful examination, that our costs were correct, and in some few cases the mills have adopted our cost extensions in toto, while in others our system of extensions has been adopted at least in part.
>
> These facts I believe fully justify the statement that the most accurate costs possible have been obtained.
>
> Very truly, yours,
>
> HENRY C. EMERY, *Chairman.*

I read that because it comes from the president of the board and shows with what thoroughness this investigation of the cotton industry was conducted. It shows that when they had ascertained the cost of producing the different articles of manufacture in these cotton industries, their cost figures received the approval of the owners and managers of the mills.

So much for the report. Now, Mr. President, we have the statement of a member of the Ways and Means Committee that this bill which he presented in the House was drawn with the assistance of the board's experts—the very men who made this investigation.

Mr. President, this bill is strictly in accord with the tariff pledge of the Republican Party made in its platform in 1908, and I am wholly unable to see how any Republican can justify opposition to the bill as presented.

Mr. PENROSE. Will the Senator permit me?

Mr. LA FOLLETTE. Certainly.

Mr. PENROSE. Does the Senator construe anything in the attitude or the report of the Tariff Board to favor ad valorem duties?

Mr. LA FOLLETTE. Mr. President, the Tariff Board, in its report upon this cotton schedule, say that the duties to be applied in dealing with cotton manufactures should be ad valorem duties.

The Senator from Pennsylvania knows, of course, that he never voted for a revision of the woolen schedule without voting for ad valorem duties on all of the manufactured products in that schedule. The only specific duties in Schedule K are those which are supposed to measure the compensatory duties.

Mr. PENROSE. I had printed in the RECORD when the wool bill was up a full statement on the ad valorem proposition, to which I will refer the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, if the Senator will pardon me, I am just wondering whether he read it before he presented it, for I have been examining it, and I will say to the

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and capable men or whether they seem to be distorted by either interest or prejudice.

Mr. LA FOLLETTE. Mr. President, I have very great respect for some of the work of that board and for some of the members of that board; I do not like to indulge here on the floor in any personal criticism of gentlemen who are not present and can not answer for themselves. There have been reports on some of the tariff schedules made by that board with which I can not bring myself to agree. I might go further than that, but I prefer not to do so at this time and in this place.

Mr. NEWLANDS. The Senator from Wisconsin will realize my purpose in asking the question. I imagine that few of the Senators and few of the Members of the other House, for that matter, have had time to look over the Tariff Board report, and, knowing that the Senator has given a great deal of time and study to this question, I for one would largely rely upon his view as to the accuracy of those findings. I agree with the Senator that whatever action we take, whether upon the protective basis or the revenue basis, it is very important that we should ascertain the facts. We ourselves have not the time to ascertain the facts, and therefore the obligation rests upon us to see that some impartial board is organized that will inquire into the facts. I was desirous of having the Senator's opinion as to the findings, particularly with reference to this cotton schedule. Is the Senator satisfied with those findings?

Mr. LA FOLLETTE. I do not hesitate to say, Mr. President, that the investigation of the cotton schedule has been more thorough and scientific than any other schedule reported by the board. I think anyone who examines the report on cottons will be impressed particularly with the accuracy and thoroughness of the investigation of the cotton schedule.

I do not think, Mr. President, that I ought to take the time of the Senate further than to add, with respect to cotton yarns, that the Tariff Board finds the difference in the cost of production between this and competing countries to be from 3 to 11 per cent (without noting the fractions). On cotton cloth the board says:

> In the case of a large variety of plain goods the labor cost of turning yarn into cloth in the United States is not greater, and in some cases is lower than in England.

That is absolutely so.

I am thoroughly convinced, Mr. President, that duties in excess of those fixed in the amendment which I have offered here could not be justified on the principle upon which we base our support of a protective tariff. I want the opportunity to vote for a bill that is consistently protective, reducing the duties to the difference in the costs of production, as indicated.

I want to say now that, if the substitute fails to carry, I shall vote for the Democratic bill. It is not a consistent bill; its duties are not related; some of them are so high as to be prohibitory; in a few of the paragraphs they are lower than they ought to be to be protective; but, taken all together, if it were to be enacted into law it would be a great relief to the people of this country from the extortionate duties which are fixed by the Payne-Aldrich tariff law.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

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

Ashurst	Cullom	McCumber	Reed
Bacon	Cummins	McLean	Sanders
Borah	Curtis	Martin, Va.	Shively
Bourne	Dillingham	Myers	Simmons
Bradley	du Pont	Nelson	Smith, Ariz.
Brandegee	Fall	Newlands	Smith, Md.
Briggs	Gallinger	O'Gorman	Smith, S. C.
Bristow	Guggenheim	Oliver	Smoot
Bryan	Johnson, Me.	Overman	Stone
Burnham	Johnston, Ala.	Page	Sutherland
Catron	Jones	Penrose	Thornton
Chamberlain	Kenyon	Perkins	Townsend
Chilton	La Follette	Poindexter	Warren
Culberson	Lodge	Pomerene	

The PRESIDING OFFICER. Fifty-six Senators have answered to their names, and a quorum of the Senate is present. The question is upon the amendment in the nature of a substitute submitted by the Senator from Wisconsin.

Mr. SIMMONS. On that I ask the yeas and nays.

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

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is not in the Chamber. I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. As he is absent, I withhold my vote.

Mr. MASSEY (when his name was called). I have a pair with the Senator from Virginia [Mr. SWANSON]. If he were present, I should vote "nay."

Mr. REED (when his name was called). I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the Senator from Arkansas [Mr. CLARKE] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Indiana [Mr. KERN] and will vote. I vote "nay."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from New Jersey [Mr. MARTINE] and will vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER], and, on account of his absence, I withhold my vote.

Mr. MARTIN of Virginia (when Mr. SWANSON'S name was called). My colleague [Mr. SWANSON] is unavoidably absent from the city. He is paired with the junior Senator from Nevada [Mr. MASSEY]. I make this announcement in relation to all votes taken to-day.

Mr. WARREN (when his name was called). I have a general pair with the Senator from Louisiana [Mr. FOSTER], and therefore withhold my vote.

The roll call was concluded.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. In his absence, I will withhold my vote. I make this announcement for the day.

Mr. BRANDEGEE. I am requested to announce the pair of the junior Senator from Rhode Island [Mr. LIPPITT] with the senior Senator from Tennessee [Mr. LEA].

Mr. LA FOLLETTE. I am requested to announce, for the junior Senator from North Dakota [Mr. GRONNA], that he is unavoidably absent, and that if present he would vote "yea."

Mr. CHAMBERLAIN. I desire to announce for the day that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN].

Mr. CURTIS. I am requested to announce that the senior Senator from Rhode Island [Mr. WETMORE] is paired with the junior Senator from Maine [Mr. GARDNER].

The result was announced—yeas 14, nays 46, as follows:

YEAS—14.

Borah	Crawford	Kenyon	Townsend
Bourne	Cummins	La Follette	Works
Bristow	Fall	Nelson	
Clapp	Jones	Poindexter	

NAYS—46.

Ashurst	Curtis	Newlands	Simmons
Bacon	Dillingham	O'Gorman	Smith, Ariz.
Bradley	du Pont	Oliver	Smith, Ga.
Brandegee	Gallinger	Overman	Smith, Md.
Bryan	Guggenheim	Page	Smith, S. C.
Burnham	Hitchcock	Penrose	Smoot
Burton	Johnson, Me.	Perkins	Stone
Catron	Johnston, Ala.	Pomerene	Thornton
Chamberlain	Lodge	Reed	Tillman
Chilton	McLean	Root	Williams
Culberson	Martin, Va.	Sanders	
Cullom	Myers	Shively	

NOT VOTING—34.

Bailey	Fletcher	Lippitt	Smith, Mich.
Bankhead	Foster	McCumber	Stephenson
Briggs	Gamble	Martine, N. J.	Sutherland
Brown	Gardner	Massey	Swanson
Clark, Wyo.	Gore	Owen	Warren
Clarke, Ark.	Gronna	Paynter	Watson
Crane	Heyburn	Percy	Wetmore
Davis	Kern	Rayner	
Dixon	Lea	Richardson	

So Mr. LA FOLLETTE'S amendment was rejected.

The PRESIDENT pro tempore. If there are no further amendments, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. SIMMONS. I desire to reserve the amendment as to the repeal of certain parts of the reciprocity act.

The PRESIDENT pro tempore. The question is on concurring in the reserved amendment made, as in Committee of the Whole, which the Secretary will state.

The SECRETARY. The Senate, as in Committee of the Whole, adopted an amendment to add to the bill a new section, to be known as section 4, as follows:

> SEC. 4. That sections 1 and 3 of the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and are hereby, repealed.

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Mr. SMOOT. Mr. President, do I understand the amendment only covers sections 1 and 3 of the reciprocity act?

The PRESIDENT pro tempore. The amendment will be again stated.

The Secretary again stated the amendment.

Mr. SMOOT. I should like to ask the Senator from North Carolina if the amendment as voted on as in Committee of the Whole did not repeal the whole Canadian reciprocity act?

Mr. SIMMONS. It repealed all of it, except that part of it which relates to print paper, pulp wood, and wood pulp—in other words, it repealed that part of it which has never gone into force and effect, and retained that part of it which is now in force. It is along the lines of the Bacon amendment.

Mr. SMOOT. I believe the sentiment of the Senate has been expressed a number of times upon that amendment, and it has generally included the repeal of the whole act. I shall ask for the yeas and nays on this amendment, if it is proposed only to repeal sections 1 and 3.

Mr. PENROSE. It may not be necessary to call for the yeas and nays.

Mr. SMOOT. Very well.

The PRESIDENT pro tempore. The question is on concurring in the amendment.

Mr. STONE. I desire simply to say that I am personally opposed to the repeal of any part of the reciprocity act.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole. [Putting the question.] By the sound the noes appear to have it; the noes have it, and the amendment is not concurred in.

Mr. SIMMONS. Do I understand the Chair to declare that the amendment was not concurred in?

The PRESIDENT pro tempore. That was the decision of the Chair.

Mr. SIMMONS. I do not think the Senate understood the question.

The PRESIDENT pro tempore. The Chair will again put the question.

Mr. BORAH. Mr. President, I understand the Senator from Utah asked for the yeas and nays.

Mr. SMOOT. I said that I should call for the yeas and nays, but withdrew the request until on a viva voce vote the result was declared by the Chair. Then, if the result had not been as stated by the Chair, I intended to ask for the yeas and nays.

The PRESIDENT pro tempore. The Chair will again put the question. [Putting the question.] By the sound the noes appear to have it.

Mr. SIMMONS. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. McCUMBER. I think it would be well to have that amendment read again, so that we may all understand its purport.

The PRESIDENT pro tempore. The amendment made as in Committee of the Whole will be again stated.

The SECRETARY. As in Committee of the Whole an amendment was adopted at the end of the bill to add a new section, as follows:

SEC. 4. That sections 1 and 3 of the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and are hereby, repealed.

Mr. OLIVER. Mr. President, is it in order at this time to move an amendment to the amendment?

The PRESIDENT pro tempore. It is.

Mr. OLIVER. I move to strike out the words "sections one and three of," in line 1, and to substitute the word "is" for the word "are," before the word "hereby," in the last line.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out the words "sections one and three of"; also to strike out the word "are" and to insert the word "is" in lieu thereof in the last line; so as to read:

That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and is hereby, repealed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. SIMMONS. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. STONE. Mr. President, let me understand exactly what the question is.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Pennsylvania [Mr. OLIVER] to the amendment adopted as in Committee of the Whole.

The Secretary will again state the amendment to the amendment.

The SECRETARY. In the amendment adopted, as in Committee of the Whole, it is proposed to strike out the words "sections 1 and 3 of," in the first line, and in the fourth line, before the word "hereby," to strike out "are" and insert "is," so that if amended it will read:

SEC. 4. That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and is hereby, repealed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GUGGENHEIM (when his name was called). I transfer my general pair to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I am compelled to withhold my vote.

Mr. MASSEY (when his name was called). I have a pair with the Senator from Virginia [Mr. SWANSON]. If he were present I should vote "yea."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Arkansas [Mr. CLARKE] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from Indiana [Mr. KERN] and will vote. I vote "nay."

Mr. STONE (when his name was called). I transfer the pair I have with the Senator from Wyoming [Mr. CLARK] to the Senator from New Jersey [Mr. MARTINE] and will vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). Again announcing my pair with the Senator from Maryland [Mr. RAYNER], I withhold my vote on account of his absence.

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Louisiana [Mr. FOSTER].

The roll call was concluded.

Mr. BANKHEAD. I transfer my pair with the Senator from Idaho [Mr. HEYBURN] to the senior Senator from Florida [Mr. FLETCHER], and will vote. I vote "nay."

The result was announced—yeas 29, nays 31, as follows:

YEAS—29.

Borah	Cullom	Jones	Root
Bourne	Cummins	Lodge	Sanders
Bradley	Curtis	McLean	Smoot
Brandegee	Dillingham	Nelson	Thornton
Burnham	du Pont	Oliver	Townsend
Burton	Fall	Page	
Catron	Gallinger	Penrose	
Crawford	Guggenheim	Perkins	

NAYS—31.

Ashurst	Culberson	O'Gorman	Smith, Ga.
Bacon	Hitchcock	Overman	Smith, Md.
Bankhead	Johnson, Me.	Poindexter	Smith, S. C.
Bristow	Johnston, Ala.	Pomerene	Stone
Bryan	Kenyon	Reed	Tillman
Chamberlain	Martin, Va.	Shively	Williams
Chilton	Myers	Simmons	Works
Clapp	Newlands	Smith, Ariz.	

NOT VOTING—34.

Bailey	Foster	Lippitt	Smith, Mich.
Briggs	Gamble	McCumber	Stephenson
Brown	Gardner	Martine, N. J.	Sutherland
Clark, Wyo	Gore	Massey	Swanson
Clarke, Ark.	Gronna	Owen	Warren
Crane	Heyburn	Paynter	Watson
Davis	Kern	Percy	Wetmore
Dixon	La Follette	Rayner	
Fletcher	Lea	Richardson	

So Mr. OLIVER's amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Iowa [Mr. KENYON] for the Senator from North Dakota [Mr. GRONNA], upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GUGGENHEIM (when his name was called). I again announce the transfer of my pair, and I will vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I am informed by his colleague that he would probably vote "nay" upon this amendment, and I should vote "yea." He being absent, I am compelled to withhold my vote.

Mr. MASSEY (when his name was called). I again announce my pair with the Senator from Virginia [Mr. SWANSON]. If he were present, I should vote "yea."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Arkansas [Mr. CLARKE] and will vote. I vote "nay."

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Mr. SMITH of South Carolina (when his name was called.) I again announce my pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from Indiana [Mr. KERN] and will vote. I vote "nay."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from New Jersey [Mr. MARTIN] and will vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). On account of the absence of the Senator from Maryland [Mr. RAYNER], with whom I have a pair, I withhold my vote.

Mr. WARREN (when his name was called). I again announce my pair as heretofore mentioned.

The roll call was concluded.

Mr. SHIVELY. My colleague [Mr. KERN] is unavoidably absent from the city. He is paired with the Senator from Delaware [Mr. RICHARDSON]. I will let this announcement stand for the day.

Mr. LODGE. I desire to announce the pair of my colleague [Mr. CRANE], who is absent from the city, with the Senator from Arkansas [Mr. DAVIS]. I will let this announcement stand for the day.

Mr. McCUMBER. I think my colleague [Mr. GRONNA], if present, would vote "yea" on this proposition, and I therefore transfer my pair with the senior Senator from Mississippi [Mr. PERCY] to the junior Senator from North Dakota [Mr. GRONNA]; that is, just upon this one proposition.

Mr. LA FOLLETTE rose.

Mr. McCUMBER. Unless the Senator from Wisconsin has information to the contrary.

Mr. LA FOLLETTE. I will say to the senior Senator from North Dakota that the junior Senator from North Dakota would vote for this amendment. Indeed, the junior Senator from Iowa [Mr. KENYON] in offering it, did so on behalf of the junior Senator from North Dakota.

Mr. McCUMBER. Assuming that he would do so, I will make the transfer and vote. I vote "yea."

Mr. BANKHEAD. I transfer my pair with the Senator from Idaho [Mr. HEYBURN] to the senior Senator from Florida [Mr. FLETCHER] and will vote. I vote "yea."

The result was announced—yeas 51, nays 9, as follows:

YEAS—51.

Ashurst	Crawford	Kenyon	Pomerene
Bacon	Cullom	Lodge	Root
Bankhead	Cummins	McCumber	Sanders
Borah	Curtis	Martin, Va.	Shively
Bourne	Dillingham	Myers	Simmons
Bradley	du Pont	Nelson	Smith, Ariz.
Brandegee	Fall	Newlands	Smith, Ga.
Bristow	Gallinger	O'Gorman	Smith, Md.
Burnham	Guggenheim	Oliver	Smoot
Burton	Hitchcock	Page	Thornton
Catron	Johnson, Me.	Penrose	Townsend
Chamberlain	Johnston, Ala.	Perkins	Works
Clapp	Jones	Poindexter	

NAYS—9.

Bryan	Overman	Smith, S. C.	Tillman
Chilton	Reed	Stone	Williams
Culberson			

NOT VOTING—34.

Bailey	Foster	Lippitt	Smith, Mich.
Briggs	Gamble	McLean	Stephenson
Brown	Gardner	Martine, N. J.	Sutherland
Clark, Wyo.	Gore	Massey	Swanson
Clarke, Ark.	Gronna	Owen	Warren
Crane	Heyburn	Paynter	Watson
Davis	Kern	Percy	Wetmore
Dixon	La Follette	Rayner	
Fletcher	Lea	Richardson	

So the amendment offered by Mr. KENYON on behalf of Mr. GRONNA was agreed to.

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

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

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

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

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I withhold my vote.

Mr. MASSEY (when his name was called). I again announce my pair with the Senator from Virginia [Mr. SWANSON], and withhold my vote. If he were present, I should vote "nay."

Mr. REED (when his name was called). I again announce my pair with the Senator from Michigan [Mr. SMITH] and the transfer of the pair to the Senator from Arkansas [Mr. CLARKE]. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and transfer it to the Senator from Indiana [Mr. KERN] and will vote. I vote "yea."

Mr. STONE (when his name was called). I again announce my pair with the Senator from Wyoming [Mr. CLARK]. I transfer it to the Senator from New Jersey [Mr. MARTINE] and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER], and withhold my vote on account of his absence.

Mr. WARREN (when his name was called). On this question I have a pair with the Senator from Louisiana [Mr. FOSTER].

The roll call was concluded.

Mr. BANKHEAD. I announce my pair with the Senator from Idaho [Mr. HEYBURN], which I transfer to the senior Senator from Florida [Mr. FLETCHER] and will vote. I vote "yea."

Mr. MARTIN of Virginia. The pair of my colleague [Mr. SWANSON] has been announced. I simply desire to say that if he were present, he would vote "yea."

Mr. JOHNSON of Maine. I wish to announce the unavoidable absence of my colleague [Mr. GARDNER], and the fact that he is paired with the senior Senator from Rhode Island [Mr. WETMORE]. If my colleague were present, he would vote "yea."

Mr. TOWNSEND. I have heretofore announced the necessary absence of my colleague [Mr. SMITH], and I wish to say that if he were present, on this question he would vote "nay."

Mr. GUGGENHEIM. I transfer my pair as heretofore announced and vote. I vote "nay."

Mr. LA FOLLETTE. I announce for the junior Senator from North Dakota [Mr. GRONNA] that he is unavoidably absent. If he were present, he would vote "yea."

Mr. SMOOT. I desire to announce the absence from the city of the junior Senator from Wisconsin [Mr. STEPHENSON]. He has a general pair with the Senator from Oklahoma [Mr. GORE].

The result was announced—yeas 36, nays 19, as follows:

YEAS—36.

Ashurst	Crawford	Myers	Smith, Ariz.
Bacon	Culberson	Newlands	Smith, Ga.
Bankhead	Cummins	O'Gorman	Smith, Md.
Borah	Hitchcock	Overman	Smith, S. C.
Bristow	Johnson, Me.	Poindexter	Stone
Bryan	Johnston, Ala.	Pomerene	Thornton
Chamberlain	Kenyon	Reed	Tillman
Chilton	La Follette	Shively	Williams
Clapp	Martin, Va.	Simmons	Works

NAYS—19.

Bradley	Dillingham	McLean	Root
Burnham	Gallinger	Oliver	Sanders
Burton	Guggenheim	Page	Smoot
Cullom	Jones	Penrose	Townsend
Curtis	Lodge	Perkins	

NOT VOTING—39.

Bailey	Dixon	Kern	Rayner
Bourne	du Pont	Lea	Richardson
Brandegee	Fall	Lippitt	Smith, Mich.
Briggs	Fletcher	McCumber	Stephenson
Brown	Foster	Martine, N. J.	Sutherland
Catron	Gamble	Massey	Swanson
Clark, Wyo.	Gardner	Nelson	Warren
Clarke, Ark.	Gore	Owen	Watson
Crane	Gronna	Paynter	Wetmore
Davis	Heyburn	Percy	

So the bill was passed.

FUR-SEAL CONVENTION.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. With the permission of the Senator from Massachusetts, the Chair will lay before the Senate a message from the President of the United States.

Mr. LODGE. Certainly.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States (S. Doc. No. 921) which was read:

To the Senate and House of Representatives:

Under the fur-seal convention entered into by the United States with Great Britain, Japan, and Russia on the 7th of July, 1911, which was approved by the Senate on July 24, 1911, and ratified on December 12, 1911, this Government agreed to pay the sum of $200,000 to Great Britain and the sum of $200,000 to Japan when the convention went into effect; and in my message to Congress of December 7, 1911, the attention of Congress was especially called to the necessity for legislation on the part of the United States for the purpose of fulfilling the obligations assumed under the convention. In view of the omission of Congress up to the present time to adopt any legislation to carry out the obligations of this Government under this convention, it becomes incumbent upon me again to call the

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subject to the attention of Congress and to urge the importance of enacting at the earliest possible moment, and at this session of Congress, the legislation necessary to enable this Government to make the payments to Great Britain and Japan as required by this convention, and also to fulfill its other obligations thereunder in so far as legislation is necessary for that purpose.

The international conference at which the convention under consideration was agreed upon was held at the urgent invitation of the United States, and the acceptance of that invitation by the other parties was secured only after protracted negotiations and at the repeated request of the United States, and, notwithstanding these circumstances, the United States is now the only one of the four parties to the convention which has failed to adopt any legislation for the purpose of giving effect to the obligations imposed by the convention.

In this connection I desire also to call briefly to the attention of Congress the question of the policy to be pursued by this Government with reference to the regulation of the fur-seal herds within the jurisdiction of the United States. The convention reserves to the United States the right at any time and from time to time to suspend altogether the taking of sealskins on the islands and shores within its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner, times, and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its number. This, therefore, is a subject which may properly be dealt with by Congress, and it is essential in dealing with it not only to fulfill the obligations imposed upon the United States by the letter and the spirit of the convention, but also to consider the interests of the other parties to the convention, for their cooperation is necessary to make it an effective and permanent settlement of the fur-seal controversy.

Ever since the question of land killing of seals was subjected to scientific investigation, soon after the fur-seal controversy arose nearly 25 years ago, this Government has invariably insisted throughout the protracted and almost continuous diplomatic negotiations which have ensued for the settlement of this controversy that the progressive diminution of the herd was due to the killing of seals at sea, and that if pelagic sealing was discontinued the polygamous habits of the seals would make it possible to kill annually on land a large number of surplus males without detriment to the reproductive capacity of the herd and without interfering with the normal growth of the size of the herd. The position thus taken by the United States has always been put forward and relied on by the United States in urging that an international agreement should be entered into prohibiting pelagic sealing; and it is obvious that one of the considerations which induced Great Britain and Japan to enter into this convention prohibiting their subjects from pelagic sealing was the expectation that the position thus taken by the United States was well founded and that the skins falling to the share of those Governments from the land killing of seals, as provided for in this convention, would compensate them for abandoning the taking of sealskins at sea.

With these considerations in mind, I feel called upon to suggest the inadvisability of adopting legislation, the effect of which is to require this Government to suspend altogether the killing of seals on land before it has actually been proved by the test of experience and scientific investigation that such suspension of killing "is necessary to protect and preserve the seal herd." The other Governments might justly complain if this Government should deprive them of their expected share of the skins taken on land by prohibiting all land killing unless we can show by satisfactory evidence that this source was adopted as the result of changed conditions which justify a change in our former attitude on the subject. In this connection it should be noted that, since the fur-seal business has been taken over by the Government and no private interests are now concerned in making a profit out of it, there is no urgent necessity for imposing by legislation stringent limitations upon land killing. Legislation on this subject, therefore, may well be postponed until after the enactment of legislation necessary to give effect to our obligations under this convention.

It must also be remembered that this convention runs for a fixed period of only 15 years and can be terminated at the end of that period by any of the parties, so that it is of the utmost importance that this Government should deal with this subject not only in a way which will satisfy the other parties interested that they are receiving their fair share of the increase of the herd resulting from the cessation of pelagic sealing, but also in such a way as to enable this Government to demonstrate that the killing of the surplus male seals on land is not detrimental to the welfare of the herd. It is evident, however, that this question can not fairly be tested if land killing and pelagic sealing are both prohibited at the same time, and it would be most unfortunate if we should lose the opportunity, which is now presented for the first time by virtue of this convention, of demonstrating by the test of actual experience the soundness of the position maintained by us throughout the controversy, and upon the soundness of which depends the permanent solution of this question in the manner provided for in this coventon.

WM. H. TAFT.

THE WHITE HOUSE, *August 14, 1912.*

The PRESIDENT pro tempore. The message from the President of the United States will be printed and lie on the table.

Mr. LODGE. I yield to the Senator from North Dakota [Mr. MCCUMBER] for a conference report upon an appropriation bill. I ask that the unfinished business be temporarily laid aside for that purpose.

PENSION APPROPRIATION BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives on House bill 18985, the pension appropriation bill, which will be stated.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
August 8, 1912.

Resolved, That the House adheres to its amendments to the amendments of the Senate Nos. 2, 3, and 4, and that the House adheres to its disagreement to the amendments of the Senate Nos. 5, 9, 10, and 11 to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes.

Mr. MCCUMBER. Mr. President, that the Senate may be apprised of the parliamentary status of this bill, I think it necessary for me to make a brief explanation of its condition.

The bill was passed by the House, reported by the Senate committee, and amended by that committee, which amendments were agreed to by the Senate. The bill then went to the House and the House refusing to concur in the Senate amendments asked for a conference and appointed their conferees. Upon the message coming to the Senate the Senate insisted upon its amendments, agreed to the conference asked by the House, and appointed conferees for that purpose.

The matter was under discussion for about two months by the committee of conference of the two Houses, and we were unable to come to an agreement upon the one proposition, that of the abolition of the pension agencies and other amendments which related directly thereto. Finally, the conferees of the two Houses agreed to report as far as they had proceeded in respect to their agreement and to report the particular portions on which they were unable to agree. Each body then again took the matter under consideration. The Senate voted, on the motion of the chairman of the conferees on the part of the Senate, to insist upon its amendments and ask for a further conference. This was carried and the Senate again appointed conferees.

When this message reached the House no action was taken on it for some time, but finally the House took action in the shape of the report which has just been read to the Senate. In other words, they do not reappoint their conferees, and by their action the rights of the conferees of the House are abolished, as I understand the status there, and the House acted directly upon the subject matter. In their action they adhere to their attitude in the first instance, but agree upon certain amendments.

The effect of those amendments is to continue the life of the agencies until December 31, 1912. Having no conferees to discuss the matter with, it was necessary for the conferees on the part of the Senate, or at least one of them, to see what terms could possibly be made with the House in the matter of an agreement. I think the House will be willing at this time to make an amendment which will conform to this proposition, that the agencies shall be continued until the 31st day of January, 1913; that all the agencies, instead of the 17, shall then be abolished, and that the work shall thereafter be performed wholly within the Pension Bureau. This would require, of course, the necessity of a disbursing clerk to be appointed by the Secretary of the Interior, who would hold the same position as other important clerks, except that his duties would be practically the same as those of the pension agent in the city of Washington.

There are two reasons why, if we are going to abolish the agencies, all should be abolished and a disbursing clerk be appointed within the bureau. One reason is that upon the death of the agent there would be no other appointment made without the confirmation of the Senate, and this might be delayed a time. Another reason is that the clerks in the pension agencies are distinct from those in the Pension Office. The ap-

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the situation which we think we have here to-day, think it would not be right for us to maintain a longer closed season, I should be willing to accept a shorter period.

Mr. WILLIAMS. If we exercise the right to have a closed season, the measure of damages is fixed at $10,000 a year.

Mr. DILLINGHAM. I think if the necessity appears to us to do this, we have the authority.

Mr. WILLIAMS. In the first clause which has been read there occurs the phrase "if necessary." In the second clause it does not. It not only expressly contemplates a closed season, but it fixes the measure of damages to Japan and Great Britain in the event we do have a closed season. This is the clause to which I refer. It goes on to talk about 15 per cent of the killing, and then says:

> Unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives on the islands, in which case the United States agrees to pay to Great Britain and to Japan each the sum of $10,000 annually in lieu of any share of skins during the years when no killing is allowed.

Taking the place of the 15 per cent. In other words, they agree upon the identical measure of damages. The argument of the Senator from New York was that the nations would be damaged by not allowing any killing at all. They contemplated that and provided that in that event, they would take $10,000 a year apiece in lieu of the 15 per cent.

Mr. DILLINGHAM. I think the Senator is right in his construction of the treaty, but my thought has been that if we have a longer closed season their profit would be so much larger at the end of the season that it would pay them to wait.

But if they are restive under this proposition, I would exercise the greatest courtesy toward them, particularly as the United States is acting as trustee for others; and with that thought in view my purpose is when the proper time comes to offer an amendment reducing the length of the closed season recommended by the committee from 10 to 5 years, in the hope that that may be a ground upon which those holding different views, who are all equally anxious to do what is right toward all the parties, may agree.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Nebraska?

Mr. DILLINGHAM. I yield the floor.

Mr. HITCHCOCK. Mr. President, I notice the intimation on the part of the Senator from Vermont [Mr. DILLINGHAM] that he proposes to offer an amendment reducing the closed season from 10 to 5 years, and I want to suggest to him that if he sincerely desires, as I have no doubt he does, to secure a 5-year period, in view of the condition of the bill as it came from the House, it would certainly be wiser to adopt the amendment reported favorably by the Senate committee, so as to leave an opportunity for the conferees to get together on some such period as five or six years.

Mr. President, inasmuch as the Senator from Michigan [Mr. TOWNSEND] has read a few lines from the monograph of Mr. Elliott, published some 40 years ago, and conveyed the idea by that that fighting between the male seals occurs after the females have arrived, I desire to read something from that same monograph which shows that he has not in his brief extract conveyed the correct impression of what Elliott set forth. I will not take up the time remaining here to read all of the paragraph, which is very interesting, but he says:

> Many of those bulls exhibit wonderful strength and desperate courage. I marked one veteran at Gorbatch, who was the first to take up his position early in May, and that position, as usual, directly at the water line. This male seal had fought at least 40 or 50 desperate battles and fought off his assailants every time—perhaps nearly as many different seals which coveted his position—and when the fighting season was over—after the cows are mostly all hauled up—I saw him still there, covered with scars and frightfully gashed; raw, festering, and bloody, one eye gouged out, but lording it bravely over his harem of 15 or 20 females, who were all huddled together on the same spot of his first location and around him.

I say without any fear of contradiction that no man who has been upon the islands from the time the seals arrived till the close has stated or will state that the fighting between the bulls continues after the females arrive and give birth to their young. The fighting is all over then. The fighting is for possession of a spot upon the breeding grounds, and after that is secured and the females arrive—several weeks after the bulls—peace prevails absolutely; and it is the same as in a well-regulated city—each man is master of his own house.

This much for the statement that it is desired to prevent the destruction of the seal herd by cutting off the lives of these bulls. There is nothing in it. Left to itself the herd will increase, and it always has increased. The Russian experience from 1834 to 1844 demonstrated it. If we can have a closed season of 10 years, or even 8 years, or possibly even 6 years, the herd will restore itself by those provisions of nature which alone can bring about a restoration.

I think the Senator from Indiana [Mr. SHIVELY] has very thoroughly covered the issue as to whether or not we are entitled under this treaty to put a stop to the killing of seals upon those islands. The very purpose of the treaty was to permit the herd not only to be preserved but to be increased; and it was specifically stated in article 10 that the United States should have the right to put a stop to all killing, not for the purpose of protecting the herd, but for the purpose of increasing it. We are under no obligations to any of these countries, either Japan or Russia or England, to demonstrate to them that there is any necessity for doing this. It is a matter for us to judge, and we can judge by the testimony we have. That testimony is that at the present time the herd is so depleted that in order to get 12,000 in 1910 it was necessary to kill nearly 8,000 yearlings—the best possible testimony that the herd is in a depleted condition.

It may not be exactly proper or the necessary thing to do to refer to it, but I think it is a deplorable fact that our State Department neglected as long as it did to bring about the negotiation of a treaty between these countries to put a stop to pelagic sealing. I believe if Secretary Hay had lived such a treaty would have been negotiated.

I have here before me extracts from the Toronto Globe, published in February, 1908, which set forth a speech delivered by the Hon. Mr. Scott, then secretary of state in Canada. Now, mark you, this was in 1908, several years before this present treaty was carried out, and Mr. Scott is quoted as follows:

> Hon. Mr. Scott said that Canada was ready to take the matter up whenever there was a proposition from the United States. There had been no such proposal up to the present. His remarks were inspired by the existing conditions of the sealeries, which did not reflect favorably on the intelligence of the nations interested. Unless nations like Russia, Japan, the United States, and Canada could agree upon a policy of protection there would be no seals within 10 years. Canada was quite willing to do her share and be a party to any arrangement that will protect seal life and preserve all the seals but males.

Mr. President, I do not care to go into the matter further. In fact, there is no time. But I believe it is a fact that our State Department was negligent in not earlier bringing the matter to the attention of and making a definite proposal to the British Government. I believe that failure was due to the premature death of Secretary Hay, and I believe if the State Department had carried out the plans which he had, we would have had this treaty in force a number of years ago.

That representations of an unofficial character have been made at Washington from Japan and Russia or from Great Britain that the closed season of 10 years would not be favorably regarded, is a matter of which the Senate of the United States certainly can not take cognizance. No official representations have been made, and, as far as I am concerned, I do not know unofficial representations could have been made. If we adopt this amendment, recommended by the committee for a period of 10 years, there will still be time for those nations interested, after a period of one or two or three or four or five years, if they desire to do so, to make not unofficial representations to certain Members of the Senate or others, but there will be time for them to make official representations to the United States, and then it will be time enough for the Congress of the United States to modify the law. But until they do so I think we can assume, as has been said upon the floor of the Senate this afternoon, that Japan and Great Britain and Russia have the same interest that the United States has in the development and increase of this valuable industry.

Mr. President, I am advised that the Senator from Massachusetts [Mr. LODGE] desires some time. The hour for a vote is about at hand, and I will therefore conclude.

Mr. LODGE. Mr. President, the Senator from Nebraska [Mr. HITCHCOCK] is very kind.

I yesterday made certain statements in regard to when the seal fisheries came under the Fish Commissioner, and those statements were questioned. The Fish Commissioner, Mr. Bowers, was also very severely reflected upon. He has addressed to me a letter, which I think in justice to him should be read so that his side may appear in the RECORD.

The PRESIDENT pro tempore. Without objection, the letter will be read.

The Secretary read as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, August 15, 1912.

Hon. HENRY CABOT LODGE,
United States Senate.

SIR: In the discussion in the Senate yesterday of the bill giving effect to the fur-seal convention between the United States, Great Britain, Japan, and Russia, Mr. HITCHCOCK, of Nebraska, makes a number of wholly erroneous statements, having for their purpose an at-

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tempt to connect me with the affairs of the North American Commercial Co. and to show that I have not been in favor of the preservation of the seal herd. He has depended for his information not on the easily obtained official records but on spurious data presumably furnished by a notorious falsifier of records. The charge that since 1903 I have been lobbying against the protection of the seal herd is absolutely false. My relations with the fur-seal service date from January 2, 1909, when the Bureau of Fisheries assumed control of the seal islands. The only lobbying I have done has been during the present year in the interests of the bill giving effect to the fur-seal treaty, which owes its existence largely to the initiative of the Secretary of Commerce and Labor.

It is a matter of official record that the transfer of the fur-seal service to the Department of Commerce and Labor and to the Bureau of Fisheries was strongly opposed by the North American Commercial Co., but was insisted on by President Roosevelt. During the single season when I had any relations with the lessees of the seal islands, there was a small and restricted take of sealskins in strict conformity with the law and regulations. Any statement to the contrary, from whatever source, is false.

The charge that the protection and preservation of the fur-seal herd have not been and are not sought by the Department of Commerce and Labor, the Bureau of Fisheries, or the Commissioner of Fisheries can not be based on any reliable evidence. The one object that has been continually in view has been the restoration and increase of the seal herd, and to this end the department has had the counsel of every fur-seal authority and expert in the United States, with one doubtful exception. Language can hardly be more direct or emphatic than the following extract from my report to the Secretary of Commerce and Labor for the fiscal year 1909:

"The fur-seal service has come under the jurisdiction of the bureau at a time when the condition of the seal herd is worse than ever before, when the outlook is most discouraging, and when the contract for the lease of the islands for a period of 20 years must, under the law, be renewed. Under the existing circumstances the value of the franchise is greatly diminished, large financial losses may be sustained by the Government, and the perpetuity of the herd is seriously menaced. For many years the precarious condition of the fur-seal herd has been constantly brought to the attention of the Government by various persons well qualified to present the matter, and every authority has forcefully pointed out the immediate necessity of the Government's concluding some arrangement by which the slaughter of seals when away from the islands in search of food should be prevented. The net outcome of the work, arguments, recommendations, and pleas of a long procession of special commissioners, experts, and agents has been (1) the passage of a law by which American fishermen are prohibited from engaging in pelagic sealing while fishermen of all other nationalities are permitted to do so, and (2) the steady and rapid decimation of the herd, which has occurred entirely independently of the legitimate operations on the islands.

"If pelagic sealing could have been stopped in 1897, the seal herd to-day would contain 300,000 breeding cows (as against 50,000, the number for the season of 1909), and the product of the hauling grounds would have risen to 50,000 skins, yielding a Government revenue of $500,000, as against less than 15,000 skins and a Government revenue of $143,000 for the present year. Without the drain of pelagic sealing the herd would continue to increase almost indefinitely.

"The Alaskan fur seals constitute the most valuable fishery resource that any Government in the world ever possessed. It is little less than a national disgrace that the herd of four to six million seals which came into our possession when Alaska was acquired from Russia and has been under our charge ever since should have been allowed to dwindle until to-day it numbers less than 150,000 of all ages. The mildest way in which to characterize the dissipation of this great source of wealth to our people and of revenue to our Government is that it is a serious indictment of our business capacity. The extent of our loss may be partially seen when it is stated that the failure to maintain the seal herd has during the last 13 years resulted in a net loss of revenue of not less than $1,600,000, has permitted nearly 300,000 fur seals, having a market value of over $5,700,000, to be appropriated by aliens, and has encouraged those nefarious pelagic operations by which additional fur seals having a value of at least $5,000,000 have been killed at sea but not recovered; while through the slaughter of breeding females their pups—on the islands, unborn, and prospective—with a potential value of fully $20,000,000, have been sacrificed and wasted.

"It is most essential to the interests of this Government and the welfare of the fur-seal herd that appropriate action be taken at once looking to the prohibition of pelagic sealing by subjects of the countries most concerned; and recommendations to this end already submitted to the department are now renewed and strongly urged."

I inclose a memorandum giving an outline of our relations with the fur-seal service and the North American Commercial Co.

Respectfully, yours,

GEO. M. BOWERS, *Commissioner.*

Memorandum showing the relations of the Department of Commerce and Labor, the Bureau of Fisheries, and the present Commissioner of Fisheries with the North American Commercial Co., lessees of the seal islands.

Lease of the North American Commercial Co. began May 1, 1890, and expired April 30, 1910.

Fur-seal service transferred to the Department of Commerce and Labor, July 1, 1903.

Fur-seal service placed under custody of Bureau of Fisheries, Department of Commerce and Labor, December 28, 1908.

Present Commissioner of Fisheries appointed, February 16, 1898.

Period of time the operations of the North American Commercial Co. were concurrent with the custody of the Bureau of Fisheries and the term of the present Commissioner of Fisheries, one and one-third years.

Number of sealing seasons covered by this period, one.

Number of surplus male seals killed by the lessees during that season, 14,336.

Mr. LODGE. Mr. President, but a moment remains. I only desire to say that my one wish—and I believe that of every other Senator—is to do what is best for the preservation of the seal herd. Whether the closed season is placed at 1, 3, 5, 8, or 10 years, if it is not found that the herd is increasing it can easily be extended by law. But we can not overlook the fact that to do so without trial is regarded by other nations as a virtual infringement of the spirit of the treaty, and I believe that better than all arbitration treaties for the preservation of the world's peace is a strict observance of the obligations of treaties that exist. It seems to me that what we can do best for the preservation of these seals is to see to it that those treaties are not lost. We are already in default on the payment of the money. Let us maintain those treaties both in letter and in spirit, and then we shall be able to make them permanent and preserve for all time, I hope, the seal herd.

The PRESIDENT pro tempore (at 4 o'clock p. m.). The question is on the amendment of the committee.

Mr. LODGE. Is it not on the amendment offered by the Senator from Vermont [Mr. DILLINGHAM] to the amendment of the committee?

The PRESIDENT pro tempore. The Senator from Vermont did not offer an amendment to the amendment.

Mr. LODGE. I understood that he had offered it.

Mr. NELSON. I suggest that the amendment for the longest time be put first.

Mr. LODGE. The amendment is in order to strike out "ten" and insert "five."

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

The PRESIDENT pro tempore. The Senator from Arizona suggests the absence of a quorum. The roll will be called.

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

Ashurst	Crawford	McCumber	Shively
Bacon	Culberson	McLean	Simmons
Bailey	Cullom	Martin, Va.	Smith, Ariz.
Bankhead	Cummins	Martine, N. J.	Smith, Ga.
Borah	Curtis	Massey	Smith, Md.
Bourne	Dillingham	Myers	Smith, Mich.
Bradley	Fall	Nelson	Smith, S. C.
Brandegee	Fletcher	Oliver	Smoot
Bristow	Gallinger	Overman	Stone
Bryan	Hitchcock	Page	Sutherland
Burnham	Johnson, Me.	Penrose	Thornton
Burton	Johnston, Ala.	Perkins	Townsend
Chilton	Kenyon	Pomerene	Warren
Clapp	Lippitt	Root	Williams
Crane	Lodge	Sanders	Works

The PRESIDENT pro tempore. Sixty Senators have answered to their names. A quorum of the Senate is present.

Mr. DILLINGHAM. I move, on page 10, line 10, in the amendment of the committee, before the word "years," that the word "ten" be stricken out and "five" inserted. I will make the same motion to amend as to the word "ten" before "years," in line 22, if this is adopted.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 10, line 10, before the word "years," strike out the word "ten" and insert in lieu the word "five," so that if amended it will read:

Shall be suspended for a period of five years.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Vermont [Mr. DILLINGHAM] to the amendment of the committee. [Putting the question.] The "noes" appear to have it.

Mr. LODGE. I ask for the yeas and nays.

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

Mr. BANKHEAD (when his name was called). I am paired with the Senator from Idaho [Mr. HEYBURN], and withhold my vote.

Mr. TOWNSEND (when Mr. JONES's name was called). The senior Senator from Washington [Mr. JONES] is detained from the Senate on official business.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], which I transfer to the senior Senator from South Dakota [Mr. GAMBLE]. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. Not knowing how he would vote, I withhold my vote.

Mr. MASSEY (when his name was called). I have a pair with the Senator from Virginia [Mr. SWANSON], and therefore withhold my vote.

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED]. I understand if he were present, he would vote "nay." I therefore feel at liberty to vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Indiana [Mr. KERN] and vote "nay."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. I do not know how he would vote, but I think I can safely transfer my

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pair, which I do, to the junior Senator from Arkansas [Mr. DAVIS] and vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the senior Senator from Washington [Mr. JONES] and vote "yea."

Mr. BRANDEGEE (after having voted in the affirmative). I voted, but I notice that the junior Senator from New York [Mr. O'GORMAN] did not vote. So I withdraw my vote. I have a pair with that Senator.

Mr. SHIVELY. My colleague [Mr. KERN] is unavoidably absent from the city. He is paired with the senior Senator from Delaware [Mr. RICHARDSON].

Mr. THORNTON. I wish to announce the necessary absence of my colleague [Mr. FOSTER].

Mr. LIPPITT. I announce that my colleague [Mr. WETMORE] is paired with the Senator from Maine [Mr. GARDNER].

Mr. DU PONT. I announce that my colleague [Mr. RICHARDSON] is absent and is paired with the junior Senator from South Carolina [Mr. SMITH]. I will let this announcement stand for the day.

The result was announced—yeas 27, nays 32, as follows:

YEAS—27.

Bourne	Dillingham	Lodge	Sanders
Briggs	du Pont	McLean	Smith, Ga.
Chilton	Fall	Oliver	Smoot
Crane	Fletcher	Page	Townsend
Crawford	Gallinger	Perkins	Warren
Cullom	Johnson, Me.	Pomerene	Works
Curtis	Lippitt	Root	

NAYS—32.

Ashurst	Clapp	Martine, N. J.	Smith, Ariz.
Bacon	Culberson	Myers	Smith, Md.
Borah	Cummins	Nelson	Smith, Mich.
Bristow	Hitchcock	Overman	Smith, S. C.
Bryan	Johnston, Ala.	Penrose	Stone
Burnham	Kenyon	Poindexter	Thornton
Catron	La Follette	Shively	Tillman
Chamberlain	Martin, Va.	Simmons	Williams

NOT VOTING—35.

Bailey	Dixon	Kern	Rayner
Bankhead	Foster	Lea	Reed
Bradley	Gamble	McCumber	Richardson
Brandegee	Gardner	Massey	Stephenson
Brown	Gore	Newlands	Sutherland
Burton	Gronna	O'Gorman	Swanson
Clark, Wyo.	Guggenheim	Owen	Watson
Clarke, Ark.	Heyburn	Paynter	Wetmore
Davis	Jones	Percy	

So Mr. DILLINGHAM'S amendment to the amendment of the committee was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. LODGE. On that question I ask for the yeas and nays.

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

Mr. TOWNSEND (when Mr. JONES'S name was called). I again announce the necessary absence of the senior Senator from Washington [Mr. JONES]. I will state that if he were present he would vote "nay" on this proposition.

Mr. LIPPITT (when his name was called). I again announce the transfer of my pair with the Senator from Tennessee [Mr. LEA] to the Senator from South Dakota [Mr. GAMBLE]. I vote "nay."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY], and withhold my vote.

Mr. MASSEY (when his name was called). I again announce my pair with the Senator from Virginia [Mr. SWANSON], and withhold my vote. If he were present I should vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and its transfer to the Senator from Indiana [Mr. KERN]. I vote "yea."

Mr. STONE (when his name was called). I again transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Arkansas [Mr. DAVIS] and vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER], and on account of his absence withhold my vote.

The roll call was concluded.

Mr. CURTIS. The Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN].

The Senator from Montana [Mr. DIXON] is paired with the Senator from Texas [Mr. BAILEY].

The Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from Oklahoma [Mr. GORE].

I announce these pairs for all votes to-day.

Mr. BRIGGS. I again announce my pair with the senior Senator from West Virginia [Mr. WATSON], which I transfer to the senior Senator from Washington [Mr. JONES], and vote. I make this announcement for the day. I vote "nay."

Mr. BRANDEGEE (after having voted in the negative). I must withdraw my vote. I notice that the Senator from New York [Mr. O'GORMAN], with whom I am paired, did not vote.

The result was announced—yeas 42, nays 18, as follows:

YEAS—42.

Ashurst	Cummins	Martine, N. J.	Smith, Ariz.
Bacon	Curtis	Myers	Smith, Ga.
Borah	Dillingham	Nelson	Smith, Md.
Bristow	Fall	Overman	Smith, Mich.
Bryan	Hitchcock	Page	Smith, S. C.
Burnham	Johnson, Me.	Penrose	Stone
Burton	Johnston, Ala.	Perkins	Thornton
Catron	Kenyon	Poindexter	Williams
Chamberlain	La Follette	Sanders	Works
Clapp	McLean	Shively	
Culberson	Martin, Va.	Simmons	

NAYS—18.

Bourne	Cullom	Lodge	Tillman
Briggs	du Pont	Oliver	Townsend
Chilton	Fletcher	Pomerene	Warren
Crane	Gallinger	Root	
Crawford	Lippitt	Smoot	

NOT VOTING—34.

Bailey	Foster	Lea	Reed
Bankhead	Gamble	McCumber	Richardson
Bradley	Gardner	Massey	Stephenson
Brandegee	Gore	Newlands	Sutherland
Brown	Gronna	O'Gorman	Swanson
Clark, Wyo.	Guggenheim	Owen	Watson
Clarke, Ark.	Heyburn	Paynter	Wetmore
Davis	Jones	Percy	
Dixon	Kern	Rayner	

So the amendment of the committee was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The bill was read the third time and passed.

The preamble was agreed to.

THE PRESIDENTIAL TERM.

Mr. CUMMINS. In accordance with a notice given some days ago, I move that the Senate now proceed to the consideration of Senate joint resolution 78, being the joint resolution respecting an amendment to the Constitution as to the election of President.

Mr. WARREN. Mr. President, I should like to know whether the joint resolution has been called up. I want to ask the Senator from Iowa to yield to me for the consideration of a joint resolution which will take but a moment.

Mr. CUMMINS. I have just moved to take up the joint resolution to which I have referred.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Iowa.

Mr. McCUMBER. I want to be heard on that motion before it is decided.

The PRESIDENT pro tempore. The motion is not debatable.

Mr. McCUMBER. I want to know what the motion is—whether it is to take up the joint resolution and to dispose of it.

Mr. CUMMINS. The motion is that the Senate proceed to the consideration of the joint resolution.

The PRESIDENT pro tempore. Which is not a debatable motion.

Mr. CUMMINS. What the Senate will do thereafter depends upon its own will.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Iowa to take up the joint resolution named by him. [Putting the question.] The ayes appear to have it.

Mr. McCUMBER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MARTINE of New Jersey. I desire to have the proposition stated. I did not hear it.

The PRESIDENT pro tempore. The title of the joint resolution which the Senator from Iowa [Mr. CUMMINS] moves be now taken up will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. TOWNSEND (when the name of Mr. JONES was called). I again desire to announce the necessary absence of the senior Senator from Washington [Mr. JONES] on official business. I

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desire that this announcement shall stand for the rest of the day.

Mr. LIPPITT (when his name was called). I again announce the transfer of my pair with the senior Senator from Tennessee [Mr. LEA] to the Senator from South Dakota [Mr. GAMBLE]. I will let the announcement stand for the day. I vote "nay."

Mr. MCCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY] and withhold my vote.

Mr. MASSEY (when his name was called). I announce my pair with the Senator from Virginia [Mr. SWANSON] and withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the senior Senator from Delaware [Mr. RICHARDSON], and transfer that pair to the Senator from Indiana [Mr. KERN] and shall vote. I vote "nay."

Mr. STONE (when his name was called). I announce my pair with the Senator from Wyoming [Mr. CLARK], and withhold my vote.

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER]. I transfer that pair to the Senator from North Dakota [Mr. GRONNA] and will vote. I vote "yea."

Mr. WARREN (when his name was called). On this question I am paired with the Senator from Louisiana [Mr. FOSTER].

The roll call having been concluded, the result was announced—yeas 41, nays 17, as follows:

YEAS—41.

Ashurst	Cummins	Martine, N. J.	Smith, Ga.
Bacon	Curtis	Myers	Smith, Md.
Bourne	Dillingham	Nelson	Smoot
Briggs	du Pont	Oliver	Sutherland
Bryan	Fall	Overman	Thornton
Burnham	Fletcher	Page	Tillman
Burton	Johnson, Me.	Penrose	Williams
Chamberlain	Johnston, Ala	Perkins	Works
Chilton	Kenyon	Pomerene	
Crane	La Follette	Shively	
Culberson	Martin, Va.	Simmons	

NAYS—17.

Borah	Cullom	Poindexter	Smith, S. C.
Bristow	Gallinger	Root	Townsend
Catron	Lippitt	Sanders	
Clapp	Lodge	Smith, Ariz.	
Crawford	McLean	Smith, Mich.	

NOT VOTING—36.

Bailey	Foster	Kern	Rayner
Bankhead	Gamble	Lea	Reed
Bradley	Gardner	McCumber	Richardson
Brandegee	Gore	Massey	Stephenson
Brown	Gronna	Newlands	Stone
Clark, Wyo.	Guggenheim	O'Gorman	Swanson
Clarke, Ark.	Heyburn	Owen	Warren
Davis	Hitchcock	Paynter	Watson
Dixon	Jones	Percy	Wetmore

So the motion of Mr. CUMMINS was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States, which had been reported from the Committee on the Judiciary with an amendment.

Mr. CUMMINS. Mr. President, I have been informed that there are some others who desire to speak upon this joint resolution, but that they are not prepared to proceed this afternoon. I know also the very great anxiety of some Senators that we shall take up the calendar. In view of those circumstances, I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. BACON. Before that is done I wish to offer an amendment to the joint resolution in order that it may be stated, and then I shall make no objection to the request.

Mr. WILLIAMS. Mr. President, reserving the right to object, I should like to ask the Senator from Iowa if he has any reason for delaying the matter, except that some Senator wants to speak? Is there any other reason?

Mr. CUMMINS. I gave two reasons. One is that there are Senators here who desire to speak and who have told me that they are not ready, and the other is that there is a great desire upon the part of Senators to take up some of the bills on the calendar that are not objected to, and which it is very necessary that we shall pass if they are to be considered by the House. I have yielded to those two considerations. I expect to-morrow to insist upon the consideration of the joint resolution.

Mr. WILLIAMS. Mr. President, in view of the second reason I shall not object. We are getting pretty near the end of the session now, and I shall object to any unanimous-consent agreement hereafter to postpone business simply upon the ground that some Senator wants to speak and is not ready to do so; but the second request, it seems to me, is a very good one, and I shall not object.

Mr. BACON. Mr. President, I did not yield the floor——

The PRESIDENT pro tempore. The Senator has not yielded the floor.

Mr. BACON. Though I acquiesced, I simply wish to ask that the amendment which I offer——

Mr. CUMMINS. My request is before the Senate to be dealt with as the Senator desires.

Mr. BACON. I simply wish to offer an amendment.

Mr. CUMMINS. I withhold the request a moment until the Senator from Georgia may present his amendment.

Mr. BACON. I simply desire to offer an amendment, and I will ask the Secretary to take it down. It is on the sixth line on the second page, to strike out the word "six" and to insert the word "four." I do not ask to do anything more now than to have that entered.

Mr. CLAPP. I desire to say to the Senator from Iowa—of course I do not know how many Senators have signified their desire to speak—that I had expected to speak on this question, but I shall very cheerfully waive the privilege if a vote can be taken now upon the joint resolution.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Iowa that the joint resolution be laid aside temporarily? The Chair hears none, and it is so ordered.

EXTENSION OF APPROPRIATIONS.

Mr. WARREN. I am directed by the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 356) to further continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies," to report it favorably without amendment. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes that the provisions of a joint resolution entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies," approved July 1, 1912, be further extended and continued in full force and effect for and during the last half of the month of August, 1912.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COOSA RIVER DAM, ALA.

Mr. BANKHEAD. I desire to ask unanimous consent that on Friday morning, being to-morrow, immediately after the routine morning business, the Senate will consider Calendar No. 899, being the bill (S. 7343) to authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river.

Mr. CRAWFORD. I object.

The PRESIDENT pro tempore. Objection is made.

CONSIDERATION OF THE CALENDAR.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII, beginning with Calendar No. 824.

Mr. CRAWFORD. Is that where we left off?

Mr. SMOOT. That is where we left off this morning.

Mr. MARTINE of New Jersey. I ask the Senator from Utah to allow the consideration of Calendar No. 800, instead of starting at 824, which would shut that out. It will provoke no discussion. All the parties who are affected by it are unanimously in favor of it.

Mr. SMOOT. Mr. President, if that be allowed, there are other Senators who will ask that we go back to the beginning of the calendar.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah?

Mr. CRAWFORD. There is; I object.

Mr. SMOOT. I have not asked——

Mr. CRAWFORD. I object to going down in some other place in the calendar and picking out a bill here and another there.

Mr. SMOOT. I myself objected to that, and asked that we begin with Calendar No. 824.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah?

Mr. MARTINE of New Jersey. I object.

Mr. SMOOT. Then, I move that the Senate proceed to the consideration of the calendar under Rule VIII, beginning with Calendar No. 824.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate proceed to the consideration of bills on the Calendar under Rule VIII, beginning with Order of Business 824. The question is on that motion.

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Conference Report on Panama Canal Bill H.R. 21964

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. BRANDEGEE. I ask for the yeas and nays.

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

Mr. LIPPITT (when his name was called). I transfer the pair which I have with the senior Senator from Tennessee [Mr. LEA] to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. McCUMBER (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent from the Chamber, I withhold my vote.

Mr. DU PONT (when Mr. RICHARDSON'S name was called). My colleague [Mr. RICHARDSON] is absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If present and free to vote, my colleague would vote "nay."

Mr. STONE (when his name was called). I transfer the general pair I have with the Senator from Wyoming [Mr. CLARK] to the Senator from Arkansas [Mr. DAVIS] and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER]. On account of his absence, I withhold my vote.

Mr. WETMORE (when his name was called). I have a general pair for this week with the junior Senator from Maine [Mr. GARDNER], not extending, however, to matters involving a two-thirds vote. I therefore withhold my vote.

The roll call was concluded.

Mr. BRANDEGEE (after having voted in the negative). I inquire if the junior Senator from New York [Mr. O'GORMAN] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. BRANDEGEE. I have a general pair with him, and therefore withdraw my vote.

Mr. SMITH of South Carolina. I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Arkansas [Mr. CLARKE] and will vote. I vote "yea."

Mr. LA FOLLETTE. For the junior Senator from North Dakota [Mr. GRONNA] I announce that he is unavoidably absent. If present, he would vote "yea."

Mr. WILLIAMS. I wish to announce the unavoidable absence of my colleague [Mr. PERCY]. I ask that this announcement stand for the day.

Mr. GORE. I am paired with the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. CURTIS. I have been requested to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER], and that the Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 48, nays 18, as follows:

YEAS—48.

Ashurst	Cummins	Massey	Smith, Ga.
Bacon	Curtis	Myers	Smith, Md.
Borah	Fletcher	Nelson	Smith, Mich.
Bourne	Foster	Newlands	Smith, S. C.
Bradley	Johnson, Me.	Overman	Stone
Bristow	Johnston, Ala.	Page	Swanson
Bryan	Jones	Perkins	Thornton
Chamberlain	Kenyon	Pomerene	Tillman
Chilton	Kern	Reed	Townsend
Clapp	La Follette	Shively	Watson
Crawford	Martin, Va.	Simmons	Williams
Culberson	Martine, N. J.	Smith, Ariz.	Works

NAYS—18.

Briggs	Cullom	Lippitt	Root
Burnham	Dillingham	Lodge	Smoot
Burton	du Pont	McLean	Warren
Catron	Gallinger	Oliver	
Crane	Heyburn	Penrose	

NOT VOTING—28.

Bailey	Dixon	Hitchcock	Poindexter
Bankhead	Fall	Lea	Rayner
Brandegee	Gamble	McCumber	Richardson
Brown	Gardner	O'Gorman	Sanders
Clark, Wyo.	Gore	Owen	Stephenson
Clarke, Ark.	Gronna	Paynter	Sutherland
Davis	Guggenheim	Percy	Wetmore

So the conference report was agreed to.

COMMITTEE ON INTEROCEANIC CANALS.

Mr. BRANDEGEE. I move to reconsider the vote by which the Senate yesterday passed a resolution (S. Res. 379) changing the name of the Committee on Interoceanic Canals to that of the Committee on the Panama Canal, because on consultation with the financial secretary of the Senate I find it might complicate the standing of the clerk of the committee.

The motion to reconsider was agreed to.

Mr. BRANDEGEE. I move that the resolution be indefinitely postponed.

The motion was agreed to.

PUBLIC BUILDING AT SAN JUAN, P. R.

Mr. SUTHERLAND. Out of order, I ask leave to submit a report from the Committee on Public Buildings and Grounds. That committee, to which was referred the bill (S. 7472) increasing the limit of cost for the erection of a United States post-office and courthouse building at San Juan, P. R., directs me to report it favorably.

Mr. WARREN. As that bill is only a few lines in length, I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the limit of cost for the erection of a United States post-office and courthouse building at San Juan, P. R., to $457,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE PANAMA CANAL.

Mr. DU PONT. Mr. President, I send to the desk a letter from the Harlan & Hollingsworth Corporation, of Wilmington, Del., in reference to the Panama Canal, which I ask to have printed in the RECORD without being read.

The PRESIDENT pro tempore. It will be so ordered in the absence of objection.

The letter referred to is as follows:

HARLAN & HOLLINGSWORTH CORPORATION,
Wilmington, Del., August 14, 1912.

Hon. HENRY A. DU PONT,
United States Senate, Washington, D. C.

SIR: This corporation, the original iron shipbuilding yard in America, employers of upward of 2,000 workmen, views with the greatest alarm that portion of the Panama Canal bill, recently passed by the Senate of the United States, which provides for the purchase of foreign-built vessels to be used in foreign commerce under American registry, and most earnestly opposes its enactment into a law.

The effect of the passage of this bill will be the building of all vessels of that class in foreign shipyards, where the cost of both labor and material is much less than in this country.

In a ship complete practically every commodity is to be found, and consequently every trade is employed in its construction and equipment. One hundred million dollars is a conservative figure representing the investment in American shipyards, and 100,000 souls an equally conservative estimate of those dependent for their maintenance on the wages earned therein.

The industry of which we form a part is the only large one that has not heretofore had the benefit of protection, and as a result has had a very hard and discouraging struggle for existence. The preference given by free tolls to American built and owned vessels would undoubtedly stimulate the building of an American merchant marine in American shipyards by American workmen, and afford some adequate return for the patriotism, zeal, and capital that has been for years expended in our shipyards, with but pitiful financial returns, and would be a source of prosperity to the country at large, thus in a measure recompensing the people, whose means have been so lavishly expended in the construction of the Panama Canal.

The enactment into law of the section of the bill in question will pass over that source of prosperity to the shipbuilders and workmen of foreign countries.

We submit that the free-ship amendment was injected into the canal bill—though not having the slightest connection with it, being a separate issue and one quite important enough to command national attention—justifying the shipbuilder's natural inquiry, "Why was it inserted in this measure and passed by the Senate in this reckless manner?"

It was passed improperly and without due consideration and without consultation of those qualified to know the facts, and we most urgently insist that the best interests of our and all allied industries will be best subserved by the rejection of the bill in question, the passage of which will sound the death knell of our long-deferred but thoroughly deserved dreams of prosperity.

We respectfully but most emphatically request that you use your best endeavors to prevent the enactment into law of the above-mentioned discriminating free-ship section of the Panama Canal bill.

Very respectfully,

HARLAN & HOLLINGSWORTH CORPORATION,
PERSIFOR FRAZER, Jr., *Vice President.*

THE METAL SCHEDULE.

Mr. SIMMONS. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 18642.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
August 14, 1912.

The President of the United States having returned to the House of Representatives, in which it originated, the bill H. R. 18642, an act to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," with his objection thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same. The objection thereto of the President is herewith transmitted to the Senate.

Mr. SIMMONS. I move the passage of the bill, notwithstanding the veto of the President.

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The PRESIDENT pro tempore. The Chair will state the question. The question is, Shall the bill pass the objections of the President to the contrary notwithstanding?

Mr. PENROSE. On that question, the vote is to be taken by the yeas and nays.

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

Mr. BAILEY (when his name was called). I have a general pair with the Senator from Montana [Mr. DIXON], and on an ordinary question I should feel, of course, bound by every consideration that binds a gentleman to observe the pair. But, in my opinion, a pair is only made in contemplation of an equality of votes, and in a case where 1 vote can only be neutralized by 2, I do not believe a pair can fairly bind. Under that conviction I feel it my duty to vote. I vote "yea."

Mr. BRANDEGEE (when his name was called). I have a general pair with the Senator from New York [Mr. O'GORMAN]. I had an understanding with him before he left town that if any matter came up in which I was entitled to one other upon the other side, as equivalent for my pair, and I was not furnished with it, I should feel at liberty to vote. He agreed with me in that, and I therefore will vote. I vote "nay."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], but on a question like that of a veto, I am relieved from the operation of the pair, and I will accordingly vote. I vote "nay."

Mr. MCCUMBER (when his name was called). I am not only relieved by my pair in a case of this character, but, as I understand the purpose of pairs, that of equalizing votes, in all cases requiring a two-thirds vote, I feel at liberty to vote. I vote "nay."

Mr. CHAMBERLAIN (when Mr. OWEN'S name was called). I desire to announce for the day that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN].

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I see that other Senators, in view of the peculiar conditions that exist now, of two for one, are breaking their pairs. Notwithstanding that fact, I do not feel like breaking my pair. I transfer it to the Senator from Arkansas [Mr. CLARKE] and will vote "yea."

Mr. STONE (when his name was called). I am paired with the Senator from Wyoming [Mr. CLARK]. I am embarrassed in determining what to do. I can not arrange a pair such as it seems should be arranged on a vote of this kind. I regard this as an exceedingly important question, and, in a large way, a party question. I feel constrained to observe my pair with the Senator from Wyoming. I do not feel at liberty to vote. If I did, I should vote "yea." But under the circumstances I shall withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER], but, under the arrangement which I have with that Senator, either of us is at liberty to vote upon questions which require a two-thirds vote whenever that one votes in the negative. I therefore feel at liberty to vote. I vote "nay."

Mr. WETMORE (when his name was called). I have a general pair with the junior Senator from Maine [Mr. GARDNER] for this week, but as it does not extend to matters involving a two-thirds vote, I will vote. I vote "nay."

The roll call was concluded.

Mr. DU PONT. I desire to announce that my colleague [Mr. RICHARDSON] is absent from the city. If he were present and free to vote, he would vote "nay."

Mr. BRANDEGEE (after having voted in the negative). I have been furnished the additional part of my pair, the senior Senator from Tennessee [Mr. LEA] being offered me in addition to the Senator from New York [Mr. O'GORMAN]. I therefore transfer both of those Senators as paired with the senior Senator from South Dakota [Mr. GAMBLE], and will let my vote stand.

Mr. SMOOT. I desire to announce the absence from the city of the junior Senator from Wisconsin [Mr. STEPHENSON] and that he is paired with the Senator from Oklahoma [Mr. GORE].

Mr. LA FOLLETTE. Mr. President, I was unable to be present when this bill was under consideration by the Senate. Nor have I been able to give to the subject since that time such investigation as to enable me to arrive at any clear judgment as to the particular rates fixed in the bill. I therefore withhold my vote.

Mr. WARREN. I desire to state that my colleague [Mr. CLARK] is unavoidably absent and is paired with the Senator from Missouri [Mr. STONE], as he has stated. If here my colleague would vote "nay."

Mr. SMITH of South Carolina. I transfer my pair with the junior Senator from Delaware [Mr. RICHARDSON] to the Senator from Maryland [Mr. RAYNER] and the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. GORE. I wish to state that I am paired with the junior Senator from Wisconsin [Mr. STEPHENSON]. I transfer the pair to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. CURTIS. I desire to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Arkansas [Mr. CLARKE] and the Senator from Kentucky [Mr. PAYNTER].

The PRESIDENT pro tempore. Before announcing the result of the vote the Chair will take occasion to say that by an oversight the veto message was not read, which the Chair thinks always has been done heretofore, and the Chair, unless there be objection, will order that the veto message be printed in the CONGRESSIONAL RECORD and in the Journal of the Senate, and the bill also.

The message of the President of the United States and the bill are as follows:

To the House of Representatives:

I return, with my objections, H. R. 18642, a bill entitled "An act to amend an act entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' approved August 5, 1909."

This bill provides for a complete revision of Schedule C of the tariff law, relating to metals and manufactures of metals. In committee and in the consideration of the majority who passed the bill the important part of it seems to have been the basic manufactures of iron and steel, and most of the information which was obtained and discussed was in reference to that manufacture. The truth is that iron and steel as primary products are less than one-third in value of the subject matter covered by it; and that there may be no misunderstanding in regard to this, I present, as an appendix, a table prepared by the Census Bureau showing that included in Schedule C are 59 allied industries of sufficient importance to justify separate classification, study, and report by the Census Bureau, all of which are directly affected by the bill under consideration.

If only the primary products of iron and steel were affected by this bill, or if they constituted the larger part of the values involved in Schedule C, the consideration of the bill for purposes of approval or disapproval would be easier, but it is not within my power to separate these various industries. The bill is presented to me as a whole and must be approved or disapproved as a whole.

The table furnished showed that "foundry and machine-shop products," which are secondary products of the iron and steel industry, are made by more than 13,000 competing establishments, with an invested capital of more than a billion and a half dollars, with more than a half a million wage earners employed, and producing nearly a billion and a quarter dollars in value of products annually. Every dollar of this capital and every workman employed in the industry is directly affected by the bill, and I can not find, either in the report of the Committee on Ways and Means of the House or, to any extent, in the discussion of the schedule, that serious consideration has been given to the effect of this revision on this particular branch of the industry, and the same thing is true of more than two-thirds of the industries covered by the schedule.

It appears in the discussion of this revision now presented to me for consideration that no public hearings have been given by the Ways and Means Committee of the House, on the ground that it would thereby cause delay. The Ways and Means Committee avowed that the principle of protection had not been considered, but that in framing the present revision of the metal schedule the committee had "adopted the general principle of reducing all duties to a revenue basis, so far as practicable, except in those cases where more cogent consideration than those relating to the fiscal policy of the Government dictated the transfer of given items to the free list." This makes a clear-cut issue between the protective policy and that of a tariff for revenue only, and without fuller information, therefore, I am obliged to treat this bill as a revenue bill, and one in which the consideration of preserving the industry by maintaining a tariff necessary to do so had little weight. There is nothing to show me that the duties provided in the bill will equal the difference in the cost of production here and abroad in the great lines of industries, and that the wages of workmen will not be reduced by a measure which avowedly discards entirely the principle of fair protection. It should be noted that the labor employed in the secondary industries, which has had so little consideration in this bill, is in a large measure high-grade, skilled labor, commanding a high level of wages.

This schedule was included in the general tariff revision of 1909, at which time public hearings were given, attended by importers, domestic producers, employees, and consumers, and

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ment, 10 per cent ad valorem; monazite sand and thorite; thorium, oxide of and salts of; gas mantles treated with chemicals or metallic oxides; and gas-mantle scrap consisting in chief value of metallic oxides, 25 per cent ad valorem.

54. Nickel, nickel oxide, alloy of any kind in which nickel is a component material of chief value, in pigs, ingots, bars, rods, or plates, 10 per cent ad valorem; sheets or strips, 20 per cent ad valorem.

55. Pens, metallic, 25 per cent ad valorem.

56. Penholder tips, penholders and parts thereof, gold pens, fountain pens, and stylographic pens; combination penholders, comprising penholder, pencil, rubber eraser, automatic stamp, or other attachment, 25 per cent ad valorem.

57. Pins with solid heads, without ornamentation, including hair, safety, hat, bonnet, and shawl pins; any of the foregoing composed wholly of brass, copper, iron, steel, or other base metal, not plated with gold or silver, and not commonly known as jewelry, 20 per cent ad valorem.

58. Quicksilver, 10 per cent ad valorem. The flasks, bottles, or other vessels in which quicksilver is imported shall be subject to the same rate of duty as they would be subjected to if imported empty.

59. Type metal, on the lead contained therein, and new types, 15 per cent ad valorem.

60. Watch movements, including time detectors, whether imported in cases or not, watch cases and parts of watches, chronometers, box or ship, and parts thereof, lever clock movements having jewels in the escapement, and clocks containing such movements, all other clocks and parts thereof, not otherwise provided for in this act or in the first section of the act cited for amendment, whether separately packed or otherwise, not composed wholly or in chief value of china, porcelain, parian, bisque, or earthenware, 30 per cent ad valorem; all jewels for use in the manufacture of watches or clocks, 10 per cent ad valorem; enameled dials for watches or other instruments, 35 per cent ad valorem: *Provided*, That all watch and clock dials, whether attached to movements or not, shall have indelibly painted or printed thereon the country of origin, and that all watch movements, lever clock movements with jewels in the escapement, whether imported assembled or knocked down for reassembling, and cases of foreign manufacture, shall have the name of the manufacturer and country of manufacture cut, engraved, or die sunk conspicuously and indelibly on the plate of the movement and the inside of the case, respectively, and the movements shall also have marked thereon by one of the methods indicated the number of jewels and adjustments, said number to be expressed either in words or in Arabic numerals; and none of the aforesaid articles shall be delivered to the importer unless marked in exact conformity to this direction.

61. Zinc in blocks or pigs and zinc dust; in sheets, and old and worn-out zinc fit only to be remanufactured, 15 per cent ad valorem.

62. Cans, boxes, packages, and other containers of all kinds, except such as are hermetically sealed by soldering or otherwise, composed wholly or in chief value of metal lacquered or printed by any process of lithography whatever, if filled or unfilled, and whether their contents be dutiable or free, 30 per cent ad valorem; but no cans, boxes, packages, or containers of any kind of the capacity of 5 pounds or under subject to duty under this paragraph shall pay less duty than if the same were imported empty; and the dutiable value of the same shall include all packing charges, cartons, wrappings, envelopes, and printed matter accompanying them when such cans, boxes, packages, or containers are imported wholly or partly filled with merchandise exempt from duty, except liquids and merchandise commercially known as drugs, and which is commonly dealt in at wholesale in the country of original exportation in bulk or in packages exceeding 5 pounds in capacity: *Provided*, That paper, cardboard, or pasteboard wrappings or containers that are made and used only for the purpose of holding or containing the article with which they are filled, and after such use are mere waste material, shall not be dutiable unless their contents are dutiable.

63. Bottle caps of metal, whether plain or colored, waxed, lacquered, enameled, lithographed, or embossed in color, 30 per cent ad valorem.

64. All steam engines, 15 per cent ad valorem; embroidering machines and lace-making machines, including machines for making lace curtains, nets, or nettings, 25 per cent ad valorem.

65. Nippers and pliers of all kinds wholly or partly manufactured, 30 per cent ad valorem.

66. Articles or wares not specially provided for in this act or in the first section of the act cited for amendment, composed wholly or in part of iron, steel, lead, copper, nickel, pewter, zinc, gold, silver, platinum, aluminum, or other metal, and whether partly or wholly manufactured, 25 per cent ad valorem.

FREE LIST.

That on and after the day following the passage of this act the articles mentioned in the following paragraphs shall when imported into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila) be exempt from duty:

67. Iron ore, including manganiferous iron ore, and the dross or residuum from burnt pyrites.

68. Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity.

69. Barbed and all other fence wire and wire fencing and baling wire.

70. Cut nails and cut spikes of iron or steel, horseshoe nails, hobnails, and all other wrought-iron or steel nails not specially provided for in this act or in the first section of the act cited for amendment, wire staples, wire nails made of wrought iron or steel, spikes, nuts, and washers, and horse, mule, or ox shoes, of wrought iron or steel, and cut tacks, brads, or sprigs.

71. Tungsten-bearing ores of all kinds.

72. Zinc-bearing ore of all kinds, including calamine.

73. Cash registers, linotype and all typesetting machines, machine tools, printing presses, sewing machines, typewriters, and tar and oil spreading machines used in the construction and maintenance of roads and in improving them by the use of road preservatives, all the foregoing whether imported in whole or in parts, including repair parts.

SEC. 2. That on and after the day following the passage of this act all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to no other duty upon the entry or withdrawal thereof than the duty which would be imposed if such goods, wares, or merchandise were imported on or after that date.

The result was announced—yeas 32, nays 39, as follows:

YEAS—32.

Ashurst	Fletcher	Myers	Smith, Ga.
Bacon	Foster	Newlands	Smith, Md.
Bailey	Gore	Overman	Smith, S. C.
Bankhead	Johnson, Me.	Pomerene	Swanson
Bryan	Johnston, Ala.	Reed	Thornton
Chamberlain	Kern	Shively	Tillman
Chilton	Martin, Va.	Simmons	Watson
Culberson	Martine, N. J.	Smith, Ariz.	Williams

NAYS—39.

Borah	Crawford	Kenyon	Perkins
Bourne	Cullom	Lippitt	Root
Bradley	Cummins	Lodge	Sanders
Brandegee	Curtis	McCumber	Smith, Mich.
Briggs	Dillingham	McLean	Smoot
Bristow	du Pont	Massey	Sutherland
Burnham	Fall	Nelson	Townsend
Burton	Gallinger	Oliver	Warren
Catron	Heyburn	Page	Wetmore
Crane	Jones	Penrose	

NOT VOTING—23.

Brown	Gamble	Lea	Rayner
Clapp	Gardner	O'Gorman	Richardson
Clark, Wyo.	Gronna	Owen	Stephenson
Clarke, Ark.	Guggenheim	Paynter	Stone
Davis	Hitchcock	Percy	Works
Dixon	La Follette	Poindexter	

The PRESIDENT pro tempore. Less than two-thirds of the Senate having voted in the affirmative the bill fails to pass.

THE PANAMA CANAL.

Mr. BRISTOW. I send to the desk a concurrent resolution, which I ask to have given immediate consideration. It relates to the Panama Canal. On page 19, after the word "elsewhere," in line 7, I ask to have inserted by this concurrent resolution the following language: "With which said railroad or other carrier aforesaid does or may compete for traffic."

Some question has arisen as to whether it relates back to the former clause, and there is no question as to what was the intention of the framers of the bill; and in order to make that clear, I ask that the concurrent resolution be passed.

The concurrent resolution (S. Con. Res. 28) was read and considered by unanimous consent, as follows:

Resolved by the Senate (the House of Representative concurring), That the Committee on Enrolled bills of the two Houses be authorized to correct the enrolled bill of the House (H. R. 21969) 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," by inserting in section 11, after the words "or elsewhere," where they occur the second time, the words "with which said railroad or other carrier aforesaid does or may compete for traffic."

Mr. REED. Mr. President, who offered the resolution?

Mr. BRISTOW. I offered it. I offered it after consultation with the chairman of the committee in the House. It is simply to clear up what might be a misinterpretation of what the word "elsewhere" means. It means simply on this competing route.

The concurrent resolution was agreed to.

TARIFF DUTIES ON WOOL.

The PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives, which was read:

IN THE HOUSE OF REPRESENTATIVES,
August 12, 1912.

The President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 22195) entitled "An act to reduce the duties on wool and manufactures of wool," with his objection thereto, the House of Representatives proceeded, in pursuance of the Constitution, to reconsider the same; and *Resolved*, That the said bill do pass, two-thirds of the House of Representatives agreeing to pass the same. The objection thereto of the President is herewith transmitted to the Senate.

The PRESIDENT pro tempore. The Secretary will read the message of the President.

The Secretary read as follows:

To the House of Representatives:

On December 20, 1911, I sent a message to the Congress recommending a prompt revision of the tariff on wool and woolens. I urged a reduction of duties which should remove all the excesses and inequalities of the schedule, but should leave a degree of protection adequate to maintain the continued employment of machinery and labor already established in that great industry. With that message I transmitted a report of the Tariff Board, which furnished for the first time the information needed to frame a revision bill of this character, and recommended that legislation should be at once undertaken in the light of this information.

Despite the efforts which have been made to discredit the work of the Tariff Board, their report on this schedule has been accepted, with scarcely a dissenting voice, by all those familiar with the problems discussed, including active representatives of

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organizations formed in the interest of the public and the consumer. Importers and merchants, as well as producers and manufacturers, have testified to the accuracy and impartiality of these findings of fact. For the first time in the history of American tariffs the opportunity has been afforded of securing a revision based on established facts, independent both of the ex parte statements of interested persons and the guesswork of political theorists.

My position has been made perfectly plain. I shall stand by my pledges to maintain a degree of protection necessary to offset the difference in cost of production here and abroad, and will heartily approve of any bill reducing duties to this level. Bills have been introduced into Congress, carefully framed and based on the findings of the Tariff Board, which, while maintaining the principle of protection, have provided for sweeping reductions. Such a bill was presented by the minority members of the Ways and Means Committee, which, while providing protection to the woolgrower, reduces the duty on most wools 20 per cent, and the duties on manufactures by from 20 to more than 50 per cent, and gives in many instances less net protection to the manufacturer than was granted by the Gorman-Wilson free-wool act of 1894.

Instead of such a measure of thorough and genuine revision, based on full information of the facts, and with rates properly adjusted to all the different stages of the industry, there is now presented for my approval H. R. 22195, "An act to reduce the duties on wool and the manufactures of wool," a bill identical with the one which I vetoed in August, 1911, before the report of the Tariff Board had been made. The Tariff Board's report fully and completely justifies my veto of that date. The amount of ad valorem duty necessary to offset the difference in the cost of production of raw wool here and abroad varies with every grade of wool. Consequently, an ad valorem rate of duty adjusted to meet the difference in the cost of production of high-priced wools is not protective to low-priced wools. In any case, the report of the Tariff Board shows that the ad valorem duty of 29 per cent on raw wool, imposed in the bill now submitted to me, is inadequate to meet this difference in cost in the case of four-fifths of our total wool clip. The disastrous effect upon the business of our farmers engaged in wool raising can not be more clearly stated. To maintain the status quo in the woolgrowing industry, the minimum ad valorem rate necessary, even for high-grade wool in years of high prices, would be 35 per cent.

The rate provided in this bill on cloths of all kinds is 49 per cent. The amount of net protection given by this rate, in addition to proper compensation for the duty on wool, depends on the ratio between the cost of the raw material and the cost of making the cloth. The cost of the raw material in woolen and worsted fabrics varies in general from 50 per cent to 70 per cent of the total value of the fabric. Consequently, the net protective duty, with wool at 29 per cent, would vary from 28.7 per cent to 34.5 per cent. In the great majority of cases these rates are inadequate to equalize the difference in the cost of manufacture here and abroad. This is especially true of the finest goods involving a high proportion of labor cost. One of the striking developments of the last few years has been the growth in this country of a fine-goods industry. The rates provided in this bill, inadequate as they are for most of the cloths produced in this country, would make the continuance here of the manufacture of fine goods an impossibility.

Even more dangerous in their effects are the rates proposed on tops and yarns. Tops are the result of the first stage in the making of raw wool into cloth. Yarn is the result of the second stage. Taken in connection with a rate of 29 per cent on wool and 49 per cent on cloths, the rates of 32 per cent on tops and 35 per cent on yarn, fixed in this bill, seem impossible of justification. They would disrupt, and to no purpose, the existing adjustment, within the industry, of all its different branches. It is improbable in the highest degree that raw wool would be imported in great quantities when the cloth maker can import his tops at a duty of 32 per cent and yarns at a duty of 35 per cent. The report of the Tariff Board shows the difference in relative costs to be uniformly greater than the amount of protection on yarns given by this bill. In a year of low prices, the net protection granted by the proposed rates would not be more than half the difference in costs. The free-wool act of 1894 gave a protective rate of 40 per cent on all yarns over 40 cents a pound in value, with free raw material. The present bill gives only 35 per cent on such yarns, with a duty of 29 per cent on the raw material.

The great increase in the imports of tops and yarns which would result from the rates in the bill now submitted to me would destroy the effect of the protection to raw wool and at the same time would be at the cost of widespread disaster to the wool combing and spinning branches of the industry. The last 15 years has witnessed a great growth of top making and worsted spinning in this country, and the capacity of the plants is now equal to domestic requirements. Under the rates proposed such plants could be continued, if at all, only by writing off most of the investment as a net loss and by a reduction of wages. To sum up, then, most of the rates in the submitted bill are so low in themselves that if enacted into law the inevitable result would be the irretrievable injury to the woolgrowing industry, the enforced idleness of much of our wool combing and spinning machinery, and of thousands of looms, and the consequent throwing out of employment of thousands of workmen.

In view of these facts, in view of the platform upon which I was elected, in view of my promise to follow and maintain the protective policy, no course is open to me but to withhold my approval from this bill. I am very much disappointed that such a bill is a second time presented to me. I have inferred from the speeches made in both the House and the Senate that the Members of the majority in both Houses are deeply impressed with the necessity of reducing the tariff under the present act on wool and woolens; that they do not propose to stand on the question of the amount of reduction or to insist that it must be enough necessarily to satisfy the principle of tariff for revenue only, but that they are willing to accept a substantial reduction in the present rates in order that the people might be relieved from the possibility of oppressive prices due to excessive rates. I strongly desire to reduce duties, provided only the protection system be maintained, and that industries now established be not destroyed. It now appears from the Tariff Board's report, and from bills which have been introduced into the House and the Senate, that a bill may be drawn so as to be within the requirements of protection and still offer a reduction of 20 per cent on most wool and of from 20 per cent to 50 per cent on cloths. I can not act upon the assumption that the controlling majority in either House will refuse to pass a bill of this kind, if in fact it accomplishes so substantial a reduction, merely because members of the opposing party and the Executive unite in its approval. I therefore urge upon Congress that it do not adjourn without taking advantage of the plain opportunity thus substantially to reduce unnecessary existing duties. I appeal to Congress to reconsider the measure, which I now return, without my approval, and to adopt a substitute therefor making substantial reductions below the rates of the present act, which the Tariff Board shows possible, without destroying any established industry or throwing any wage earners out of employment, and which I will promptly approve.

WM. H. TAFT.

THE WHITE HOUSE, *August 9, 1912.*

The Secretary proceeded to read the bill.

Mr. LA FOLLETTE. I ask unanimous consent that the bill may be printed in the RECORD without being read.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the reading of the bill be dispensed with. Is there objection? The Chair hears none. It will be printed in the RECORD and the Journal.

The bill is as follows:

An act (H. R. 22195) to reduce the duties on wool and manufactures of wool.

Be it enacted, etc., That on and after the 1st day of January, 1913, the articles hereinafter enumerated, described, and provided for shall, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), be subjected to the duties hereinafter provided, and no others; that is to say:

1. On wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, the duty shall be 20 per cent ad valorem.

2. On all noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and on all other wastes, and on rags composed wholly or in part of wool, and not specially provided for in this act, the duty shall be 20 per cent ad valorem.

3. On combed wool or tops and roving or roping, made wholly or in part of wool or camel's hair, and on other wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this act, the duty shall be 25 per cent ad valorem.

4. On yarns made wholly or in part of wool the duty shall be 30 per cent ad valorem.

5. On cloths, knit fabrics, felts not woven, and all manufactures of every description made, by any process, wholly or in part of wool, not specially provided for in this act, the duty shall be 40 per cent ad valorem.

6. On blankets and flannels composed wholly or in part of wool the duty shall be 30 per cent ad valorem: *Provided*, That on flannels composed wholly or in part of wool, valued at above 50 cents per pound, the duty shall be 45 per cent ad valorem.

7. On women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, composed wholly or in part of wool, and not specially provided for in this act, the duty shall be 45 per cent ad valorem.

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passed the Senate and the House and went to the President, with the exception of the items which the chairman has stated.

Mr. WARREN. With the two main exceptions and the three minor ones.

Mr. JONES. The amendment of the Senator from North Carolina contains everything that was agreed to by the Senate and the House except what he has stated.

Mr. WARREN. Unless the Senator from North Carolina has changed the copy, there is no difference whatever except in his proposition of abolishing the Commerce Court.

Mr. OVERMAN. That is the only difference.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from North Carolina to the amendment. The amendment to the amendment will be stated.

Mr. OVERMAN. It is unnecessary to read it, as it is the other bill, except to abolish the Commerce Court.

The PRESIDENT pro tempore. Without objection, the reading will be dispensed with.

The amendment to the amendment is, on page 1, to strike out all after line 7 and insert:

LEGISLATIVE.

SENATE.

For compensation of Senators, $720,000.

For mileage of Senators, $51,000.

For compensation of the officers, clerks, messengers, and others in the service of the Senate, namely:

Office of the Vice President: Secretary to the Vice President, $4,000; messenger, $1,440; telegraph operator, $1,500; telegraph page, $600; in all, $7,540.

Chaplain: For Chaplain of the Senate, $1,200.

Office of Secretary: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of the contingent fund of the Senate, $6,500; hire of horse and wagon for the Secretary's office, $420; Assistant Secretary, Henry M. Rose, $5,000; Chief Clerk, $3,250; financial clerk, $3,000 and $1,250 additional while the office is held by the present incumbent; minute and journal clerk, principal clerk, reading clerk, and enrolling clerk, at $3,000 each; executive clerk, and assistant financial clerk, at $2,750 each; librarian, file clerk, chief bookkeeper, assistant journal clerk, 2 clerks, printing clerk, and clerk compiling a history of revenue bills, at $2,500 each; first assistant librarian, $2,400; keeper of stationery, $2,400; compiler of Navy Yearbook and Senate report on river and harbor bill, Woodbury Pulsifer, $2,220; indexer for Senate public documents, and 2 clerks, at $2,220 each; 2 clerks, at $2,100 each; assistant librarian, $1,800; assistant librarian, $1,600; skilled laborer, $1,200; clerk, $1,800; clerk, $1,600; assistant keeper of stationery, $2,000; assistant in stationery room, $1,200; messenger, $1,440; assistant messenger, $1,200; 3 laborers, at $840 each; 3 laborers, at $720 each; laborer in stationery room, $720; in all, $94,040.

Document room: Superintendent, George H. Boyd, $3,000; 2 assistants, at $2,250 each; assistant, $1,440; 2 clerks, at $1,440 each; skilled laborer, $1,200; in all, $13,020.

Clerks and messengers to committees: Clerk to the Committee on Additional Accommodations for the Library of Congress, $2,220, messenger, $1,440; clerk to the Committee on Agriculture and Forestry, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Appropriations, $4,000, two assistant clerks, at $2,500 each, two assistant clerks, at $1,440 each, messenger, $1,440; laborer, $720; clerk to the Committee to Audit and Control the Contingent Expenses of the Senate, $2,500, messenger, $1,440, messenger, $1,200; clerk to the Committee on Canadian Relations, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Census, $2,220, assistant clerk, $1,200, messenger, $1,440; clerk to the Committee on Civil Service and Retrenchment, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Claims, $2,500, assistant clerk, $2,000, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Coast and Insular Survey, $2,220, messenger, $1,440; clerk to the Committee on Coast Defenses, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Commerce, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the conference minority of the Senate, $2,220, assistant clerk, $1,800, messenger, $1,200; clerk to the Committee on Conservation of National Resources, $2,220, assistant clerk, $1,200, messenger, $1,440; clerk to the Committee on Corporations Organized in the District of Columbia, $2,220, messenger, $1,440; clerk to the Committee on Cuban Relations, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Disposition of Useless Papers in the Executive Departments, $2,220, messenger, $1,440; clerk to the Committee on the District of Columbia, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Education and Labor, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Engrossed Bills, $2,220, messenger, $1,440; clerk to the Committee on Enrolled Bills, $2,220, assistant clerk, $1,440; clerk to the Committee to Examine the Several Branches of the Civil Service, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Department of Agriculture, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Department of Commerce and Labor, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Interior Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Department of Justice, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Expenditures in the Navy Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Post Office Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Department of State, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Treasury Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the War Department, $2,220, messenger, $1,440, messenger, $1,200; clerk and stenographer to the Committee on Finance, $3,000, assistant clerk, $2,220, assistant clerk, $1,600, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Fisheries, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on the Five Civilized Tribes of Indians, $2,220, messenger, $1,440; clerk to the Committee on Foreign Relations, $2,500, assistant clerk, $2,220, messenger, $1,440; clerk to the Committee on Forest Reservations and the Protection of Game, $2,220, messenger, $1,440; clerk to the Committee on the Geological Survey, messenger, $1,440; clerk to the Committee on Immigration, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Indian Affairs, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Indian Depredations, $2,220 messenger, $1,440; clerk to the Committee on Industrial Expositions, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Interoceanic Canals, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Interstate Commerce, $2,500, two assistant clerks, at $1,800 each, messenger, $1,440; clerk to the Committee to Investigate Trespassers on Indian Lands, $2,220, messenger, $1,440; clerk to the Committee on Irrigation and Reclamation of Arid Lands, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Judiciary, $2,500, assistant clerk, $2,220, two assistant clerks, at $1,800 each, messenger, $1,440; clerk to the Joint Committee on the Library, $2,500, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Manufactures, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Military Affairs, $2,500, assistant clerk, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Mines and Mining, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Mississippi River and its Tributaries, $2,220, messenger, $1,440; clerk to the Committee on National Banks, $2,220, messenger, $1,440; clerk to the Committee on Naval Affairs, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Pacific Islands and Porto Rico, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Pacific Railroads, $2,220, messenger, $1,440; clerk to the Committee on Patents, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Pensions, $2,500, assistant clerk, $1,800, three assistant clerks, at $1,440 each, messenger, $1,440; clerk to the Committee on the Philippines, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Post Offices and Post Roads, $2,500, three assistant clerks, at $1,440 each, messenger, $1,440; clerk of printing records, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Private Land Claims, $2,220, assistant clerk, $1,800; clerk to the Committee on Privileges and Elections, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Public Buildings and Grounds, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Public Health and National Quarantine, $2,220, assistant clerk, $1,440; clerk to the Committee on Public Lands, $2,500, assistant clerk, $1,800, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Railroads, $2,220, messenger, $1,440; clerk to the Committee on Revolutionary Claims, $2,220, messenger, $1,440; clerk to the Committee on Rules, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Standards, Weights, and Measures, $2,220, messenger, $1,440; clerk to the Committee on Territories, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Transportation and Sale of Meat Products, $2,220, messenger, $1,440; clerk to the Committee on Transportation Routes to the Seaboard, $2,220, messenger, $1,440; clerk to the Committee on the University of the United States, $2,220, messenger, $1,440; clerk to the Committee on Woman Suffrage, $2,220, messenger, $1,440; in all, $370,940.

Office of Sergeant at Arms and Doorkeeper: Sergeant at Arms and Doorkeeper, $6,500; horse and wagon for his use, $420, or so much thereof as may be necessary; Assistant Sergeant at Arms, $2,500; assistant doorkeeper, $2,592; acting assistant doorkeeper, $2,592; 4 messengers, acting as assistant doorkeepers, at $1,800 each; 37 messengers, at $1,440 each; 2 messengers on the floor of the Senate, at $2,000 each; messenger at card door, $1,600; clerk on Journal work for Congressional Record, to be selected by the official reporters, $2,000; storekeeper, $2,220; upholsterer and locksmith, $1,440; cabinetmaker, $1,200; 3 carpenters, at $1,080 each; janitor, $1,200; 4 skilled laborers, at $1,000 each; skilled laborer, $900; laborer in charge of private passage, $840; 3 female attendants in charge of ladies' retiring room, at $720 each; chief telephone operator, $1,200; 2 telephone operators, at $900 each; night telephone operator, $720; telephone page, $720; superintendent of press gallery, $1,800; assistant superintendent of press gallery, $1,400; laborer, $840; 27 laborers, at $720 each; 16 pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $4,800; in all, $132,604.

For the following for Senate Office Building under the Sergeant at Arms, namely: Stenographer in charge of furniture accounts and keeper of furniture records, $1,200; 2 messengers, at $1,440 each; attendant in charge of bathing rooms, $1,800; 2 attendants in bathing rooms, at $720 each; 3 attendants to women's toilet rooms, at $720 each; janitor for bathing rooms, $720; 2 messengers acting as mail carriers, at $1,200 each; and messenger for service to the press correspondents, $900; in all, $13,500.

For police force for Senate Office Building under the Sergeant at Arms, namely: For 16 privates, at $1,050 each; 1 special officer, $1,200, $18,000.

Post office: Postmaster, $2,250; chief clerk, $1,800 (deficiency act July 21, 1911); 6 mail carriers and 1 wagon master, at $1,200 each; 3 riding pages, at $912.50 each; in all, $15,187.50.

Folding room: Assistant, $1,400; clerk, $1,200; foreman, $1,400; 6 folders, at $1,000 each; 8 folders, at $840 each; in all, $16,720.

Under Superintendent of the Capitol Building and Grounds: Chief engineer, $2,160; assistant engineer and electrician, $1,800; 3 assistant engineers, at $1,440 each; 10 conductors of elevators, at $1,200 each; 2 machinists and electricians, at $1,400 each; 4 laborers, at $720 each; laborer in charge of Senate toilet rooms in old library space, $660; attendant for service in old library portion of the Capitol, $1,500; in all, $28,120.

For the following for the Senate Office Building, under the Superintendent of the Capitol Building and Grounds, subject to the control and supervision of the Senate Committee on Rules, namely: 14 elevator conductors, at $1,200 each; in all, $16,800.

Clerks to Senators: For 35 annual clerks to Senators who are not chairmen of committees, at $2,000 each, $70,000.

Stenographers to Senators: For 22 stenographers to Senators who are not chairmen of committees, and 3 stenographers to the chairmen of the 3 junior minority committees, at $1,200 each, $30,000.

Contingent expenses, namely: For stationery for Senators and the President of the Senate, including $6,000 for stationery for committees and officers of the Senate, $18,125.

For postage stamps for the office of the Secretary of the Senate, $200; for the office of the Sergeant at Arms, $150; in all, $350.

For expenses of maintaining and equipping horses and mail wagons for carrying the mails, $6,000, or so much thereof as may be necessary.

For materials for folding, $2,000.

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $8,000.

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For fuel and advertising, exclusive of labor, $2,500.

For purchase of furniture, $8,500.

For materials for furniture and repairs of same, exclusive of labor, $3,000.

For services in cleaning, repairing, and varnishing furniture, $2,000.

For packing boxes, $970.

For miscellaneous items, exclusive of labor, $50,000.

For rent of warehouse for storage of public documents for the Senate, $3,600, and authority is hereby given to use any part or all of said sum for moving documents contained in said warehouse to buildings owned by the Government.

For miscellaneous items on account of the Maltby Building, $17,280.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $25,000.

For reporting the debates and proceedings of the Senate, $30,000, payable in equal monthly installments.

To enable the Postmaster of the Senate to keep a constant supply of postage stamps for sale to Senators, $200.

The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and is placed under the administration of the Librarian of Congress, and the sum of $500, or so much thereof as may be necessary, is hereby appropriated for the purpose of moving the books and the present stacks and shelving to the Library of Congress.

CAPITOL POLICE.

For captain, $1,800; 3 lieutenants, at $1,200 each, 2 special officers, at $1,200 each; and 67 privates, at $1,050 each; one-half of said privates to be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives; in all, $78,150, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

For contingent expenses, $300, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

CONGRESSIONAL DIRECTORY.

For expenses of compiling, preparing, and indexing the Congressional Directory, to be expended under the direction of the Joint Committee on Printing, $1,600.

HOUSE OF REPRESENTATIVES.

For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Porto Rico, and the Resident Commissioners from the Philippine Islands, $3,099,500.

For mileage of Representatives and Delegates, and expenses of Resident Commissioners, $154,000.

For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, namely:

Office of the Speaker: Secretary to the Speaker, $4,000; clerk to the Speaker's table, $3,600, and for preparing Digest of the Rules, $1,000 per annum; clerk to the Speaker, $1,600; messenger to the Speaker, $1,440; messenger to the Speaker's table, $1,200 (transferred from Doorkeeper's office); in all, $12,840.

Chaplain: For Chaplain of the House, $1,200.

Office of the Clerk: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $6,500; hire of horse and wagon for use of the Clerk's office, $900, or so much thereof as may be necessary; Chief Clerk, $4,500; journal clerk, and 2 reading clerks, at $4,000 each; disbursing clerk, $3,400; tally clerk, $3,300; file clerk, $3,250; enrolling clerk, $3,000; chief bill clerk, $3,000 (House resolution May 9, 1911); assistant to Chief Clerk, and assistant enrolling clerk, at $2,500 each; assistant disbursing clerk, $2,400; stationery clerk, $2,200; librarian, $2,100; assistant file clerk, $1,900; 2 assistant librarians, and 1 clerk, at $1,800 each; 3 clerks, at $1,680 each; bookkeeper, and assistant in disbursing office, at $1,600 each; 4 assistants to chief bill clerk, at $1,500 each (House resolution May 9, 1911); stenographer to Clerk, $1,400; locksmith, who shall be skilled in his trade, $1,300; messenger in Chief Clerk's office, and assistant in stationery room, at $1,200 each; messenger in file room, 1 messenger in disbursing office, and assistant in House library, at $1,100 each; stenographer to chief bill clerk, $1,000 (House resolution May 9, 1911); 3 telephone operators, at $900 each; 3 telephone operators, at $75 per month each from December 1, 1912, to March 31, 1913; night telephone operator, $900; for services of a substitute telephone operator when required, at $2.50 per day, $200; 2 laborers in the bathroom, at $900 each; 2 laborers, and page in enrolling room, at $720 each; allowance to Chief Clerk for stenographic and typewriter services, $1,000; in all, $92,150.

Under Superintendent of the Capitol Building and Grounds: Chief engineer, $1,900; 3 assistant engineers, at $1,300 each; 24 conductors of elevators, including 14 for service in the House Office Building, at $1,200 each, who shall be under the supervision and direction of the Superintendent of the Capitol Building and Grounds; machinist, $1,300; electrician, $1,200; 4 laborers, at $800 each; in all, $40,300.

Clerks, messengers, and janitors to committees: Clerk to the Committee on Accounts, $2,500, assistant clerk, $1,800, janitor, $1,000; clerk to the Committee on Agriculture, $2,500, assistant clerk, $1,800, janitor, $1,000; clerk to the Committee on Appropriations, $4,000, and $1,000 additional while the office is held by the present incumbent, assistant clerk and stenographer, $2,500, assistant clerk, $1,900, janitor, $1,000; clerk to the Committee on Banking and Currency, $2,000, assistant clerk, $1,200, janitor, $720; clerk to the Committee on the Census, $2,000, janitor, $720; clerk to the Committee on Claims, $2,500, assistant clerk, $1,200, janitor, $720; clerk to the Committee on Coinage, Weights, and Measures, $2,000, janitor, $720; clerk to the Committee on the District of Columbia, $2,500, assistant clerk, $1,800, janitor, $720; clerk to the Committee on Elections No. 1, $2,000, janitor, $1,000; clerk to the Committee on Elections No. 2, $2,000, janitor, $720; clerk to the Committee on Elections No. 3, $2,000, janitor, $720; clerk to the Committee on Enrolled Bills, $2,000, janitor, $720; clerk to the Committee on Foreign Affairs, $2,500, assistant clerk, $1,800, janitor, $720; clerk to the Committee on Immigration and Naturalization, $2,000, janitor, $720; clerk to the Committee on Indian Affairs, $2,500, assistant clerk, $1,800, janitor, $720; clerk to the Committee on Industrial Arts and Expositions, $2,000, janitor, $720; clerk to the Committee on Insular Affairs, $2,000, janitor, $720; clerk to the Committee on Interstate and Foreign Commerce, $2,500, additional clerk, $2,000, assistant clerk, $1,500, janitor, $1,000; clerk to the Committee on Irrigation of Arid Lands, $2,000, janitor, $720; clerk to the Committee on Invalid Pensions, $2,500, stenographer, $2,190, assistant clerk, $2,000, janitor, $1,000; clerk to the Committee on the Judiciary, $2,500, assistant clerk, $1,600, janitor, $720; clerk to the Committee on Labor, $2,000, janitor, $720; clerk to the Committee on the Library, $2,000, janitor, $720; clerk to the Committee on Merchant Marine and Fisheries, $2,000, janitor, $720; clerk to the Committee on Military Affairs, $2,500, assistant clerk, $1,500, janitor, $1,000; clerk to the Committee on Naval Affairs, $2,400, assistant clerk, $1,500, janitor, $1,000; clerk to the Committee on Patents, $2,000, janitor, $720; clerk to the Committee on Pensions, $2,500, assistant clerk, $1,600, janitor, $720; clerk to the Committee on the Post Office and Post Roads, $2,500, assistant clerk, $1,400, janitor, $1,000; clerk to the Committee on Printing, $2,000, janitor, $1,000; clerk to the Committee on Public Buildings and Grounds, $2,500, assistant clerk, $1,200, janitor, $720; clerk to the Committee on the Public Lands, $2,000, assistant clerk, $1,200, janitor, $720; clerk to the Committee on Revision of the Laws, $2,000, janitor, $720; clerk to the Committee on Rivers and Harbors, $2,500, assistant clerk, $1,800, janitor, $1,000; clerk to the Committee on Rules, $2,000, janitor, $720; clerk to the Committee on the Territories, $2,000, janitor, $720; clerk to the Committee on War Claims, $2,500, clerk, to continue Digest of Claims under resolution of March 7, 1888, $2,500, assistant clerk, $1,200, janitor, $720; clerk to the Committee on Ways and Means, $3,000, assistant clerk and stenographer, $2,000, assistant clerk, $1,900, janitor, $1,000, janitor, $720; in all, $162,230.

Janitors under the foregoing shall be appointed by the chairmen, respectively, of said committees, and shall perform under the direction of the Doorkeeper all of the duties heretofore required of messengers detailed to said committees by the Doorkeeper, and shall be subject to removal by the Doorkeeper at any time after the termination of the Congress during which they were appointed.

For 9 clerks to committees, at $6 each per day during the session, $6,480.

Office of Sergeant at Arms: Sergeant at Arms of the House of Representatives, $6,500; Deputy Sergeant at Arms, $2,500; cashier, $3,400; financial clerk, $2,700; bookkeeper, $2,200; deputy sergeant at arms in charge of pairs, $1,800; messenger, $1,400; skilled laborer, $840; stenographer and typewriter, $900; and for hire of horse and wagon for the office of the Sergeant at Arms, $600; in all, $22,840.

For police force House Office Building under the Sergeant at Arms, namely: One lieutenant, $1,200; 10 privates, at $1,050 each; in all, $11,700.

Office of Doorkeeper: Doorkeeper, $5,000; hire of horses and wagons and repairs of same, $1,200, or so much thereof as may be necessary; special employee, John T. Chancey, $1,800; special employee, $1,500; superintendent of reporters' gallery, $1,400; janitor, $1,500; 16 messengers, at $1,180 each; 14 messengers on the soldiers' roll, at $1,200 each; 15 laborers, at $720 each; laborer in the water-closet, $720; laborer, $680; 2 laborers, known as cloakroom men, at $840 each; 8 laborers, known as cloakroom men, 2 at $720 each, and 6 at $600 each; female attendant in ladies' retiring room, $800; superintendent of folding room, $2,500; 3 clerks, at $1,600 each; foreman, $1,800; messenger, $1,200; janitor, $720; laborer, $720; 32 folders, at $900 each; 2 drivers, at $840 each; 2 chief pages, at $1,200 each; messenger in charge of telephones, $1,200; messenger in charge of telephones (for the minority), $1,200; 46 pages, during the session, including 2 riding pages, 4 telephone pages, press-gallery page, and 10 pages for duty at the entrances to the Hall of the House, at $2.50 per day each, $13,800; superintendent of document room, $2,900; assistant superintendent, $2,100; clerk, $1,700; assistant clerk, $1,600; 7 assistants, at $1,280 each; assistant, $1,100; janitor, $920; messenger to press room, $1,000; in all, $148,900.

For employment of Joel Grayson in document room, $2,150.

For the following minority employees authorized and named in the resolution adopted by the House of Representatives April 10, 1911, namely: Special employee, $1,800; special messenger and assistant pair clerk, $1,800; special messenger, $1,500; special chief page and pair clerk, $1,800; in all, $6,900.

For the assistant department messenger authorized and named in the resolution adopted by the House of Representatives December 7, 1897, $2,000.

For the special messenger authorized and named in the resolution adopted by the House of Representatives January 15, 1900, $1,500.

To continue employment and for compensation of the assistant foreman of the folding room, authorized and named in the resolution adopted by the House of Representatives February 6, 1900, at $3.85 per day, $1,405.25.

To continue the employment of the person named in the resolution of the House adopted June 5, 1900, as a laborer, $840.

To continue the employment of the laborer authorized and named in the resolution of the House adopted December 19, 1901, $840.

To continue the employment of the special messenger authorized and named in the resolution of the House adopted April 10, 1911, $1,500.

Successors to any of the employees provided for in the seven preceding paragraphs may be named by the House of Representatives at any time.

For clerk to the conference minority of the House of Representatives, $2,000; assistant clerk, $1,200; janitor, $1,000; in all, $4,200. Said clerk, assistant clerk, and janitor to be appointed by the chairman of the conference minority.

Office of postmaster: Postmaster, $4,000; assistant postmaster, $2,200; registry and money-order clerk, $1,500; 12 messengers, including messenger to superintend transportation of mails, at $1,200 each; 14 messengers, at $100 per month each from December 1 to March 31, inclusive, 4 months, $5,600; and 1 laborer, $720; in all, $28,420.

For hire of horses and mail wagons for carrying the mails, $2,500, or so much thereof as may be necessary.

Official reporters: Six official reporters of the proceedings and debates of the House, at $5,000 each; assistant, $2,500; in all, $32,500.

For janitor for rooms of official reporters of debates, at $60 per month, $720.

Stenographers to committees: Four stenographers to committees, at $5,000 each; in all, $20,000.

For janitor to rooms of stenographers to committees, at $60 per month, $720.

That wherever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean the 120 days from December 2, 1912, to March 31, 1913, both inclusive.

Clerk hire, Members and Delegates: To pay each Member, Delegate, and Resident Commissioner for clerk hire necessarily employed by him in the discharge of his official and representative duties, $1,500 per annum, in monthly installments, $618,975, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with

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require apparatus and operators for radio communication on certain ocean steamers"; and to employ such persons and means as may be necessary, $10,000.

Bureau of Immigration and Naturalization: Commissioner General of Immigration, $5,000; Assistant Commissioner General, who shall also act as chief clerk and actuary, $3,500; private secretary, $1,800; chief statistician, $2,000; clerks—3 of class 4, 5 of class 3, 6 of class 2, 8 of class 1, 8 at $1,000 each, 6 at $900 each; 2 messengers; assistant messenger; in all, $59,500.

For the purpose of carrying into effect the provisions of the act approved June 29, 1906, 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," namely: Chief of Division of Naturalization, $3,500; assistant chief of division, $3,000; clerks—4 of class 4, 6 of class 3, 8 of class 2, 11 of class 1, 8 at $1,000 each, 2 at $900 each; messenger; 2 assistant messengers; messenger boy, $480; in all, $60,260.

For Division of Information established under section 40 of the act approved February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," namely: Chief of division, $3,500; assistant chief of division, $2,500; clerks—2 of class 4, 1 of class 3, 2 of class 2, 3 of class 1, 1 at $900; messenger; in all, $19,340.

Bureau of Standards: Director, $6,000; chief physicist, $4,800; physicist, qualified in optics, $3,600; 2 physicists at $3,600 each; associate physicists—1 at $2,700, 3 at $2,500 each, 3 at $2,200 each, 5 at $2,000 each; assistant physicists—7 at $1,800 each, 11 at $1,600 each, 14 at $1,400 each; chief chemist, $4,800; associate chemists—1 at $2,500, 1 at $2,200; assistant chemists—2 at $1,800 each, 3 at $1,600 each, 2 at $1,400 each; laboratory assistants—15 at $1,200 each, 12 at $1,000 each, 11 at $900 each; 3 laboratory helpers, at $720 each; aids—9 at $720 each, 6 at $600 each; laboratory apprentices—6 at $540 each, 6 at $480 each; storekeeper, $1,000; librarian, $1,400; secretary, $2,200; clerks—1 of class 4, 1 of class 3, 2 of class 2, 2 of class 1, 4 at $1,000 each, 2 at $900 each, 2 at $720 each; telephone operator, $720; messenger boys—2 at $480 each, 3 at $360 each; elevator boy, $360; chief mechanician, $1,800; mechanicians—1 at $1,500, 1 at $1,400, 2 at $1,200 each, 3 at $1,000 each, 1 at $900; 3 watchmen; skilled woodworkers—1 at $1,000, 1 at $840; 5 skilled laborers, at $720 each; draftsman, $1,200; packer and shipper, $840; messenger; superintendent of mechanical plant, $2,500; assistant engineers—2 at $1,200 each, 1 at $1,000, 1 at $900; 3 firemen; glass blower, $1,400; electricians—1 at $1,200, 1 at $900; 4 laborers; janitors—2 at $660 each, 1 at $600; 2 female laborers, at $360 each; in all, $239,940.

For apparatus, machinery, tools, and appliances used in connection with the buildings or with the work of the bureau, laboratory supplies, materials and supplies used in the construction of apparatus, machinery, or other appliances, including their exchange; piping, wiring, and construction incident to the installation of apparatus, machinery, or appliances; furniture for laboratories and offices, cases for apparatus, $50,000.

For repairs and necessary alterations to buildings, $2,000.

For fuel for heat, light, and power; office expenses, stationery, books and periodicals (subscriptions to periodicals may be paid in advance); traveling expenses; street-car tickets not exceeding $100; expenses of the visiting committee; expenses of attendance of American member at the meeting of the International Committee of Weights and Measures; and contingencies of all kinds, $25,000.

For grading, construction of roads and walks, piping grounds for water supply, lamps, wiring for lighting purposes, and other expenses incident to the improvement and care of grounds, $3,000.

For completing investigation of the effects of electric currents upon gas and water pipes, and upon the reenforced foundations of buildings, bridges, and other structures, and for determining methods of discovering and preventing the destructive effects of such currents, including personal services in the District of Columbia and in the field, $10,000.

For the continuation of the investigation of the structural materials, such as stone, clays, cement, etc., including personal services in the District of Columbia and in the field, $75,000.

For the maintenance and operation of testing machines, including personal services in connection therewith in the District of Columbia and in the field, for the determination by the Bureau of Standards of the physical constants and the properties of materials as authorized by law, $30,000.

For the construction of a water current meter testing tank, $5,000.

Children's Bureau: For the following as authorized by the act entitled "An act to establish in the Department of Commerce and Labor a bureau to be known as the Children's Bureau," approved April 9, 1912, namely: Chief of bureau, $5,000; assistant chief of bureau, $2,400; statistical expert, $2,000; private secretary to the chief of bureau, $1,500; clerks—2 of class 4, 2 of class 3, 1 of class 2, 1 of class 1, 1 at $1,000; special agents—1 at $1,400, 1 at $1,200; copyist; messenger; in all, $25,640.

Contingent expenses, Department of Commerce and Labor: For contingent and miscellaneous expenses of the offices and bureaus of the department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding $2,500), stationery, furniture and repairs to the same, carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, fuel, lighting and heating; for the purchase, exchange, and care of horses and vehicles, to be used only for official purposes; freight and express charges, postage to foreign countries, telegraph and telephone service, typewriters and adding machines, including their exchange; repairs to the building occupied by the offices of the Secretary of Commerce and Labor; storage of documents belonging to the Bureau of Lighthouses, not to exceed $1,500, and for storage of documents belonging to the Bureau of Labor, not to exceed $750, street car tickets not exceeding $300; and all other miscellaneous items and necessary expenses not included in the foregoing, $60,000, and in addition thereto sums amounting to $66,500 shall be deducted from other appropriations made for the fiscal year 1913, and added to the appropriation "Contingent expenses, Department of Commerce and Labor," in order to facilitate the purchase through the central purchasing office as provided in the act of June 17, 1910 (Stat. L., vol. 36, p. 531), of certain supplies for bureaus and offices for which contingent and miscellaneous appropriations are specifically made as follows: General expenses, Lighthouse Service, $8,000; stationery, Bureau of the Census, $10,000; miscellaneous expenses, Bureau of the Census, $15,000; books and periodicals, Bureau of the Census, $500; contingent expenses, Steamboat-Inspection Service, $3,000; contingent expenses, shipping service, $500; instruments for measuring vessels and counting passengers, $500; expenses of regulating immigration, $13,500; equipment, Bureau of Standards, $1,000; general expenses, Bureau of Standards, $1,800; general expenses, Coast and Geodetic Survey, $4,200; miscellaneous expenses, Bureau of Fisheries, $8,500; and the said total sum of $126,500 shall be and constitute the appropriation for contingent expenses, Department of Commerce and Labor, to be expended through the central purchasing office (Division of Supplies), Department of Commerce and Labor, and shall also be available for objects and purposes of the several appropriations mentioned under the title "Contingent expenses, Department of Commerce and Labor," in this act.

For rent of buildings and parts of buildings in the District of Columbia for the use of the Department of Commerce and Labor, $50,000.

JUDICIAL.

Supreme Court: Chief Justice of the Supreme Court of the United States, $15,000; 8 Associate Justices, at $14,500 each; marshal, $4,500; 9 stenographic clerks, one for the Chief Justice and one for each Associate Justice, at not exceeding $2,000 each; in all, $153,500.

Circuit courts of appeals: Thirty-four circuit judges, at $7,000 each; 9 clerks of circuit courts of appeals, at $3,500 each; messenger, to act as librarian and crier, circuit court of appeals, eighth circuit, $3,000; in all, $272,500.

No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges.

District courts: Ninety-three district judges, at $6,000 each, $558,000.

District court, Territory of Hawaii: Two judges, at $6,000 each; clerk, $3,000; reporter, $1,200; $16,200.

Retired justices and judges: To pay the salaries of the United States justices and judges retired under section 714 of the Revised Statutes, so much as may be necessary for the fiscal year ending June 30, 1913, is hereby appropriated.

Court of Appeals, District of Columbia: Chief justice, $7,500; two associate justices, at $7,000 each; clerk, $3,250, and $250 additional as custodian of the court of claims building; assistant or deputy clerk, $2,250; reporter, $1,500; *Provided*, That the reports issued by him shall not be sold for more than $5 per volume; crier, who shall also act as stenographer and typewriter in the clerk's office when not engaged in court room, $1,000; 3 messengers, at $720 each; necessary expenditures in the conduct of the clerk's office, $1,000; 3 stenographers, 1 for the chief justice and 1 for each associate justice, at $1,200 each; in all $36,510, one-half of which shall be paid from the revenues of the District of Columbia: *Provided*, That on and after July 1, 1912, the fees collected by the clerk of the Court of Appeals, District of Columbia, shall be deposited in the Treasury, one-half to the credit of the District of Columbia.

Supreme Court, District of Columbia: Chief justice and 5 associate judges, at $6,000 each; 6 stenographers, 1 for the chief justice and 1 for each associate justice, at $900 each; in all, $41,400, one-half of which shall be paid from the revenues of the District of Columbia: *Provided*, That on and after July 1, 1912, the surplus fees collected by the clerk of the Supreme Court of the District of Columbia shall be deposited in the Treasury, one-half to the credit of the District of Columbia.

Commissioner, Yellowstone Park: Commissioner in Yellowstone National Park, $1,500. And the provisions of section 21 of the legislative, executive, and judicial appropriation act approved May 28, 1896, shall not be construed as impairing the right of said commissioner to receive said salary as herein provided.

Books for judicial officers: For the purchase and rebinding of law books of reference for United States judges, district attorneys, and other judicial officers, including the nine libraries of the United States circuit courts of appeals, to be expended under the direction of the Attorney General: *Provided*, That such books shall in all cases be transmitted to their successors in office; all books purchased thereunder to be plainly marked "The property of the United States," $16,000.

Court of Customs Appeals: Presiding judge and 4 associate judges, at $7,000 each; marshal, $3,000; clerk, $3,500; assistant clerk, $2,000; 5 stenographic clerks, at $1,600 each; stenographic reporter, $2,500; and messenger, $840; in all, $54,840.

For rent of necessary quarters in Washington, D. C., and elsewhere, $7,000; for necessary traveling expenses of members of the court and clerk, $330; for books, periodicals, and stationery, supplies, freight, telephone and telegraph, heat, light, and power service, drugs, chemicals, and cleansers, furniture, and printing; for pay of bailiffs and all other necessary employees not otherwise specifically provided for; and for such other miscellaneous expenses as may be approved by the presiding judge, $8,000; in all, $15,330.

Court of Claims: Chief justice, $6,500; 4 judges, at $6,000 each; chief clerk, $3,500; assistant clerk, $2,500; bailiff, $1,500; clerks—1 at $1,600; 2 at $1,400 each; 3 at $1,200 each; stenographer, $1,200; chief messenger, $1,000; 3 firemen; 3 watchmen; elevator conductor, $720; 2 assistant messengers; 2 laborers; 2 charwomen; in all, $56,480.

For auditors and additional stenographers, when deemed necessary, in the Court of Claims, and for a stenographer, at $1,600, for the chief justice, to be disbursed under the direction of the court, $6,000.

For stationery, court library, repairs, including repairs to bicycles, fuel, electric light, electric elevator, and other miscellaneous expenses, $3,900.

For reporting the decisions of the court and superintending the printing of the forty-seventh volume of the reports of the Court of Claims, $1,000, to be paid on the order of the court, notwithstanding section 1765 of the Revised Statutes or section 3 of the act of June 20, 1874.

For pay of a custodian of the building occupied by the Court of Claims, $500, to be paid on the order of the court, notwithstanding section 1765 of the Revised Statutes or section 3 of the act of June 20, 1874.

SEC. 2. The pay of telephone-switchboard operators, assistant messengers, firemen, watchmen, laborers, and charwomen provided for in this act, except those employed in mints and assay offices, unless otherwise specially stated, shall be as follows: For telephone-switchboard operators, assistant messengers, firemen, and watchmen, at the rate of $720 per annum each; for laborers, at the rate of $660 per annum each; assistant telephone-switchboard operators, at the rate of $600 each, and for charwomen, at the rate of $240 per annum each.

SEC. 3. That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated otherwise than temporarily for performing such service: *Provided*, That no part of any money appropriated in lump sum in this act shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the fiscal year 1912; nor shall any person employed at a specific salary under this act be transferred during the fiscal year 1913 and be paid from a lump-sum

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appropriation a rate of compensation greater than such specific salary and the heads of departments shall cause this provision to be enforced.

SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section: *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary.

Any person knowingly violating the provisions of this section shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than $1,000, or by imprisonment for not more than one year.

SEC. 5. That any person violating section 4 of the legislative, executive, and judicial appropriation act approved August 5, 1882 (Stat. L., vol. 22, p. 253), shall be summarily removed from office, and may also, upon conviction thereof, be punished by a fine of not more than $1,000, or by imprisonment for not more than one year.

SEC. 6. That in addition to the apportionment required by the so-called antideficiency act, approved February 27, 1906 (Stat. L., vol. 34, p. 49), the head of each executive department shall, on or before the beginning of each fiscal year, apportion to each office or bureau of his department the maximum amount to be expended therefor during the fiscal year out of the contingent fund or funds appropriated for the entire year for the department, and the amounts so apportioned shall not be increased or diminished during the year for which made, except upon the written direction of the head of the department, in which there shall be fully expressed his reasons therefor; and hereafter there shall not be purchased out of any other fund any article for use in any office or bureau of any executive department in Washington, D. C., which could be purchased out of the appropriations made for the regular contingent funds of such department or of its offices or bureaus.

SEC. 7. That no money appropriated by this or any other act shall be expended for telephone service installed in any private residence or private apartment or for tolls or other charges for telephone service from private residences or private apartments, except for long-distance telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed.

SEC. 8. That no money appropriated by this or any other act shall be used after the 1st day of October, 1912, for services in any executive department or other Government establishment at Washington, D. C., in the work of addressing, wrapping, mailing, or otherwise dispatching any publication for public distribution, except maps, weather reports, and weather cards issued by an executive department or other Government establishment at Washington, D. C., or for the purchase of material or supplies to be used in such work; and on and after October 1, 1912, it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Prior to October 1, 1912, each executive department and other Government establishment at Washington, D. C., shall transfer to the Public Printer such machines, equipment, and materials as are used in addressing, wrapping, mailing, or otherwise dispatching publications; and each head of such executive department and other Government establishment, at Washington, D. C., shall furnish, from time to time, to the Public Printer, mailing lists, in convenient form, and changes therein, or franked slips, for use in the public distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publication. The employment of all persons in the several executive departments and other Government establishments at Washington, D. C., wholly in connection with the duties herein transferred to the Public Printer, or whose services can be dispensed with or devolved upon another because of such transfer, shall cease and determine on or before the 1st day of October, 1912, and their salaries or compensation shall lapse for the remainder of the fiscal year 1913 and be covered into the Treasury. A detailed statement of all machines, equipment, and material transferred to the Government Printing Office by operation of this provision and of all employments discontinued shall be submitted to Congress at its next session by the head of each executive department and other Government establishments at Washington, D. C., in the annual estimates of appropriations: *Provided*, That nothing in this section shall be construed as applying to orders, instructions, directions, notices, or circulars of information, printed for and issued by any of the executive departments or other Government establishments, or to the distribution of public documents by Senators or Members of the House of Representatives, or to the folding rooms and documents rooms of the Senate or House of Representatives.

SEC. 9. That the Commerce Court created and established by the act entitled "An act to create a Commerce Court and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended and for other purposes," approved June 18, 1910, be, and the same hereby is, abolished and the jurisdiction vested in said Commerce Court by said act is hereby transferred to and vested in the several district courts of the United States.

All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of any of the judicial districts within which the original cause of action brought before the Interstate Commerce Commission arose, such district to be designated by the complainant; and the venue of all suits and proceedings hereafter brought to enforce, set aside, annul, or modify any order of the Interstate Commerce Commission shall be in any of the judicial districts within which the original cause of action brought before the commission arose.

The venue in suits brought to enforce an order for the payment of money shall be in the district court of the judicial district in which the complainant resides. The procedure in the district court in respect to cases of which jurisdiction is conferred upon them by this act shall be the same as that heretofore prevailing in the said Commerce Court and the right of appeal from the district courts in such cases shall be the same as the right of appeal heretofore prevailing under existing law from the Commerce Court. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any order made or entered by the Interstate Commerce Commission shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court, or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. When such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence, and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case; and upon the final hearing of any suit brought to annul, enjoin, or restrain any order of said commission the same requirement as to judges and the same procedure as to appeal shall apply. The provisions of this section shall also apply to the issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statute of a State. That in such case the notice required shall be served upon the defendants in the case, and upon the attorney general of the State. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases and all the records, papers, and proceedings shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases and all the records, papers, and proceedings then pending in the Commerce Court to said district courts.

SEC. 10. That until otherwise provided by law, the regular annual estimates of appropriations for expenses of the Government of the United States shall be prepared and submitted to Congress, by those charged with the duty of such preparation and submission, only in the form and at the time now required by law, and in no other form and at no other time.

SEC. 11. That all laws or parts of laws inconsistent with this act are repealed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from North Carolina to the amendment of the Committee on Appropriations.

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

The yeas and nays were ordered.

Mr. THORNTON. Mr. President, I voted against the abolition of the Commerce Court when the question was before the Senate heretofore for the reason that I believed the court served a most valuable public service in facilitating the disposition of cases that came from the Interstate Commerce Commission. I see no reason to change my opinion, and therefore I shall vote against the amendment offered by the Senator from North Carolina.

The Secretary proceeded to call the roll.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I transfer it to the senior Senator from Massachusetts [Mr. LODGE] and will vote. I vote "nay."

Mr. STONE (when his name was called). I have a pair with the Senator from Wyoming [Mr. CLARK], which I transfer to the junior Senator from Arkansas [Mr. DAVIS] and will vote. I vote "yea."

The roll call was concluded.

Mr. LIPPITT. I have a pair with the Senator from Tennessee [Mr. LEA], which I transfer to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. CULBERSON. I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. MARTINE of New Jersey. I desire to announce that my colleague [Mr. BRIGGS] is paired with the Senator from West Virginia [Mr. WATSON].

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Mr. WILLIAMS (after having voted in the affirmative). Forgetting for the moment my pair, I inadvertently voted. I am paired with the Senator from Pennsylvania [Mr. PENROSE]. I transfer the pair to the Senator from Maine [Mr. GARDNER] and will allow my vote to stand.

Mr. SHIVELY. I wish to announce the necessary absence of my colleague [Mr. KERN].

Mr. POMERENE. The Senator from Maine [Mr. JOHNSON] is necessarily absent, and I have been requested to announce his pair with my colleague, the senior Senator from Ohio [Mr. BURTON].

Mr. SMOOT. I desire to announce the absence from the city of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Maryland [Mr. RAYNER]. If my colleague were here, he would vote "nay." I wish this announcement to stand for the day.

Mr. LODGE. I understand that during my necessary absence I was paired with the Senator from Mississippi [Mr. PERCY]. I transfer the pair to the Senator from Tennessee [Mr. SANDERS] and will vote. I vote "nay."

Mr. CURTIS. I wish to announce that the Senator from Connecticut [Mr. BRANDEGEE] is paired with the Senator from New York [Mr. O'GORMAN]; that the Senator from New Jersey [Mr. BRIGGS] is paired with the Senator from West Virginia [Mr. WATSON]; that the Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN]; that the Senator from Ohio [Mr. BURTON] is paired with the Senator from Maine [Mr. JOHNSON]; that the Senator from Montana [Mr. DIXON] is paired with the Senator from Texas [Mr. BAILEY]; that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER]; that the Senator from Pennsylvania [Mr. PENROSE] is paired with the Senator from Mississippi [Mr. WILLIAMS]; that the Senator from Delaware [Mr. RICHARDSON] is paired with the Senator from South Carolina [Mr. SMITH]; that the Senator from New York [Mr. ROOT] is paired with the Senator from Indiana [Mr. KERN]; that the Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from Oklahoma [Mr. GORE]; that the Senator from Utah [Mr. SUTHERLAND] is paired with the Senator from Maryland [Mr. RAYNER].

The result was announced—yeas 35, nays 23, as follows:

YEAS—35.

Ashurst	Clapp	Martine, N. J.	Shively
Bacon	Crawford	Massey	Simmons
Bankhead	Culberson	Myers	Smith, Ariz.
Borah	Cummins	Nelson	Stone
Bourne	Fall	Newlands	Swanson
Bristow	Fletcher	Overman	Tillman
Bryan	Heyburn	Poindexter	Williams
Chamberlain	Johnston, Ala.	Pomerene	Works
Chilton	La Follette	Reed	

NAYS—23.

Burnham	Gallinger	Martin, Va.	Smoot
Catron	Jones	Oliver	Thornton
Crane	Lippitt	Page	Townsend
Cullom	Lodge	Perkins	Warren
Curtis	McCumber	Smith, Md.	Wetmore
Dillingham	McLean	Smith, Mich.	

NOT VOTING—36.

Bailey	Dixon	Johnson, Me.	Rayner
Bradley	du Pont	Kenyon	Richardson
Brandegee	Foster	Kern	Root
Briggs	Gamble	Lea	Sanders
Brown	Gardner	O'Gorman	Smith, Ga.
Burton	Gore	Owen	Smith, S. C.
Clark, Wyo.	Gronna	Paynter	Stephenson
Clarke, Ark.	Guggenheim	Penrose	Sutherland
Davis	Hitchcock	Percy	Watson

So Mr. OVERMAN'S amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WARREN. The amendment covers the entire matter to be included, so that the bill may be put on its passage.

The bill was reported to the Senate as amended, and the amendment was concurred in.

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

The bill was read the third time and passed.

THE PRESIDENTIAL TERM.

Mr. CUMMINS. Mr. President, I now ask the Senate to resume the consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. CLAPP. I will ask the Senator from Iowa if he would be willing to temporarily lay aside the unfinished business for the consideration of the bill relating to bills of lading?

Mr. CUMMINS. No, Mr. President; I do not feel that I can do that. I hope we can speedily reach a vote upon the joint resolution.

As it is printed there is a grammatical error in the amendment proposed by the committee which I desire to correct. On page 2, line 9, there is what is known as a divided infinitive, and I ask that the word "again" and the word "hold" be transposed, so that the line will read, "shall be eligible to hold again the office by election."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 9, in the committee amendment transpose the words "again" and "hold," so as to read:

Shall be eligible to hold again the office by election.

The amendment to the amendment was agreed to.

Mr. CUMMINS. Mr. President, the Constitution of the country, Article II, section 1, is as follows:

SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows—

I need not read further at this point, because the proposed amendment concerns only the paragraph I have read.

In order, however, fully to understand its scope, I read another paragraph from Article II:

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

It is known to all Senators that Congress has provided that in the event of the death, disability, removal, or resignation of both the President and the Vice President the succession shall be through the officers ordinarily known as Cabinet officers, beginning with the Secretary of State.

I now ask the Senate to listen to the reading of the proposed amendment.

The executive power shall be vested in a President of the United States of America. The term of the office of President shall be six years; and no person who has held the office by election, or discharged its powers or duties, or acted as President under the Constitution and laws made in pursuance thereof shall be eligible to hold again the office by election.

The President, together with the Vice President chosen for the same term, shall be elected as follows:

The effect of the amendment is to render ineligible for election to the office of President any person who has theretofore held the office, speaking broadly, whether by election, whether by succession as Vice President, or whether by succession under the act of Congress.

It involves a question which has been under debate for 125 years. It began in the Constitutional Convention of 1787 and has continued until the present time.

I do not intend upon this occasion to review the debate from the historical standpoint. I refrain from doing it for two reasons. First, I desire to be brief, for I can not think that at this time in the session it is appropriate to consume much time in the discussion of a question which has been well known to the American people during the whole period of our existence as a Republic.

My second reason is the more important one. I do not review the opinions of the men of former times in regard to this subject because, as much as I venerate the memories of the statesmanship of the earlier days, I do not attach great value to their opinions upon the subject. The people of the country have changed; the Government of the country has in a large measure changed; the influences surrounding a President of the United States have changed. The problems with which both the President and Congress are compelled to deal have changed. The duties and the responsibilities of a President have been marvelously transformed. We are living in a new age. I value the trained judgment of the men who now compose the Congress of the United States, taught by their observation, broadened by their experience, far more than I value the opinions of men, however wise, who lived under different conditions, and who looked at the Government from a standpoint which we can not occupy.

I would as soon consult the great patriots, the thinkers, and statesmen of the earlier days with respect to the regulation of railways, the control of corporations, the restriction of individual wealth, as I would with regard to the propriety of confining a President to one term. It is for us looking to the

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welfare of the people whom we serve, enlightened by all that has happened during the history of our country, to say whether we believe that the public good would be better attained through the limitation proposed in this joint resolution than through the custom which now prevails.

The President of the United States has more power than any other man in the world. I believe the statement I have just made will not be contradicted. I am sure that it can not successfully be overthrown. His general commission under the Constitution is to execute the laws made by Congress, interpreted by our courts. He appoints all the judges of the United States. Directly or indirectly he appoints, promotes, and demotes the nearly 400,000 men and women, exclusive of our military service, who are necessary to the maintenance and operation of our governmental functions. He is Commander in Chief of the Army and Navy and directs the movements of both. He appoints all the chief officers of the Army and the Navy without any limitation in law. He is the representative of the people of the country in their relations with foreign nations. He is always the chief figure of the Government and generally the leader of the political party to which he belongs.

It is manifest that in the discharge of these high, comprehensive duties and in the exercise of this vast power he should have an eye single to the general good. So far, I am sure, I am in accord with every thoughtful and patriotic man. He should exercise this power uninfluenced by fear or by favor. He should be as free from the temptations of ambition as he should be free from the coercion of influences that always surround one invested with great power.

We will assume that a President of the United States when he enters upon his office has been selected by reason of his great qualities, by reason of his unusual capacity, by reason of his recognized intelligence, by reason of his known devotion to the public welfare.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I do.

Mr. POMERENE. The amendment as proposed extends the terms for a period of six years. Am I right in assuming that if the amendment should be adopted at some period during the ensuing term—that is, the term after March 4—the amendment would not extend that particular term of office to six years?

Mr. CUMMINS. I think the Senator is right in so assuming.

Mr. POMERENE. That was the construction I placed upon it, but I confess that it is open to some little doubt.

Mr. CUMMINS. I think when the Senator looks at it carefully he will find there is no real doubt with regard to the construction of the joint resolution in that respect. It would not extend the term of the incumbent.

Mr. POMERENE. So it would apply only to an election after the amendment had gone into effect and not to the term of office at the time it was adopted?

Mr. CUMMINS. The Senator is quite right.

I have described in a very meager way the man who ought to be elected President of the United States, and I am very glad to say that the history of the American people furnishes us many instances in which such men have been elected to the high office. We will all agree, therefore, that this man, so equipped and so invested with this power, ought to be as free as possible from all the influences that would tend to divert him or withdraw him from the path of duty. He ought to be as free as men in a world like ours can be to discharge his duty, having no other thought save to faithfully and impartially execute the laws of the land and to thus advance the general interest.

He enters the office, we will assume, with these high ideals and these noble purposes. Instantly he begins to think—I use the word "instantly" in a comparative sense—of the time when he must be renominated and reelected. At once he begins to wonder whether the American people will by renominating him and reelecting him approve what he is doing or whether by refusing a renomination and a reelection they will disapprove what he has done.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I do.

Mr. CRAWFORD. May I ask the Senator from Iowa whether he thinks the fact that the President does realize that what he does must meet with the approval of the American people or meet with their disapproval is a bad influence hanging over him? On the other hand, is it not one of the strongest influences that can exist to give him a high purpose so his conduct may meet the approval of his fellow citizens?

Mr. CUMMINS. As is usual in every debate here, I have been asked to go forward to a part of my argument which I have not yet reached. The Senator from South Dakota must have realized that I intended to say something with regard to that phase of the subject before I finish, and I will deal with it as frankly and as candidly as it is possible to do.

I answer the question of the Senator from South Dakota at once by saying that the desire for the approval of good men is a motive for upright conduct. No one can question that conclusion.

But, Mr. President, I am not prepared to say that it is the most powerful or pervasive influence that can surround an occupant of the office of President of the United States, nor that it is the influence that always commands the conduct of a President or any other official of this or any other country.

As I was remarking, it is the most natural thing in the world that the moment the President is embarked upon his office he begins to think of the future. He begins to plan for reinstallation in the same office at the end of the term which he is serving. I am not criticizing anybody for so thinking It is just as inevitable as it is to breathe. We can not divest ourselves of these natural impulses, and, therefore, the very best man in the world is susceptible to the influence I have just suggested.

He begins to make his appointments. Do you think that it is possible for any President of the United States, I care not how men may have idealized him, I care not how upright his instinctive purposes are, to keep his eye single upon the public welfare in the selection of men who are to cooperate with him in the maintenance of the Government and forget his ambitions?

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield.

Mr. BORAH. If we are to assume that the basis of correct conduct of this country is in accordance with the consensus of opinion of 90,000,000 people, then the thing which he ought to do is to keep his mind attentive upon the thoughts and views of that 90,000,000 people in order to know that he is serving the public.

Mr. CUMMINS. Undoubtedly, Mr. President. The Senator from Idaho has stated a fundamental proposition. That is the very thing that we desire to accomplish. We want him free from every disturbing interest and every diverting ambition so that he may look upon the good of these 90,000,000 people and look upon nothing else. We do not want him to be recalling to his mind the convention that comes near the end of his first term. We do not want him to be considering how he may secure delegates to that convention. We do not want him to be remembering how efficient a postmaster may be, or a marshal may be, or any other officer necessary to carry on the operations of the Government may be. We want him to remember just one thing, and that is that he has the laws of this country to execute, that they are made, or ought to be made, for the welfare and the benefit of all the people, without any undue benefit or advantage to any one of them. It is not for him to usurp the power or the jurisdiction of Congress. It is for him to take the laws which Congress has made and the Constitution which the people have made and with them protect and defend all the people of the United States without any discrimination whatsoever; and what we desire I am sure is to so change our Constitution that the President may be turned aside in the least possible degree from this high performance of his duty.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. CLAPP. The Senator from Iowa recognizes, I take it, that there is as a part of our condition now a force that is prone to secure policies that are adverse to the best interests of the entire public.

Mr. CUMMINS. I think that there are such influences surrounding all men.

Mr. CLAPP. If it is true that a man in that office can not keep his eye off from the advantage that comes to him from the influence of his power in the matter of again meeting the approval of the people, and it is necessary to withdraw his vision from that line of advantage to himself by making a prohibition against his again asking the approval of the people, is he not of that character, of that make-up, that without any in-

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greatest profit to themselves are not Presidents of the United States but Members of the Senate.

Let the President make appointments of marshals and revenue collectors and different officers in the State of one of those Senators, without advising with Senators, and then ask the Senate to confirm the nomination, and he is in a hornets' nest immediately. Plead guilty on both sides of this Chamber. Why? Because Members of the Senate want to exercise power in regard to that patronage, for their own purposes; and yet we, as Senators, propose to remain here during six years, and to get reelected as often as we can, and to hold office in this body all our lives, if we can, while claiming that the public welfare demands that the President of the United States, who uses this patronage in nine cases out of ten for the purpose of assisting the Members of this body or of the other body rather than himself, shall be ineligible to remain in office more than four years or six years.

To my mind it is ludicrous when you look at the real facts in relation to it. I undertake to say that so far as concerns Presidents of the United States, when it comes to the real question whether or not they shall receive the approval of the American people for reelection, patronage has been a curse to them rather than a help. It has been a leaden weight which has taken them down to defeat more often than it has been the means of lifting them to successful results.

The PRESIDENT pro tempore. Will the Senator from South Dakota suspend for a moment in order that the Senate may receive a message from the House of Representatives?

Mr. CRAWFORD. Certainly.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 26321) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, with his objections thereto, the House had proceeded, in pursuance of the Constitution, to reconsider the same and had passed the bill by a two-thirds vote, the objections of the President to the contrary notwithstanding.

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. 3045. An act to provide for agricultural entries on oil and gas lands;

S. 4301. An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material;

S. 4679. An act to amend section 95 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

S. 5458. An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River;

S. 5556. An act to amend an act to create an auditor of railroad accounts, and for other purposes, approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes;

S. 5679. An act to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910;

S. 5808. An act granting right of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington;

S. 6777. An act to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake at Conway, S. C.;

S. 7209. An act to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.;

S. 7315. An act to authorize the construction of a bridge across the Clearwater River at a point within the corporate limits of the city of Lewiston, Idaho;

H. R. 38. An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes;

H. R. 11877. An act to amend section 8 of the food and drugs act approved June 30, 1906;

H. R. 20362. An act granting a pension to Catherine Wise;

H. R. 24016. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 24224. An act to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909;

H. R. 24565. An act making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 26099. An act authorizing the towns of Ball Bluff, Libbey, and Cornish, in the county of Aitken, Minn., to construct a bridge across the Mississippi River in Aitken County, Minn.;

H. R. 26235. An act to authorize the city of Chicago to construct a bridge across the Little Calumet River at Indiana Avenue, in said city; and

H. R. 26236. An act conferring upon the Lawton Railway & Lighting Co. the privileges, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
August 21, 1912.

The President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 26321) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same. Together with said bill is transmitted to the Senate the objections of the President thereto.

Mr. WARREN. Mr. President, the matter before the Senate which has just come from the House is, of course, important and should be considered without delay. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested. The roll will be called.

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

Ashurst	Cummins	Myers	Smith, Md.
Bradley	Dillingham	Nelson	Smith, S. C.
Brandegee	du Pont	Newlands	Smoot
Briggs	Fletcher	Oliver	Stone
Bristow	Gallinger	Overman	Swanson
Bryan	Guggenheim	Page	Thornton
Burnham	Heyburn	Perkins	Tillman
Catron	Johnston, Ala.	Pomerene	Townsend
Clapp	Jones	Root	Warren
Clarke, Ark.	La Follette	Sanders	Wetmore
Crane	Lippitt	Shively	Williams
Crawford	McCumber	Simmons	Works
Culberson	Martin, Va.	Smith, Ariz.	
Cullom	Martine, N. J.	Smith, Ga.	

Mr. SMOOT. I desire to announce the absence from the city of my colleague [Mr. SUTHERLAND]. He has a general pair with the Senator from Maryland [Mr. RAYNER]. I also desire to announce the unavoidable absence of the senior Senator from Ohio [Mr. BURTON].

The PRESIDENT pro tempore. Fifty-four Senators have answered to the roll call. A quorum of the Senate is present. The question is, Shall the bill pass, the objection of the President to the contrary notwithstanding?

It has been the custom, and it is very likely the duty, of the Senate to have the bill and the message printed in the RECORD and in the Journal of the Senate, and if there be no objection, that order will be made without the reading of the bill and the message.

The message of the President of the United States and the bill are as follows:

To the House of Representatives:

I return herewith H. R. 26321, an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes," without my approval, because the bill still contains in section 9 a provision for the repeal of the act establishing the Commerce Court.

My objections to this repeal are stated in my message returning without approval H. R. 24023, communicated to the House of Representatives on August 15 last.

WM. H. TAFT.

THE WHITE HOUSE, *August 21, 1912.*

An act (H. R. 26321) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise

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appropriated, in full compensation for the service of the fiscal year ending June 30, 1913, for the objects hereinafter expressed, namely:

LEGISLATIVE.

SENATE.

For compensation of Senators, $720,000.

For mileage of Senators, $51,000.

For compensation of the officers, clerks, messengers, and others in the service of the Senate, namely:

Office of the Vice President: Secretary to the Vice President, $4,000; messenger, $1,440; telegraph operator, $1,500; telegraph page, $600; in all, $7,540.

Chaplain: For Chaplain of the Senate, $1,200.

Office of Secretary: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of the contingent fund of the Senate, $6,500; hire of horse and wagon for the Secretary's office, $420; assistant secretary, Henry M. Rose, $5,000; chief clerk, $3,250; financial clerk, $3,000 and $1,250 additional while the office is held by the present incumbent; minute and Journal clerk, principal clerk, reading clerk, and enrolling clerk, at $3,000 each; executive clerk, and assistant financial clerk, at $2,750 each; librarian, file clerk, chief bookkeeper, assistant Journal clerk, 2 clerks, printing clerk, and clerk compiling a history of revenue bills, at $2,500 each; first assistant librarian, $2,400; keeper of stationery, $2,400; compiler of Navy Yearbook and Senate report on river and harbor bill, Woodbury Pulsifer, $2,220; indexer for Senate public documents, and 2 clerks, at $2,220 each; 2 clerks, at $2,100 each; assistant librarian, $1,800; assistant librarian, $1,600; skilled laborer, $1,200; clerk, $1,800; clerk, $1,600; assistant keeper of stationery, $2,000; assistant in stationery room, $1,200; messenger, $1,440; assistant messenger, $1,200; 3 laborers, at $840 each; 3 laborers, at $720 each; laborer in stationery room, $720; in all, $94,040.

Document room: Superintendent, George H. Boyd, $3,000; 2 assistants, at $2,250 each; assistant, $1,440; 2 clerks, at $1,440 each; skilled laborer, $1,200; in all, $13,020.

Clerks and messengers to committees: Clerk to the Committee on Additional Accommodations for the Library of Congress, $2,220, messenger, $1,440; clerk to the Committee on Agriculture and Forestry, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Appropriations, $4,000, 2 assistant clerks, at $2,500 each, 2 assistant clerks, at $1,440 each, messenger, $1,440, laborer, $720; clerk to the Committee to Audit and Control the Contingent Expenses of the Senate, $2,500, messenger, $1,440, messenger, $1,200; clerk to the Committee on Canadian Relations, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Census, $2,220, assistant clerk, $1,200, messenger, $1,440; clerk to the Committee on Civil Service and Retrenchment, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Claims, $2,500, assistant clerk, $2,000, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Coast and Insular Survey, $2,220, messenger, $1,440; clerk to the Committee on Coast Defenses, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Commerce, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Conference Minority of the Senate, $2,220, assistant clerk, $1,800, messenger, $1,200; clerk to the Committee on Conservation of National Resources, $2,220, assistant clerk, $1,200, messenger, $1,440; clerk to the Committee on Corporations Organized in the District of Columbia, $2,220, messenger, $1,440; clerk to the Committee on Cuban Relations, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Disposition of Useless Papers in the Executive Departments, $2,220, messenger, $1,440; clerk to the Committee on the District of Columbia, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Education and Labor, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Engrossed Bills, $2,220; messenger, $1,440; clerk to the Committee on Enrolled Bills, $2,220, assistant clerk, $1,440; clerk to the Committee to Examine the Several Branches of the Civil Service, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Department of Agriculture, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Department of Commerce and Labor, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Interior Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Department of Justice, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Expenditures in the Navy Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Post Office Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Department of State, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Treasury Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the War Department, $2,220, messenger, $1,440, messenger, $1,200; clerk and stenographer to the Committee on Finance, $3,000, assistant clerk, $2,220, assistant clerk, $1,600, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Fisheries, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on the Five Civilized Tribes of Indians, $2,220, messenger, $1,440; clerk to the Committee on Foreign Relations, $2,500, assistant clerk, $2,220, messenger, $1,440; clerk to the Committee on Forest Reservations and the Protection of Game, $2,220, messenger, $1,440; clerk to the Committee on the Geological Survey, $2,220, messenger, $1,440; clerk to the Committee on Immigration, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Indian Affairs, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Indian Depredations, $2,220, messenger, $1,440; clerk to the Committee on Industrial Expositions, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Interoceanic Canals, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Interstate Commerce, $2,500, 2 assistant clerks, at $1,800 each, messenger, $1,440; clerk to the Committee to Investigate Trespassers on Indian Lands, $2,220, messenger, $1,440; clerk to the Committee on Irrigation and Reclamation of Arid Lands, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Judiciary, $2,500, assistant clerk, $2,220, 2 assistant clerks, at $1,800 each, messenger, $1,440; clerk to the Joint Committee on the Library, $2,500, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Manufactures, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Military Affairs, $2,500, assistant clerk, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Mines and Mining, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Mississippi River and its Tributaries, $2,220, messenger, $1,440; clerk to the Committee on National Banks, $2,220, messenger, $1,440; clerk to the Committee on Naval Affairs, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Pacific Islands and Porto Rico, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Pacific Railroads, $2,220, messenger, $1,440; clerk to the Committee on Patents, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Pensions, $2,500, assistant clerk, $1,800, 3 assistant clerks, at $1,440 each, messenger, $1,440; clerk to the Committee on the Philippines, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Post Offices and Post Roads, $2,500, 3 assistant clerks, at $1,440 each, messenger, $1,440; clerk of printing records, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Private Land Claims, $2,220, assistant clerk, $1,800; clerk to the Committee on Privileges and Elections, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Public Buildings and Grounds, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Public Health and National Quarantine, $2,220, assistant clerk, $1,440; clerk to the Committee on Public Lands, $2,500, assistant clerk, $1,800, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Railroads, $2,220, messenger, $1,440; clerk to the Committee on Revolutionary Claims, $2,220, messenger, $1,440; clerk to the Committee on Rules, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Standards, Weights, and Measures, $2,220, messenger, $1,440; clerk to the Committee on Territories, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Transportation and Sale of Meat Products, $2,220, messenger, $1,440; clerk to the Committee on Transportation Routes to the Seaboard, $2,220, messenger, $1,440; clerk to the Committee on the University of the United States, $2,220, messenger, $1,440; clerk to the Committee on Woman Suffrage, $2,220, messenger, $1,440; in all, $370,940.

Office of Sergeant at Arms and Doorkeeper: Sergeant at Arms and Doorkeeper, $6,500; horse and wagon for his use, $420, or so much thereof as may be necessary; Assistant Sergeant at Arms, $2,500; Assistant Doorkeeper, $2,592; Acting Assistant Doorkeeper, $2,592; 4 messengers, acting as assistant doorkeepers, at $1,800 each; 37 messengers, at $1,440 each; 2 messengers on the floor of the Senate, at $2,000 each; messenger at card door, $1,600; clerk on Journal work for CONGRESSIONAL RECORD, to be selected by the official reporters, $2,000; storekeeper, $2,220; upholsterer and locksmith, $1,440; cabinetmaker, $1,200; 3 carpenters, at $1,080 each; janitor, $1,200; 4 skilled laborers, at $1,000 each; skilled laborer, $900; laborer in charge of private passage, $840; 3 female attendants in charge of ladies' retiring room, at $720 each; chief telephone operator, $1,200; 2 telephone operators, at $900 each; night telephone operator, $720; telephone page, $720; superintendent of press gallery, $1,800; assistant superintendent of press gallery, $1,400; laborer, $840; 27 laborers, at $720 each; 16 pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $4,800; in all, $132,604.

For the following for Senate Office Building under the Sergeant at Arms, namely: Stenographer in charge of furniture accounts and keeper of furniture records, $1,200; 2 messengers, at $1,440 each; attendant in charge of bathing rooms, $1,800; 2 attendants in bathing rooms, at $720 each; 3 attendants to women's toilet rooms, at $720 each; janitor for bathing rooms, $720; 2 messengers acting as mail carriers, at $1,200 each; and messenger for service to the press correspondents, $900; in all, $13,500.

For police force for Senate Office Building under the Sergeant at Arms, namely: For 16 privates, at $1,050 each; 1 special officer, $1,200; $18,000.

Post office: Postmaster, $2,250; chief clerk, $1,800 (deficiency act July 21, 1911); 6 mail carriers and 1 wagon master, at $1,200 each; 3 riding pages, at $912.50 each; in all, $15,187.50.

Folding room: Assistant, $1,400; clerk, $1,200; foreman, $1,400; 6 folders, at $1,000 each; 8 folders, at $840 each; in all, $16,720.

Under Superintendent of the Capitol Building and Grounds: Chief engineer, $2,160; assistant engineer and electrician, $1,800; 3 assistant engineers, at $1,440 each; 10 conductors of elevators, at $1,200 each; 2 machinists and electricians, at $1,400 each; 4 laborers, at $720 each; laborer in charge of Senate toilet rooms in old library space, $660; attendant for service in old library portion of the Capitol, $1,500; in all, $28,120.

For the following for the Senate Office Building, under the Superintendent of the Capitol Building and Grounds, subject to the control and supervision of the Senate Committee on Rules, namely: Fourteen elevator conductors, at $1,200 each; in all, $16,800.

Clerks to Senators: For 35 annual clerks to Senators who are not chairmen of committees, at $2,000 each, $70,000.

Stenographers to Senators: For 22 stenographers to Senators who are not chairmen of committees, and 3 stenographers to the chairmen of the three junior minority committees, at $1,200 each, $30,000.

Contingent expenses, namely: For stationery for Senators and the President of the Senate, including $6,000 for stationery for committees and officers of the Senate, $18,125.

For postage stamps for the office of the Secretary of the Senate, $200; for the office of the Sergeant at Arms, $150; in all, $350.

For expenses of maintaining and equipping horses and mail wagons for carrying the mails, $6,000, or so much thereof as may be necessary.

For materials for folding, $2,000.

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $8,000.

For fuel and advertising, exclusive of labor, $2,500.

For purchase of furniture, $8,500.

For materials for furniture and repairs of same, exclusive of labor, $3,000.

For services in cleaning, repairing, and varnishing furniture, $2,000.

For packing boxes, $970.

For miscellaneous items, exclusive of labor, $50,000.

For rent of warehouse for storage of public documents for the Senate, $3,600, and authority is hereby given to use any part or all of said sum for moving documents contained in said warehouse to buildings owned by the Government.

For miscellaneous items on account of the Maltby Building, $17,280.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $25,000.

For reporting the debates and proceedings of the Senate, $30,000, payable in equal monthly installments.

To enable the Postmaster of the Senate to keep a constant supply of postage stamps for sale to Senators, $200.

The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and is placed under the administration of the Librarian of Congress, and the sum of $500, or so much thereof as may be necessary, is hereby appropriated for the purpose of moving the books and the present stacks and shelving to the Library of Congress.

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shall not be purchased out of any other fund any article for use in any office or bureau of any executive department in Washington, D. C., which could be purchased out of the appropriations made for the regular contingent funds of such department or of its offices or bureaus.

SEC. 7. That no money appropriated by this or any other act shall be expended for telephone service installed in any private residence or private apartment or for tolls or other charges for telephone service from private residences or private apartments, except for long-distance telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed.

SEC. 8. That no money appropriated by this or any other act shall be used after the 1st day of October, 1912, for services in any executive department or other Government establishment at Washington, D. C., in the work of addressing, wrapping, mailing, or otherwise dispatching any publication for public distribution, except maps, weather reports, and weather cards issued by an executive department or other Government establishment at Washington, D. C., or for the purchase of material or supplies to be used in such work; and on and after October 1, 1912, it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Prior to October 1, 1912, each executive department and other Government establishment at Washington, D. C., shall transfer to the Public Printer such machines, equipment, and materials as are used in addressing, wrapping, mailing, or otherwise dispatching publications; and each head of such executive department and other Government establishment at Washington, D. C., shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, or franked slips, for use in the public distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publication. The employment of all persons in the several executive departments and other Government establishments at Washington, D. C., wholly in connection with the duties herein transferred to the Public Printer, or whose services can be dispensed with or devolved upon another because of such transfer, shall cease and determine on or before the 1st day of October, 1912, and their salaries or compensation shall lapse for the remainder of the fiscal year 1913 and be covered into the Treasury. A detailed statement of all machines, equipment, and material transferred to the Government Printing Office by operation of this provision and of all employments discontinued shall be submitted to Congress at its next session by the head of each executive department and other Government establishments at Washington, D. C., in the annual estimates of appropriations: *Provided*, That nothing in this section shall be construed as applying to orders, instructions, directions, notices, or circulars of information, printed for and issued by any of the executive departments or other Government establishments or to the distribution of public documents by Senators or Members of the House of Representatives or to the folding rooms and documents rooms of the Senate or House of Representatives.

SEC. 9. That the Commerce Court created and established by the act entitled "An act to create a Commerce Court and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended and for other purposes," approved June 18, 1910, be, and the same hereby is, abolished and the jurisdiction vested in said Commerce Court by said act is hereby transferred to and vested in the several district courts of the United States.

All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of any of the judicial districts within which the original cause of action brought before the Interstate Commerce Commission arose, such district to be designated by the complainant; and the venue of all suits and proceedings hereafter brought to enforce, set aside, annul, or modify any order of the Interstate Commerce Commission shall be in any of the judicial districts within which the original cause of action brought before the commission arose.

The venue in suits brought to enforce an order for the payment of money shall be in the district court of the judicial district in which the complainant resides. The procedure in the district court in respect to cases of which jurisdiction is conferred upon them by this act shall be the same as that heretofore prevailing in the said Commerce Court and the right of appeal from the district courts in such cases shall be the same as the right of appeal heretofore prevailing under existing law from the Commerce Court. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any order made or entered by the Interstate Commerce Commission shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court, or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. When such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence, and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case; and upon the final hearing of any suit brought to annul, enjoin, or restrain any order of said commission the same requirement as to judges and the same procedure as to appeal shall apply. The provisions of this section shall also apply to the issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statute of a State. That in such case the notice required shall be served upon the defendants in the case, and upon the attorney general of the State. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases and all the records, papers, and proceedings shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days ofter the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases and all the records, papers, and proceedings then pending in the Commerce Court to said district courts.

SEC. 10. That until otherwise provided by law, the regular annual estimates of appropriations for expenses of the Government of the United States shall be prepared and submitted to Congress, by those charged with the duty of such preparation and submission, only in the form and at the time now required by law, and in no other form and at no other time.

SEC. 11. That all laws or parts of laws inconsistent with this act are repealed.

The PRESIDENT pro tempore. The roll will be called on the question of passing the bill the objections of the President to the contrary notwithstanding.

The Secretary proceeded to call the roll.

Mr. THORNTON (when Mr. FOSTER's name was called). Again announcing the necessary absence of my colleague [Mr. FOSTER], I will say in addition that on this question he is paired with the Senator from Tennessee [Mr. LEA] and with the Senator from Indiana [Mr. KERN]. If my colleague were present, he would vote "nay."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER]. That pair has been taken care of by another arrangement, and I therefore am at liberty to vote. I vote "nay."

Mr. POMERENE (when the name of Mr. JOHNSON of Maine was called). I desire to announce the necessary absence of the Senator from Maine [Mr. JOHNSON], and I have been requested to announce that on this bill the senior Senator from Ohio [Mr. BURTON] is paired with the senior Senator from Maine [Mr. JOHNSON] and the junior Senator from Iowa [Mr. KENYON].

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is unavoidably absent. He is paired as already announced. If he were present, he would vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], but on veto questions I am relieved from that pair. I therefore feel at liberty to vote. I vote "nay."

Mr. SMOOT (when Mr. LODGE's name was called). I desire to state that the Senator from Massachusetts [Mr. LODGE] is paired upon this question with the Senator from Kentucky [Mr. PAYNTER] and the Senator from West Virginia [Mr. WATSON].

Mr. McCUMBER (when his name was called). I am relieved by my pair, and so I am at liberty to vote on this question. I vote "nay."

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH]. He is absent. I have agreed with him that upon this question I will not vote. If I were at liberty to vote, I would vote "yea."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent on account of illness. He is paired on this question with the junior Senator from Nebraska [Mr. HITCHCOCK] and the junior Senator from Maine [Mr. GARDNER].

Mr. ROOT (when his name was called). I have a pair with the Senator from Indiana [Mr. KERN]. It does not apply, however, to a vote where two-thirds are required, and I accordingly vote. I vote "nay."

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. That pair has been transferred to the senior Senator from Kentucky [Mr. PAYNTER] and the Senator from West Virginia [Mr. WATSON]. Therefore I will vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH] is necessarily absent from the city. As has been stated by the junior Senator from Missouri [Mr. REED], he is paired on this question with that Senator.

Mr. SMITH of South Carolina (when his name was called). I have a pair with the Senator from Delaware [Mr. RICHARD-

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SON], and I transfer it to the Senator from Maine [Mr. GARDNER] and the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "aye."

Mr. SMOOT (when the name of Mr. STEPHENSON was called). I desire to announce the unavoidable absence of the Senator from Wisconsin [Mr. STEPHENSON]. He has a general pair with the Senator from Oklahoma [Mr. GORE].

Mr. STONE (when his name was called). I have a pair with the Senator from Wyoming [Mr. CLARK], which I transfer to the senior Senator from Mississippi [Mr. PERCY] and the junior Senator from Arkansas [Mr. DAVIS] and will vote. I vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). I desire to announce the absence from the city of my colleague [Mr. SUTHERLAND] and that he has a pair on this question with the Senator from West Virginia [Mr. CHILTON] and the Senator from Maryland [Mr. RAYNER].

Mr. WARREN (when his name was called). My general pair with the Senator from Louisiana [Mr. FOSTER] has been transferred as announced by his colleague. Therefore I will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a standing pair with the Senator from Pennsylvania [Mr. PENROSE]. If he were present and I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. BORAH. The Senator from Montana [Mr. DIXON] and I have a pair with the Senator from Texas [Mr. BAILEY]. If the Senator from Texas were present, I understand he would vote "nay." The Senator from Montana and I would vote "yea."

Mr. MYERS. I will ask if the Senator from Connecticut [Mr. MCLEAN] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. MYERS. I have a general pair with the Senator from Connecticut. If I were at liberty to vote, I should vote "yea," and I take it that I am not therefore in a position to demand a double pair with anyone on the other side who would probably vote "nay." Therefore I feel bound, having given no notice of any intention of dissolving the pair, to withhold my vote.

Mr. CHILTON (after having voted in the affirmative). I inadvertently voted. I desire to withdraw my vote for the reason that I have a pair with the Senator from Utah [Mr. SUTHERLAND], the Senator from Maryland [Mr. RAYNER] and myself constituting the two.

Mr. BRIGGS (after having voted in the negative). In casting my vote I inadvertently failed to call attention to the fact that my pair with the Senator from West Virginia [Mr. WATSON] has been transferred, he being paired with the Senator from Massachusetts [Mr. LODGE].

Mr. WARREN. I desire to announce the necessary absence of my colleague [Mr. CLARK], who is paired as stated by the Senator from Missouri [Mr. STONE].

Mr. SMOOT. I desire to announce the absence from the city of the Senator from Nebraska [Mr. BROWN]. He has a general pair with the Senator from Oklahoma [Mr. OWEN].

Mr. LA FOLLETTE. I wish to announce that the junior Senator from North Dakota [Mr. GRONNA] is unavoidably absent. If present, he would vote "yea."

Mr. DU PONT. In making the announcement I did in respect to my colleague, I believe I omitted to state that if he were present and free to vote, he would vote "nay."

Mr. SHIVELY. I wish to announce that my colleague [Mr. KERN] is unavoidably absent from the Chamber on account of sickness in his family. He is paired with the senior Senator from New York [Mr. ROOT]. Were he present, he would vote "yea."

Mr. SMOOT. I desire to announce the unavoidable absence on account of sickness in his family of the Senator from South Dakota [Mr. GAMBLE].

Mr. MYERS. In view of the announcement by the Senator from Wisconsin [Mr. LA FOLLETTE] that the Senator from North Dakota [Mr. GRONNA], if present, would vote "yea," I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from North Dakota [Mr. GRONNA] and will vote. I vote "yea."

The roll call resulted—yeas 34, nays 27, as follows:

YEAS—34.

Ashurst	Crawford	Nelson	Smith, Ga.
Bacon	Culberson	Newlands	Smith, Md.
Bankhead	Cummins	O'Gorman	Smith, S. C.
Bourne	Fletcher	Overman	Stone
Bristow	Johnston, Ala.	Poindexter	Swanson
Bryan	La Follette	Pomerene	Tillman
Chamberlain	Martin, Va.	Shively	Works
Clapp	Martine, N. J.	Simmons	
Clarke, Ark.	Myers	Smith, Ariz.	

NAYS—27.

Bradley	Curtis	Lippitt	Sanders
Brandegee	Dillingham	McCumber	Smoot
Briggs	du Pont	Massey	Thornton
Burnham	Gallinger	Oliver	Townsend
Catron	Guggenheim	Page	Warren
Crane	Heyburn	Perkins	Wetmore
Cullom	Jones	Root	

NOT VOTING—33.

Bailey	Foster	Lea	Richardson
Borah	Gamble	Lodge	Smith, Mich.
Brown	Gardner	McLean	Stephenson
Burton	Gore	Owen	Sutherland
Chilton	Gronna	Paynter	Watson
Clark, Wyo.	Hitchcock	Penrose	Williams
Davis	Johnson, Me.	Percy	
Dixon	Kenyon	Rayner	
Fall	Kern	Reed	

The PRESIDENT pro tempore. On the question, Shall the bill pass, the objections of the President to the contrary notwithstanding? the yeas are 34, the nays 27; not two-thirds; and the bill fails of passage.

THE PRESIDENTAL TERM.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. CRAWFORD. I was remarking, Mr. President, that there is no claim with reference to the abuse by an ambitious man in the office of Chief Magistrate of patronage for the purpose of securing another term of office that does not apply with practically the same force against Members of the Senate and Members of the other House, and that in fact the power of patronage is more directly used by Members of Congress to secure themselves in tenure of office than by the President to secure himself in office, and with greater effect. It is a question whether it does not more often injure both than it helps them. But the question of abuses connected with the distribution of patronage can be reached in an effective fashion in other ways rather than by impairing, as I think, the public service by limiting the service of a President of the United States to a term of four or six years.

Mr. President, experience is valuable in any field of activity. The most valuable asset any man can have in an energetic life is experience. When he has an experience that his competitor has not, his advantage is certainly very great. Take the Members of the Senate who have been here term after term for 18 and 24 years, and who have been so long in this service that all the details of governmental affairs are as familiar to them as the most common everyday experiences in life. Does anyone undertake to discount the value of that experience to the public when applied here by honest men? A tried and true man of long experience in one of these departments, who has become an expert, familiar with all its details, brings to bear in the solution of every question that comes before him an experience that has encountered difficulties of that kind before time and again.

Does anyone undertake to say that we can lightly throw aside all the result of the years of experience in public service, and do it in the interest of the public welfare, by exchanging such a man for a raw recruit who has had no opportunity to become acquainted with the vast, multifarious business affairs, for that is what they are, connected with the administration of a great Republic like this? Experience is just as valuable and necessary in the conduct of public affairs as it is in the conduct of private business affairs. Take it in the great industrial concerns of the United States, which are the marvel of the world and are commanded by the men of genius of the world; take the trained, skilled man who is responsible, who has a desire to meet the approval of the men who put their capital into his hands and who have their all invested in the business; he has wanted to secure their support and he has been there for a long term, acquainted everywhere, with his hand on the lever, knowing how it should be conducted. Would you help the conduct of that business by making a change in that place every four years and trying an experiment, because necessarily it would be an experiment, with a new man? Would you say running that risk was in the interest of the public?

You can take the illustrious names of the great characters who have added to the glory of the Republic in this Chamber, your Calhoun, your Clay, your Webster, your Benton, all these great figures served here for nearly a lifetime. The men who came in here and served one term have disappeared. You will find their names in the Directory as you would find names in an almanac, and you do not know who they are until you look them up because they came and went; their career was too short for them to be of substantial service. They never got in touch with the work of public life. They never were able to develop with experience and become intrenched in the service so as to render that character of service which the Republic demands.

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"SEC. 2. That it shall be unlawful for any individual or person to contribute money or other thing of value exceeding in value $5,000 in connection with the nomination of electors for President and Vice President or the nomination of President and Vice President, Senator, or Representative in Congress, or in connection with the election of any of said officers: *Provided*, That this section shall not apply to individuals or persons who at such convention, primary, or election are candidates for President, Vice President, Representative, or Senator. Every individual or person who shall make any contribution in violation of the provisions of this section shall, upon conviction thereof, be punished by a fine not to exceed $10,000, or by imprisonment for a term not more than two years, or by both such fine and imprisonment, in the discretion of the court.

"SEC. 3. That all laws or parts of laws in conflict herewith are hereby repealed."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Minnesota [Mr. CLAPP] will be read.

The SECRETARY. Amend by adding at the end of section 2 the following:

The provisions of the act entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, 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,'" approved August 19, 1911, are hereby made applicable to the provisions of this act.

Mr. CUMMINS. Mr. President, I rise to a question of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CUMMINS. There is an agreement by unanimous consent that, following the action of the Senate on the unfinished business, the joint resolution to amend the Constitution, and so forth, the Senate will proceed to consider Senate bill No. 3. I beg pardon; I observe that it is a special order set down by a unanimous-consent agreement. The point of order I was about to make is not well taken.

The PRESIDENT pro tempore. The yeas and nays have been ordered on the motion of the Senator from Texas to proceed to the consideration of the bill which has been read.

Mr. PAGE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. PAGE. The unanimous-consent agreement, made yesterday, I think, was that when Senate joint resolution No. 78 was concluded, Senate bill No. 3 would be taken up. That was not a motion. It was a request for unanimous consent, as the RECORD will show, and it was agreed to. I ask as a parliamentary inquiry whether that agreement by unanimous consent has been displaced?

The PRESIDENT pro tempore. The Senate has taken no action as yet. The unfinished business is still before the Senate undisposed of, and the unanimous-consent agreement stands at present unchanged. The question is on the motion made by the Senator from Texas.

Mr. OVERMAN. Mr. President, a parliamentary inquiry. If we should take up the bill which has been read and displace the joint resolution which the Senator from Iowa has in charge, proposing a constitutional amendment, would the unanimous-consent agreement then become operative for Senate bill No. 3, which the Senator from Vermont has in charge?

The PRESIDENT pro tempore. The Chair will answer that when the time arrives. The Chair will not undertake to answer it in advance.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Idaho suggests the absence of a quorum. The roll will be called.

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

Ashurst	Crawford	Massey	Smith, Ariz.
Bacon	Culberson	Myers	Smith, Ga.
Borah	Cullom	Nelson	Smith, Md.
Bradley	Cummins	Newlands	Smith, S. C.
Brandegee	Curtis	O'Gorman	Swanson
Bristow	du Pont	Overman	Thornton
Bryan	Fletcher	Page	Tillman
Burnham	Gallinger	Perkins	Townsend
Catron	Heyburn	Poindexter	Wetmore
Chamberlain	Johnston, Ala.	Pomerene	Williams
Chilton	Jones	Reed	Works
Clapp	La Follette	Sanders	
Clarke, Ark.	Lippitt	Shively	
Crane	Martine, N. J.	Simmons	

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. A quorum of the Senate is present.

Mr. HEYBURN. I move that the Senate do now adjourn.

The PRESIDENT pro tempore. The Senator from Idaho moves that the Senate adjourn. [Putting the question.] The "ayes" appear to have it.

Mr. REED. I call for the yeas and nays.

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

Mr. ROOT (when his name was called). I have a pair with the Senator from Indiana [Mr. KERN], and therefore withhold my vote. I will let this announcement stand for the remainder of the day.

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE], who is away from the city. I therefore withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. WARREN (when his name was called). I have a pair with the Senator from Louisiana [Mr. FOSTER], and therefore withhold my vote.

The roll call was concluded.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Arkansas [Mr. DAVIS] and vote. I vote "nay."

Mr. TOWNSEND. I desire to state that my colleague [Mr. SMITH of Michigan] is necessarily absent from the city. He is paired with the junior Senator from Missouri [Mr. REED]. I desire this statement to stand for the day.

The result was announced—yeas 4, nays 47, as follows:

YEAS—4.

Catron	Crane	McCumber	Smoot

NAYS—47.

Ashurst	Cullom	Massey	Simmons
Bacon	Cummins	Myers	Smith, Ariz.
Borah	Dillingham	Nelson	Smith, Ga.
Bradley	du Pont	Newlands	Smith, S. C.
Bristow	Fletcher	O'Gorman	Swanson
Bryan	Gallinger	Overman	Thornton
Chamberlain	Johnston, Ala.	Page	Tillman
Chilton	Jones	Perkins	Townsend
Clapp	La Follette	Poindexter	Wetmore
Clarke, Ark.	McLean	Pomerene	Williams
Crawford	Martin, Va.	Reed	Works
Culberson	Martine, N. J.	Shively	

NOT VOTING—43.

Bailey	Dixon	Kenyon	Richardson
Bankhead	Fall	Kern	Root
Bourne	Foster	Lea	Sanders
Brandegee	Gamble	Lippitt	Smith, Md.
Briggs	Gardner	Lodge	Smith, Mich.
Brown	Gore	Oliver	Stephenson
Burnham	Gronna	Owen	Stone
Burton	Guggenheim	Paynter	Sutherland
Clark, Wyo.	Heyburn	Penrose	Warren
Curtis	Hitchcock	Percy	Watson
Davis	Johnson, Me.	Rayner	

So the Senate refused to adjourn.

The PRESIDENT pro tempore. The question recurs upon the motion of the Senator from Texas [Mr. CULBERSON] to proceed to the consideration of the bill named by him, on which the yeas and nays have been ordered.

Mr. BACON. I should like to make a parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BACON. As I understand, the unfinished business had been temporarily laid aside. The inquiry which I wish to make is, if, in the absence of any demand for the regular order, a motion is made to take up a measure, does that displace the unfinished business? Of course I recognize the fact fully, Mr. President, that if a Senator demands the regular order and a motion to take up another bill is interposed and agreed to, undoubtedly it would displace it; but the unfinished business having been laid aside by unanimous consent—and it can only be laid aside by unanimous consent—in the absence of a demand, which any one Senator can make to return to the unfinished business, it seems to me that any intervening motion is made subject to unanimous consent that it is for the time laid aside, and that under those circumstances the prevailing of the motion would not displace the unfinished business. I repeat, I quite grant, if any Senator asks for the regular order——

Mr. CUMMINS. Mr. President, the Senator from Georgia is under a misapprehension. I did demand the regular order. It was not demanded, however, until after the motion of the Senator from Texas [Mr. CULBERSON] was made; but as soon as I could thereafter I demanded the regular order.

Mr. BACON. I did not know of that fact.

Mr. CUMMINS. I think the RECORD will show that to be so.

Mr. BACON. I think, with that fact, undoubtedly the motion prevailing to take it up would displace the unfinished business.

The PRESIDENT pro tempore. It was so made; and the Chair is of opinion that under the circumstances the unfinished business will be displaced if the motion prevails.

Mr. BACON. I quite concur in the opinion of the Chair. I was making my parliamentary inquiry, not knowing the fact that the demand for the unfinished business had been made by the Senator from Iowa [Mr. CUMMINS].

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Texas [Mr. CULBERSON].

Mr. BACON. I would suggest that if the Senator from Iowa [Mr. CUMMINS] does not wish that the unfinished business shall be displaced by the withdrawal of that demand the prevailing of this motion would not displace it.

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Mr. CUMMINS. Mr. President, I can not withdraw it, because I feel under a pledge of good faith to the Senator from Vermont [Mr. PAGE], who has a bill the coming on of which depends upon the disposition of the unfinished business. I therefore can not delay that disposition, except in so far as it is necessary to consider conference reports and appropriation bills.

The PRESIDENT pro tempore. The roll will be called. The motion is not a debatable one.

Mr. McCUMBER. Before the roll is called I want to get the parliamentary status. I understood that unanimous consent was yesterday given that immediately on the disposition of the pending business the bill in which the Senator from Vermont has been interested should become a special order. I want to know whether I am correct that there was a unanimous-consent agreement that it should become the special order?

The PRESIDENT pro tempore. The Senator is correct.

Mr. McCUMBER. Very well. Then I want to ask a further question. If the unfinished business is disposed of by being displaced in any way, I ask if then the bill of the Senator from Vermont, under the unanimous-consent agreement, will not become the business of the Senate, and not this joint resolution?

The PRESIDENT pro tempore. The Chair thinks not. It is always within the power of the Senate to determine its procedure.

Mr. BRISTOW. Mr. President, did I understand the Chair to declare that it was by unanimous consent that Senate bill No. 3 should be taken up on the disposition of the unfinished business? On the calendar it only stands as a special order and it does not appear that any such unanimous consent has been given.

Mr. PAGE. The RECORD shows unanimous consent.

Mr. BRISTOW. It is not so printed on the calendar.

Mr. McCUMBER. What is the effect of a special order? Has not a special order by unanimous consent the full force and effect of a unanimous-consent agreement?

Mr. SMITH of Georgia. Unanimous consent took the place of a vote on the special order.

Mr. CULBERSON. I call for the regular order, Mr. President.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas [Mr. CULBERSON] that the Senate proceed to the consideration of Senate bill 3315. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. As he is absent, I withhold my vote.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. While he has been present to-day, I do not now see him in the Senate Chamber, and I withhold my vote until it is known whether he will be present.

Mr. McCUMBER. I have a general pair with the senior Senator from Misssissippi [Mr. PERCY]. He being absent, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. SMITH of South Carolina. I again announce my pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the junior Senator from Arkansas [Mr. DAVIS] and will vote. I vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the affirmative). I ask whether the junior Senator from Pennsylvania [Mr. OLIVER] has voted?

The PRESIDENT pro tempore. The Chair is informed he has not.

Mr. CHAMBERLAIN. I have a general pair with that Senator and desire to withdraw my vote.

Mr. REED. I have a pair with the Senator from Michigan [Mr. SMITH], who is absent. I am informed by his colleague [Mr. TOWNSEND] that, if present, he would vote "yea," and as that is the way I intend to vote I feel at liberty to cast my vote. I vote "yea."

Mr. PERKINS (after having voted in the affirmative). I have a general pair with the Senator from North Carolina [Mr. OVERMAN]. As he is absent, I will withdraw my vote.

Mr. SMOOT. I am requested to announce that the Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN]; that the Senator from Ohio [Mr. BURTON] is paired with the Senator from Maine [Mr. JOHNSON]; that the Senator from Montana [Mr. DIXON] is paired with the Senator from Texas [Mr. BAILEY]; that the Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from Oklahoma [Mr. GORE]; and that the Senator from Utah [Mr. SUTHERLAND] is paired with the Senator from Maryland [Mr. RAYNER].

The result was announced—yeas 38, nays 9, as follows:

YEAS—38.

Ashurst	Fletcher	Newlands	Smith, Md.
Bacon	Johnston, Ala.	O'Gorman	Smith, S. C.
Borah	Jones	Page	Stone
Bradley	La Follette	Poindexter	Swanson
Bristow	McLean	Pomerene	Thornton
Bryan	Martin, Va.	Reed	Tillman
Burnham	Martine, N. J.	Shively	Townsend
Clapp	Massey	Simmons	Williams
Clarke, Ark.	Myers	Smith, Ariz.	
Culberson	Nelson	Smith, Ga.	

NAYS—9.

Brandegee	Cummins	Gallinger	Wetmore
Catron	Dillingham	Smoot	Works
Crane			

NOT VOTING—47.

Bailey	Davis	Johnson, Me.	Percy
Bankhead	Dixon	Kenyon	Perkins
Bourne	du Pont	Kern	Rayner
Briggs	Fall	Lea	Richardson
Brown	Foster	Lippitt	Root
Burton	Gamble	Lodge	Sanders
Chamberlain	Gardner	McCumber	Smith, Mich.
Chilton	Gore	Oliver	Stephenson
Clark, Wyo.	Gronna	Overman	Sutherland
Crawford	Guggenheim	Owen	Warren
Cullom	Heyburn	Paynter	Watson
Curtis	Hitchcock	Penrose	

The PRESIDENT pro tempore. A quorum has not voted. The roll will be called.

Mr. CULBERSON. I suggest that the roll of absentees be called.

The PRESIDENT pro tempore. The rule is imperative that the roll shall be called in the event of the absence of a quorum. The Secretary will call the roll.

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

Ashurst	Cullom	Massey	Simmons
Bacon	Cummins	Myers	Smith, Ariz.
Borah	Dillingham	Nelson	Smith, Ga.
Bradley	du Pont	Newlands	Smith, Md.
Bristow	Fletcher	O'Gorman	Smith, S. C.
Bryan	Gallinger	Overman	Smoot
Burnham	Heyburn	Page	Stone
Catron	Johnston, Ala.	Perkins	Swanson
Chamberlain	Jones	Poindexter	Thornton
Chilton	La Follette	Pomerene	Townsend
Clapp	McLean	Reed	Wetmore
Clarke, Ark.	Martin, Va.	Sanders	Williams
Culberson	Martine, N. J.	Shively	

The PRESIDENT pro tempore. Fifty-one Senators have answered to their names. A quorum is present. The roll will again be called, on the motion of the Senator from Texas to proceed to the consideration of a certain bill.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER] and therefore withhold my vote.

Mr. DILLINGHAM (when his name was called). In the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I withhold my vote.

Mr. ROOT (when his name was called). On account of the pair heretofore announced I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). According to the pair already announced, and the transfer made on the previous vote, I will vote. I vote "yea."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. I transfer it to the junior Senator from Arkansas [Mr. DAVIS] and will vote. I vote "yea."

The roll call was concluded.

Mr. WILLIAMS. I wish to announce the fact that my colleague [Mr. PERCY] is absent necessarily and is paired. I should like to have this announcement stand for the day.

Mr. WARREN. I wish to announce my general pair with the Senator from Louisiana [Mr. FOSTER].

Mr. SMITH of Georgia (after having voted in the affirmative). I did not announce my pair with the senior Senator from Massachusetts [Mr. LODGE], but I announced on a former vote that I transferred it to the junior Senator from Maine [Mr. JOHNSON]. I let that transfer stand and let my vote stand, and let this announcement stand for the day.

Mr. CHILTON. My colleague [Mr. WATSON] is necessarily absent and is paired with the senior Senator from New Jersey [Mr. BRIGGS].

Mr. LA FOLLETTE. The junior Senator from North Dakota [Mr. GRONNA] is unavoidably absent. If present, he would vote "yea."

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I also desire to announce that the junior Senator from South Dakota [Mr. CRAWFORD] is not in the Chamber, but if present would vote "yea." He is obliged to be away.

Mr. CULBERSON (after having voted in the affirmative). I desire to inquire if the Senator from Delaware [Mr. DU PONT] has voted.

The PRESIDENT pro tempore. The Chair is informed he has not voted.

Mr. CULBERSON. I am compelled to withdraw my vote, being paired with that Senator.

Mr. WILLIAMS (after having voted in the affirmative). I should like to ask whether the Senator from Pennsylvania [Mr. PENROSE] has voted?

The PRESIDENT pro tempore. He has not voted, the Chair is informed.

Mr. WILLIAMS. I withdraw my vote.

Mr. JONES. I desire to announce that the Senator from Michigan [Mr. TOWNSEND] is necessarily absent. If present he would vote "yea."

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer it to the Senator from North Dakota [Mr. GRONNA] and will vote. I vote "yea."

Mr. BRYAN (after having voted in the affirmative). I will have to withdraw my vote because of my pair with the Senator from New Mexico [Mr. FALL], as he has not voted.

Mr. CULBERSON. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from South Dakota [Mr. CRAWFORD] and will vote. I vote "yea."

The result was announced—yeas 39, nays 4, as follows:

YEAS—39.

Ashurst	Culberson	Myers	Shively
Bacon	Cullom	Nelson	Simmons
Borah	Fletcher	Newlands	Smith, Ariz.
Bradley	Johnston, Ala.	O'Gorman	Smith, Ga.
Bristow	Jones	Overman	Smith, Md.
Burnham	La Follette	Page	Smith, S. C.
Chamberlain	McLean	Perkins	Stone
Chilton	Martin, Va.	Poindexter	Swanson
Clapp	Martine, N. J.	Pomerene	Thornton
Clarke, Ark.	Massey	Reed	

NAYS—4.

Brandegee	Crane	Gallinger	Smoot

NOT VOTING—51.

Bailey	Dillingham	Kenyon	Root
Bankhead	Dixon	Kern	Sanders
Bourne	du Pont	Lea	Smith, Mich.
Briggs	Fall	Lippitt	Stephenson
Brown	Foster	Lodge	Sutherland
Bryan	Gamble	McCumber	Tillman
Burton	Gardner	Oliver	Townsend
Catron	Gore	Owen	Warren
Clark, Wyo.	Gronna	Paynter	Watson
Crawford	Guggenheim	Penrose	Wetmore
Cummins	Heyburn	Percy	Williams
Curtis	Hitchcock	Rayner	Works
Davis	Johnson, Me.	Richardson	

The PRESIDENT pro tempore. No quorum has voted. The roll will again be called.

Mr. SMOOT. I move that the Senate adjourn until 11 o'clock to-morrow morning.

The motion was rejected.

The PRESIDENT pro tempore. The previous roll call having disclosed the absence of a quorum, the roll will again be called.

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

Ashurst	Cullom	Newlands	Smith, Ariz.
Bacon	Dillingham	O'Gorman	Smith, Ga.
Borah	Fletcher	Overman	Smith, Md.
Bradley	Gallinger	Page	Smith, S. C.
Bristow	Johnston, Ala.	Perkins	Smoot
Bryan	Jones	Poindexter	Stone
Burnham	La Follette	Pomerene	Swanson
Chamberlain	Martin, Va.	Reed	Thornton
Chilton	Martine, N. J.	Root	Warren
Clapp	Massey	Sanders	Williams
Clarke, Ark.	Myers	Shively	
Culberson	Nelson	Simmons	

Mr. CULBERSON. I suggest that the absentees be called.

The PRESIDENT pro tempore. The names of the absentees will be called.

Mr. OLIVER and Mr. BRANDEGEE entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, returned to the Senate in compliance with its request the bill (H. R. 15181) for the relief of Harry S. Wade, together with the amendment of the Senate thereto.

The message also announced that the House had passed a bill (H. R. 26371) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 26371. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CAMPAIGN CONTRIBUTIONS.

The PRESIDENT pro tempore. The question is on the motion made by the Senator from Texas [Mr. CULBERSON] that the Senate proceed to the consideration of Senate bill 3315, the title of which will be read.

The SECRETARY. A bill (S. 3315) to prohibit corporations from making contributions in connection with political elections and to limit the amount of such contributions by individuals or persons.

The PRESIDENT pro tempore. On this question the yeas and nays have been ordered, and 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 transfer that pair to the Senator from North Dakota [Mr. GRONNA] and vote. I vote "yea."

Mr. CHILTON (when his name was called. I have a general pair with the Senator from Illinois [Mr. CULLOM].

Mr. SMITH of South Carolina (when his name was called). I again announce my pair and the transfer of my pair as on the previous vote. I vote "yea."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Arkansas [Mr. DAVIS] and vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN]. I will let this announcement stand for all subsequent votes to-day.

Mr. BRYAN (after having voted in the affirmative). I withdraw my vote, inasmuch as the Senator from New Mexico [Mr. FALL], with whom I am paired, has not voted.

Mr. CULBERSON (after having voted in the affirmative). I will again announce the transfer of my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from South Dakota [Mr. CRAWFORD] and let my vote stand.

The result was announced—yeas 35, nays 2, as follows:

YEAS—35.

Ashurst	Fletcher	O'Gorman	Smith, Ariz.
Bacon	Johnston, Ala.	Overman	Smith, Ga.
Borah	Jones	Page	Smith, Md.
Bristow	La Follette	Perkins	Smith, S. C.
Burnham	Martin, Va.	Poindexter	Stone
Chamberlain	Martine, N. J.	Pomerene	Swanson
Clapp	Massey	Reed	Thornton
Clarke, Ark.	Myers	Shively	Williams
Culberson	Newlands	Simmons	

NAYS—2.

Gallinger	Smoot

NOT VOTING—57.

Bailey	Cummins	Johnson, Me.	Richardson
Bankhead	Curtis	Kenyon	Root
Bourne	Davis	Kern	Sanders
Bradley	Dillingham	Lea	Smith, Mich.
Brandegee	Dixon	Lippitt	Stephenson
Briggs	du Pont	Lodge	Sutherland
Brown	Fall	McCumber	Tillman
Bryan	Foster	McLean	Townsend
Burton	Gamble	Nelson	Warren
Catron	Gardner	Oliver	Watson
Chilton	Gore	Owen	Wetmore
Clark, Wyo.	Gronna	Paynter	Works
Crane	Guggenheim	Penrose	
Crawford	Heyburn	Percy	
Cullom	Hitchcock	Rayner	

Mr. WILLIAMS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. MASSEY. I move that the Senate adjourn until 11 o'clock to-morrow.

The Senate refused to adjourn, there being on a division—ayes 8, noes 22.

The PRESIDENT pro tempore. The Senator from Mississippi moves that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Mr. BANKHEAD entered the Chamber and answered to his name.

Mr. CULBERSON. I move that the Senate adjourn until 10 o'clock to-morrow.

The PRESIDENT pro tempore. The Senator from Texas moves that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 14 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 22, 1912, at 10 o'clock a. m.

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HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August 21, 1912.*

The House met at 12 o'clock noon.

The Rev. M. A. Matthews, D. D., pastor of First Presbyterian Church of Seattle, Wash., offered the following prayer:

Kind heavenly Father, we are grateful to Thee for the preservation of our lives until this moment. Pardon every sin we have ever committed. Guide this House of Representatives through the duties and responsibilities of this day. Bless the officers and officials attached thereto. Cause everything to redound to Thy glory and the advancement of Thy Kingdom; and when Thou hast finished with us in this world, gather us to that beautiful home above. We ask it for Christ's sake. Amen.

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

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL—VETO MESSAGE.

The SPEAKER. The Chair lays before the House the following message from the President of the United States, which the Clerk will read.

The Clerk read as follows:

To the House of Representatives:

I return herewith H. R. 26321, an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes," without my approval, because the bill still contains in section 9 a provision for the repeal of the act establishing the Commerce Court.

My objections to this repeal are stated in my message returning without approval H. R. 24023, communicated to the House of Representatives on August 15 last.

WM. H. TAFT.

THE WHITE HOUSE, *August 21, 1912.*

Mr. FITZGERALD. Mr. Speaker, I move that the bill do pass the objection of the President notwithstanding.

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill the objections of the President to the contrary notwithstanding?

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to print in the RECORD that portion of the President's message of August 15 in which he assigns what purport to be reasons for the veto of this bill, on the ground that it abolishes the Commerce Court.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the CONGRESSIONAL RECORD that portion of the President's message of August 15 vetoing the legislative, executive, and judicial appropriation bill, which refers to the Commerce Court.

Mr. MANN. It will not be very easy to differentiate the rest of the message from that portion referring to the Commerce Court.

Mr. FITZGERALD. This bill is vetoed because of the provision relating to the Commerce Court. The other portion of the message refers to the civil-service tenure provision.

Mr. MANN. And part of the message refers to the subject of legislation on appropriation bills.

Mr. FITZGERALD. I have no objection to that, and with it I shall put in the remarks I made on the subject myself the other day.

Mr. CANNON. I think the whole of the message ought to be printed, because, as I recollect it, it was vetoed on account of two provisions. Now, in passing the bill you substantially make a portion of the veto message meet his statement, so far as the civil service in concerned, or the tenure of office of clerks in the departments, and the two necessarily go together.

Mr. FITZGERALD. They do not. The gentleman is mistaken. The message has a distinct reference to the civil-service provision, and I do not wish the public mind to be confused in reading this RECORD by having that injected into it.

Mr. MANN. That is the reason why I want the whole message printed.

Mr. FITZGERALD. But I want this particular part of the message printed as a part of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MANN. I ask unanimous consent that the entire message of the President, the former veto message, be inserted.

Mr. FITZGERALD. I object to that request at this time.

The SPEAKER. The gentleman from New York objects.

Mr. MANN. Then I ask that it be inserted as a part of my remarks.

The SPEAKER. The Chair will submit the request of the gentleman from New York [Mr. FITZGERALD] first.

Mr. MANN. I will object, Mr. Speaker, unless they are put together.

The SPEAKER. Then the Chair will put them together. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to print that part of the President's message of August 15, vetoing the legislative, executive, and judicial appropriation bill which pertains to the Commerce Court as a part of his remarks, and the gentleman from Illinois [Mr. MANN] couples with that a request to——

Mr. FITZGERALD. Mr. Speaker, I ask that my request be submitted separately.

The SPEAKER. Is there objection?

Mr. MANN. I object, unless the gentleman is willing to couple with it the request that I made.

The SPEAKER. The gentleman from Illinois objects.

Mr. FITZGERALD. Then, Mr. Speaker, I ask to have read in my time that part of the message I referred to.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks that there be read in his time that part of the message he referred to.

Mr. MANN. I shall object to that.

Mr. FITZGERALD. Then I move, Mr. Speaker, as I have the right, to have it read in my own time.

Mr. MANN. Well, Mr. Speaker, I will withdraw the objection, if the gentleman is so much afraid to print the entire speech and wants to cull out extracts from it.

The SPEAKER. The gentleman from Illinois withdraws his objection, and the Clerk will read.

Mr. MANN. It is not necessary for the Clerk to read. I withdraw my objection. It can be printed. I withdraw my objection to printing it.

The SPEAKER. The Clerk will read. The gentleman from Illinois withdraws his objection to the request of the gentleman from New York to print that part of the message that has been two or three times referred to.

Mr. FITZGERALD. Mr. Speaker, I intend to print the first portion, and——

The SPEAKER. The gentleman from Illinois has withdrawn his objection.

Mr. FITZGERALD. I wish to state, for the benefit of the gentleman, that I will print that portion where, speaking of the two causes of the veto, the President assigns the first, that portion relating to the civil service, which I shall eliminate. I say I wish that to be printed before I address the Chair in the few remarks I wish to make on this veto message.

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

The extract from the message is as follows:

"*To the House of Representatives:*

"I return herewith, without my approval, H. R. 24023, entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.' This is one of the great supply bills necessary for the maintenance of the Government, and it goes without saying that nothing but reasons of especial importance would lead me to interpose objections to its passage.

"In a message returning the Army appropriation bill to the House of Representatives with my objections to its approval, under date of June 17, 1912, I ventured to point out the dangers inherent in the practice of attaching substantive legislation to appropriation bills, and I need not repeat them here. It is sufficient to say, however, that when it is thought wise by Congress to include in general supply bills important substantive legislation, and the Executive can not approve such legislation, it is his constitutional duty to return the bill with his objections, and the responsibility for delay in the appropriation of the necessary expenses to run the Government can not rest upon the Executive, but must be put where it belongs—upon the majority in each House of Congress that has departed from the ordinary course and united with an appropriation bill amendments to substantive law. The importance and absolute necessity of furnishing funds to maintain and operate the Government can not be used by the Congress to force upon the Executive acquiescence in permanent legislation which he can not conscientiously approve.

"There are two provisions in this bill which I can not permit to become law with my approval. One concerns the permanent statutory regulation of the tenure of office of those now included within the classified service in the departments and independent establishments of the Government within the District of Columbia. The other is a provision repealing the statute creating a Commerce Court, to consist of five circuit judges, for the purpose of passing on appeals from the decisions of the Interstate Commerce Commission.

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The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. DU PONT. Mr. President, I move the adoption of the conference report on the Army appropriation bill.

Mr. BACON. What is that?

The PRESIDENT pro tempore. The Senator from Delaware asks for the present consideration of the conference report on the Army appropriation bill.

Mr. McCUMBER. Mr. President, before that is done, I should like to have the Senator in charge of the conference report make some explanation of the new provision which, in substance, makes the term of enlistment seven years. From what I have learned of the Army since I have been here, I have been of the opinion that it was with the utmost difficulty that privates were kept in the service even one year, and that most of them were trying to get out. If we are now to publish to the world that the term of enlistment is to be for seven years, it seems to me that we shall have some difficulty in securing enough young, aggressive, independent Americans to fill up the quota even of our small standing Army. I myself have always believed that there ought to be some way by which any person who had been lured into joining the Army in times of peace might get out of his bargain if he wanted to do so, and that there ought to be a way, upon giving three or six months' notice, by which he could sever his connection with the Army, without having to go to the penitentiary for attempting to do so. I believe we ought to liberalize it just as much as possible. Personally, I do not fall in with the idea of having a sort of semistanding Army scattered among the public generally, which may be called upon at any time to enter the service. I do not like the military idea permeating the generality of our citizenship, and I wish the Senator would explain exactly what the new provision means, and especially what is to be gained by it.

Mr. DU PONT. Mr. President——

The PRESIDENT pro tempore. Before the Senator from Delaware proceeds, the Chair will have Rule XXVII read, so that there may be no misunderstanding as to the parliamentary situation.

The Secretary read Rule XXVII, as follows:

> The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, or a question of order, or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

The PRESIDENT pro tempore. The Chair has had the rule read for the reason that debate can only be had by unanimous consent.

Mr. BACON. Mr. President, I ask unanimous consent just to say a word in regard to this matter.

I want this report to go over until we can have an opportunity to examine it. To bring in here a provision of this kind, which I think is absolutely foreign, in the first place, to the functions of a conference report, and talk about our being required to go into a consideration of it without an opportunity to read it or anything else——

Mr. SMITH of Georgia. Or any right to amend it.

Mr. BACON (continuing). Or any right to amend it, it seems to me is hardly fair. I want to say one word in regard to this matter. I recognize this bill as an old acquaintance. The feature of this bill about a reserve was here as an independent bill 10 or 12 years ago, and after a very long discussion of it in the Senate, that feature now embraced here was defeated in the Senate. As it is now brought in, it is exactly the same thing. It does not originate in the Senate. It comes from the War Department.

Mr. WARREN. Oh, Mr. President, the Senator wants to be correct. It originated in the other House, so far as the length of service is concerned.

Mr. BACON. I am not talking about the length of service; that is an entirely different thing.

Mr. WARREN. If the Senator will allow me to finish, the term of service in the House bill was five years, and in compromising the differences between the two Houses the time was both lengthened and shortened. It was shortened to a four years' positive or a three years' permissive term under the colors, with the other four years in reserve without salary, unless, perchance, the reserve were called into active service. Then there was a reserve also provided for in the bill when it passed the Senate——

Mr. DU PONT. I will add to that the statement that the reserve will not be called out except by authority of Congress.

Mr. BACON. Mr. President, this is an utter revolution of our whole Army organization and Army system. It is the converting of this country into a military organization in part, and when extended will be so in whole.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. I do.

Mr. LA FOLLETTE. If the Senator will yield just to permit me to make an inquiry, I should like to inquire of the chairman of the committee if this conference report has been printed?

Mr. DU PONT. It has been printed; yes.

Mr. LA FOLLETTE. I have called for a printed copy and have been unable to get one.

Mr. DU PONT. It was printed in the House; it has not been printed in the Senate, for there has not been time.

Mr. LA FOLLETTE. I should like to examine the provisions of the conference report.

Mr. BACON. We ought to have time to examine it. The idea that a matter of this kind, which, as I say, not only revolutionizes the organization of the Army, but the entire military system of this country, converting it into the German system, and only needed to be extended to make it absolutely the German system—to say that we shall be called on to pass on this on a conference report, injected here improperly, not belonging to it at all, is going pretty far, to say the least.

Mr. President, there is much more in it than a mere question of bounty or length of service. This is not a legitimate action on the part of the conferees. It is altogether new matter, and, as I have said, is nothing but an old acquaintance brought back here in a new guise. It was before us as an independent bill some 10 or 12 years ago, and was resisted most strenuously and finally defeated. Now, Mr. President, I do insist that this report go over until we have an opportunity to examine it, for we have never even had an opportunity to read it.

Mr. DU PONT. Mr. President, in reply to the Senator from North Dakota [Mr. McCUMBER], who has asked me to make some explanation in regard to the enlistment provision of the conference report, and also replying to some of the remarks of the Senator from Georgia [Mr. BACON], I will say, in the first place, that the provision as to an Army reserve has no relation whatever to the reserve measure to which the Senator from Georgia refers, which measure was proposed when the Senator from New York [Mr. ROOT] was Secretary of War and was based on a totally different principle. It involved an expenditure in time of peace for the maintenance and upkeep of the reserves. The provision before the Senate does not involve the expenditure of a single penny during time of peace and will cost the Government nothing except in the event of war. When there are actual or threatened hostilities it is provided that the reserve may be called out, not by the President alone, but with the consent of Congress, which seems to me a conservative proposition.

The bill as proposed by the House changed the period of enlistment from three to five years. The Senate disagreed to the proposition and insisted on the maintenance of the three-year term of enlistment. As a compromise a basic term of four years was provided as an enlistment period, and in connection with this compromise a suggestion was made and favorably considered by the unanimous vote of the conferees that the period of nominal enlistment should be increased, the real enlistment being for four years absolutely and for three years permissively. The nominal enlistment includes service in the reserve, and service in the Army reserve involves no military duty whatever unless the reservists be called out and service rendered to the Government. In time of peace service in the Army reserve, if it can be called service, imposes no expense to the Government, there being no pay or allowances attached to it. It is provided, however, that if we were threatened with war or actually engaged in war and Congress authorizes the calling out of the Army reserve, then, in that event, the reservists shall be paid for the time they are actually engaged in the service of the United States.

Mr. McCUMBER. May I ask the Senator a question right there, Mr. President?

Mr. DU PONT. Yes.

Mr. McCUMBER. What is to be gained by having this sort of a reserve army?

Mr. DU PONT. I was just coming to that.

Mr. McCUMBER. Allow me to finish the sentence——

Mr. DU PONT. I will say to the Senator from North Dakota that the object to be gained by an Army reserve is as follows: I suppose the Senator is aware that the strength of the regular companies, troops, and batteries of the Regular Army on a war footing is nearly twice as great as in time of peace?

Mr. OVERMAN. Does this report present the same provisions as the bill on the calendar which has been so much objected to?

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Mr. DU PONT. That is a totally different measure, which deals with the raising of Volunteer troops. This measure deals only with soldiers in the Regular Army, and has no analogy or connection whatsoever with the bill to which the Senator referred.

Mr. McCUMBER. May I suggest to the Senator that at the time of the Spanish-American War the Government simply called upon the several military organizations of the States, the State Militia, the National Guard, and so forth, and there were twice as many as could be taken by the Government; and since that time the number has increased probably four or five fold at least? Does not the Senator believe, with the vast number of these military organizations in every State, that in almost any kind of a war in which we could be engaged we could call out a sufficient number, and more than a sufficient number, who would immediately volunteer, without the necessity of having this semistanding army scattered over the country?

Mr. DU PONT. The semistanding army, as the Senator styles it, will amount under the provisions of this bill to a maximum of not over 40,000 men, and most probably will be nearer 25,000 men. There are less than 13,000 men discharged from the Regular Army every year, who would pass into the reserve. In two years that would amount to about 25,000 or 27,000 men at most, and if some of the three-year men are permitted to enter the reserve the figures might be as high as some 35,000 men; but I doubt very much if the army reserve would ever exceed those figures. The purpose is to render the Regular Army efficient to meet the situation should we become involved suddenly in hostilities. When the companies are doubled in strength, it is plain that if you add to them raw, untrained men the Army will not be as efficient as if you fill up the ranks with old soldiers, who are familiar with the discipline, with the service, with the manual of arms, and the duties of a soldier in general. That is the idea of this provision of the bill and that is all it involves. It will cost the Government nothing; it is a measure of small proportions, so far as numbers are concerned. There is no semistanding army involved; it is simply intended to promote the immediate readiness and efficiency of the Regular Army in case we are suddenly called upon to repel invasion. In my judgment it will do this, in large measure, provided that the men will enlist for six or seven years and are not deterred by that long period. Although the idea is largely experimental, the War Department instructed its recruiting officers some time ago to question every recruit who enlisted—of course under the present three-year term—as to whether he would object to enlisting for six years if he were allowed to go home at the end of three years and not be called out except in case of war.

So it was reported to the committee that the returns showed that over 90 per cent of those enlisting said they had no objection whatever to that. Based on those facts and the urgent recommendation of the War Department and the practical conclusions reached after full debate and discussion in the committee and in conference, we agreed to report the measure as it now stands.

Mr. BACON. Mr. President, I do not want to continue the discussion longer at this time, because I want an opportunity to read the provision.

Mr. DU PONT. Certainly.

Mr. BACON. But was there anything in the bill either as it passed the Senate or the House about any reserve force who should go into civil life?

Mr. DU PONT. I will answer the Senator from Georgia in the affirmative.

Mr. BACON. I do not believe there was.

Mr. DU PONT. I will quote to the Senator the exact language. The bill as it passed the Senate provided:

> That for the purpose of utilizing as an Army reserve the services of men who have had the experience and training in the Regular Army, in time of war or when war is imminent—

And so on. That is the provision to which I refer.

Mr. LA FOLLETTE. On what page is that?

Mr. DU PONT. On page 9 of the bill under the head of "Pay of enlisted men."

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Delaware that the Senate proceed to the consideration of the conference report.

Mr. BACON. I trust the Senator from Delaware will give us an opportunity to examine the report. We have had no chance at all to read it, and to me the request seems unreasonable. I can recognize it by even glancing at it, but as to reading it through carefully, it is impossible to do so at this time, and I trust the report will not now be taken up.

Mr. DU PONT. It is a simple subject and involves no expenditure of public money; and there is so much crowding upon us in the closing hours of Congress that, as much as I would like to oblige the Senator from Georgia, I must insist upon my motion.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. The motion is not debatable. The question is on agreeing to the motion of the Senator from Delaware.

Mr. REED. Does it not require unanimous consent?

The PRESIDENT pro tempore. It does not.

Mr. REED. I thought there had been a unanimous consent preceding that.

The PRESIDENT pro tempore. There had not been. The report was presented and read, and then the Senator from Delaware moved to proceed to its consideration.

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

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

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer the pair to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As I do not see him in the Chamber, I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. GUGGENHEIM (when his name was called). In the absence of my general pair, I withhold my vote.

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH]. I transfer the pair to the Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "nay."

The roll call was concluded.

Mr. SMITH of Georgia (after having voted in the negative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], and I voted inadvertently. However, I transfer the pair to the Senator from Nebraska [Mr. HITCHCOCK], and will let my vote stand.

Mr. STONE. I have a pair with the Senator from Wyoming [Mr. CLARK].

Mr. POMERENE. I have been requested to announce that the Senator from Maine [Mr. JOHNSON] is necessarily absent and that he has a general pair with my colleague, the senior Senator from Ohio [Mr. BURTON]. I will let this announcement stand for the week.

Mr. BRANDEGEE. I am paired with the Senator from New York [Mr. O'GORMAN]. I transfer it to the junior Senator from Massachusetts [Mr. CRANE] and will vote. I vote "yea."

Mr. SHIVELY. I wish to announce that my colleague [Mr. KERN] is unavoidably absent from the Chamber on account of illness in his family. He is paired with the senior Senator from New York [Mr. ROOT].

Mr. BRIGGS. I am paired with the senior Senator from West Virginia [Mr. WATSON] and wish to inquire whether he has voted.

The PRESIDENT pro tempore. The Senator from West Virginia has not voted.

Mr. BRIGGS. I have a pair with the senior Senator from West Virginia, and in his absence I withhold my vote.

Mr. FALL. I should like to inquire whether the Senator from Florida [Mr. BRYAN] has voted.

The PRESIDENT pro tempore. The Chair is informed that the Senator has not voted.

Mr. FALL. I have a general pair with him. However, I am informed by the senior Senator from Florida that if the Senator from Florida were present he would vote "yea," and I will therefore vote. I vote "yea."

Mr. ROOT. I have a pair with the Senator from Indiana [Mr. KERN] and therefore withhold my vote.

Mr. DILLINGHAM (after having voted in the affirmative). I should like to inquire if the senior Senator from South Carolina [Mr. TILLMAN] has voted.

The PRESIDENT pro tempore. The Senator from South Carolina has not voted.

Mr. DILLINGHAM. Then I withdraw my vote.

The result was announced—yeas 32, nays 17, as follows:

YEAS—32.

Bankhead	Cullom	Jones	Perkins
Bourne	Cummins	McCumber	Poindexter
Bradley	Curtis	McLean	Sanders
Brandegee	Fall	Massey	Smoot
Bristow	Fletcher	Nelson	Thornton
Burnham	Gallinger	Oliver	Townsend
Catron	Heyburn	Page	Warren
Chamberlain	Johnston, Ala.	Penrose	Wetmore

NAYS—17.

Ashurst	Martin, Va.	Reed	Swanson
Bacon	Martine, N. J.	Shively	Williams
Clapp	Myers	Smith, Ariz.	
Clarke, Ark.	Overman	Smith, Ga.	
La Follette	Pomerene	Smith, Md.	

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NOT VOTING—45.

Bailey	Dillingham	Kern	Simmons
Borah	Dixon	Lea	Smith, Mich.
Briggs	du Pont	Lippitt	Smith, S. C.
Brown	Foster	Lodge	Stephenson,
Bryan	Gamble	Newlands	Stone
Burton	Gardner	O'Gorman	Sutherland
Chilton	Gore	Owen	Tillman
Clark, Wyo.	Gronna	Paynter	Watson
Crane	Guggenheim	Percy	Works
Crawford	Hitchcock	Rayner	
Culberson	Johnson, Me.	Richardson	
Davis	Kenyon	Root	

So the Senate agreed to proceed to consider the report of the committee of conference on the Army appropriation bill.

PERSONAL EXPLANATION—CAMPAIGN CONTRIBUTIONS.

Mr. REED obtained the floor.

Mr. PENROSE. Will the Senator from Missouri yield to me for a moment?

Mr. REED. I desire to retain the floor, but I will yield temporarily to the Senator from Pennsylvania.

Mr. PENROSE. I this morning offered a resolution in reference to certain statements made by me in the Senate yesterday, and I desire to modify its phraseology and have it read to the Senate, and in that way will bring up the matter to which the Senator from Missouri desires to address himself.

The PRESIDENT pro tempore. The resolution (S. Res. 386) as modified will be read.

The Secretary read as follows:

Resolved, That the statement made by the senior Senator from Pennsylvania [Mr. PENROSE] in the Senate on Wednesday, August 21, 1912, be, and is hereby, referred to the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, appointed under Senate resolution No. 79, agreed to on April 29, 1912.

Mr. PENROSE. Mr. President, I simply want to say, if the Senator will pardon me a moment, that I find on investigation that the resolution under which this committee has been acting covers the ground so far as the expenses of investigation are concerned, or the ability to subpœna witnesses, and therefore all I have to do in this instance is to make a special request for the reference of this particular matter to that committee.

Mr. REED. Mr. President, a little later it is my intention to offer an amendment to the resolution just read extending the scope of the investigation so as to include all moneys expended by all candidates for the nomination for President during the present year. It has occurred to me if we are to investigate, we might as well not stop at the mere personal controversy now existing between ex-President Roosevelt and the senior Senator from Pennsylvania [Mr. PENROSE].

When the Senator from Pennsylvania had the floor yesterday he invited Members of the Senate to ask him any questions pertinent to the matter of personal privilege he had brought before the Senate. While the time, strictly speaking, has passed, I nevertheless desire to ask the Senator from Pennsylvania a question or two which are especially inspired by the reply of ex-President Roosevelt published in the newspapers this morning.

Mr. President, the Senator from Pennsylvania on yesterday stated that there was some doubt as to the authenticity of a certain letter dated October 13, 1904.

Mr. PENROSE. Is that the letter which purported to inclose a check?

Mr. REED. It is.

Mr. PENROSE. That is the letter regarding which I have my suspicions as to its genuineness, but I attached no importance to the statement one way or the other, and proceeded immediately to go on with the main issue involved, which was that it was true that the check had been received. I only expressed a belief about the letter if genuine. It may be, it may not be. This is rather an old transaction.

Mr. REED. The letter bore the purported date of October 13, and professedly inclosed the certificate of deposit for $25,000, which the Senator tells us was a contribution by Mr. Archbold of the Standard Oil Co. to the Pennsylvania Republican campaign. Can the Senator state whether the additional $100,000, which he says was paid by the Standard Oil people to the National Republican Committee, was paid on or prior to the 13th day of October, 1904?

Mr. PENROSE. My understanding was that it was paid on or about that time; perhaps a little time before that. Just how it was paid I do not recollect at this time, and it may be I did not know exactly at any time. I am positive that those details will come out in the investigation, which I expect will be promptly made by the Committee on Privileges and Elections. As near as I can recall it now, the check to the national committee was given to them early in October.

Mr. REED. I want to ask the Senator what he has to say to this statement of President Roosevelt as it appears in the Washington Post of this morning?

Col. Roosevelt then read from copies of letters which he said he had sent to Mr. Cortelyou in the latter part of October, 1904.

In these letters he said that he had been informed that "the Standard Oil people" had contributed $100,000 to the campaign, and he told Mr. Cortelyou that if it was true that such a contribution had been made, the money should be returned at once. He wrote that, "in view of the open and pronounced opposition of the Standard Oil Co. to the establishment of a bureau of corporations, one of the most important accomplishments of my administration, I do not feel willing to accept its aid. I request, therefore, that the contributions be returned without further delay."

That statement is said to have been made in the latter part of October. I should like to ask the Senator whether to his knowledge the money ever was paid. I refer to the $100,000 to the national committee. And if so, was it ever returned?

Mr. PENROSE. I understand the Senator has the paper there before him. The date of this letter or alleged letter to Mr. Cortelyou is about the 26th of October, is it not?

Mr. REED. Yes; the date of the letter is October 26.

Mr. PENROSE. The letter was sent about a week before the election. It was several weeks after both the transactions to which I referred yesterday, namely, the payment of $100,000 to Mr. Bliss and the declination to furnish a further amount of $150,000. The letter was sent to the chairman of the national committee. The dates indicate that.

Mr. REED. As I understand the Senator, then, the $100,000 had been received before this letter of Mr. Roosevelt was dictated.

Mr. PENROSE. Considerably——

Mr. REED. Had the money been spent or was it on hand and was it, in fact, returned?

Mr. PENROSE. The information I have always had as to the transaction was that Mr. Roosevelt was advised that the money had been spent and could not be returned, and the letter was sent to make a record for future reference.

Mr. REED. Mr. President, can the Senator, then, state to us whether, in fact, the letter was written with full knowledge that the money was gone?

Mr. PENROSE. That is my information, Mr. President.

Mr. STONE. Mr. President, let us have order. We can not hear.

Mr. PENROSE. That is my distinct information, and also the information of many others.

Mr. REED. I desire to ask the Senator a further question. Does he know of any large sums of money that were contributed to the National Republican Committee in 1904 that were returned to the donors?

Mr. STONE. Again I ask that there may be order in the Chamber so that Senators may be heard.

Mr. PENROSE. Will the Senator kindly repeat his question?

The PRESIDENT pro tempore. The Senate will please be in order and Senators will refrain from audible conversation.

Mr. PENROSE. There was such confusion in the Chamber that I did not catch the full question.

Mr. REED. As nearly as I recall my question, it was whether the Senator knew of any large sums of money that had been donated to the Republican National Committee in 1904 that were returned to the donors.

Mr. PENROSE. The returning of contribution is such a rare instance on the part of political committees that if there had been any such case it would have made a profound impression on my mind. I do not recall any.

Mr. REED. The Senator has no knowledge of it?

Mr. PENROSE. I have no knowledge of it, Mr. President.

Mr. REED. In this connection I desire to put into the RECORD the reply of Mr. Roosevelt as it appears in the Washington Post of this morning. I do not want to take time to read it, but ask permission that it may be printed as a part of my remarks, including the part I have just read.

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

The matter referred to is as follows:

"Mr. Penrose and his allies and the entire crowd of crooked politicians and crooked financiers, who have attempted to make these attacks upon me," said Col. Roosevelt, "have made them and are making them not only knowing that they are false, but because they are false, and because that they know that the forces behind me, and which I at this time represent, are the only forces which the crooked politicians and crooked financiers of the country have really to fear.

"The only part of Mr. Penrose's statement that needs comment by me is that portion in which it is asserted that I had been advised of a heavy campaign contribution from Mr. Archbold in behalf of the Standard Oil Co. to the Republican national campaign committee, and that I directly or indirectly requested a contribution from Mr. Archbold and his associates interested in the Standard Oil Co. This statement is false."

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"Mr. Cortelyou informed me," said Col. Roosevelt, "that there had been no contribution received from the Standard Oil people and that none would be received. Over the phone last night, in response to a question of mine, he stated that he had at that time made this statement, and that his memory and mine agreed entirely as to the circumstances of the occurrence. If any contribution was received it was against my explicit and reiterated directions as set forth in these letters."

Col. Roosevelt then quoted from an open letter issued just prior to the 1904 election by Mr. Cortelyou, saying that the campaign fund of that year was much smaller than that of any presidential campaign. During all trust prosecutions the Colonel said, no one had asked any favor because of campaign contributions.

Referring to "Mr. Penrose and his allies," Roosevelt said:

"They know that the triumph of the progressive cause, and only the triumph of the progressive cause—that is, the Progressive Party—means the elimination from politics of the Penroses, and means driving from their intrenchment, in both business and politics, the powers of special privilege such as the Standard Oil Co. Naturally, these men, aided by the newspapers which they control, will stop at nothing in order to rid themselves of the only enemies they really fear."

Mr. REED. Mr. President, also in this connection I desire to read a statement which I find in the New York Sun of this date:

These disclosures by Penrose are, it is acknowledged, only a beginning. If Col. Roosevelt or Mr. Cortelyou attacks the Pennsylvania Senator on the ground of his statements it is likely that Mr. Penrose will have something further to say. The Senator himself intimated clearly on the floor of the Senate that he would welcome a further discussion of this subject.

"There are papers on file and a number of letters accessible, interesting documents," said he, "and I have no doubt as this discussion develops during the coming campaign should any gentleman desire to press it these matters will see the light of day."

Senator Penrose added that these letters are hidden in the archives of campaign committees and in the cellars and vaults of business houses and offices of lawyers throughout the country. Penrose's friends declared that he had only scratched the surface in the statement made by him to-day, and that when the proper time comes further documentary evidence would be available.

In this connection rumors of disclosures of contributions by other corporations to the Roosevelt 1904 campaign were in circulation to-day. Charges will be made soon that the Gould interests, controlling the Missouri Pacific, contributed $100,000 to the Roosevelt campaign fund and that the Southern Pacific contributed a like amount. This $100,000 contribution by the Southern Pacific, it is said, was in addition to the $240,000 that E. H. Harriman raised and dumped into New York State.

LETTER FOR THE RECORDS.

A circumstantial story was being told to-night of how a member of President Taft's Cabinet has knowledge that Roosevelt was aware of the contribution by the Standard Oil Co. to the 1904 campaign. It is said that this member of the Cabinet entered Mr. Roosevelt's office while he was dictating a letter to the chairman of the National Committee warning him that the Standard Oil Co.'s contribution must not be accepted.

According to the story it was pointed out to Mr. Roosevelt that the contribution had been made 10 or 12 days previously; that the money had been spent and that it would be impossible to pay it back. Mr. Roosevelt is said to have remarked then that the letter should at least go on the record.

I ask the Senator whether he has any knowledge now of the fact that the Missouri Pacific or the Gould interests did contribute to this campaign fund of 1904.

Mr. PENROSE. I have no direct knowledge, Mr. President; simply my information at the time that large contributions were made from those interests.

Mr. REED. Does that answer also include the Southern Pacific?

Mr. PENROSE. That is my understanding.

Mr. REED. If I understand the Senator now, he means by this last statement that while he was actively engaged there with the committee he understood, as a member of the committee, that these interests had contributed heavily to the fund.

Mr. PENROSE. That is correct, Mr. President. I was not in the close personal touch with the situation that I happened to be in relation to the particular Archbold contribution. My relation to that situation arose from the fact that half the counties in Pennsylvania are the original oil part of the State; that a large number connected with the oil interests are Pennsylvanians, and Mr. Archbold was a citizen of Pennsylvania for a great many years and had been known to me since he had been a young man in Titusville, in Pennsylvania, long before he was worth a dollar. In that way I happened to be accidentally in touch with this particular situation in a way to know the details personally.

Mr. REED. While the Senator is on his feet may I ask him another question? To what extent were the acts of the national committee concealed from Mr. Roosevelt?

Mr. PENROSE. My observation of Mr. Roosevelt has been that he was well calculated to have pretty superior knowledge about everything that was going on in the national committee. I do not think there was a day, and some days an hour in the day, when the chairman of the national committee was not in communication with him over the telephone.

Mr. REED. Who was the chairman at that time?

Mr. PENROSE. I understand it was Mr. Cortelyou.

Mr. REED. Formerly Mr. Roosevelt's secretary?

Mr. PENROSE. Yes.

Mr. REED. Will the Senator state to us what he knows in reference to the information conveyed to the President from time to time in regard to the progress of the campaign and the funds that were contributed?

Mr. PENROSE. I assume, Mr. President, that as he and the chairman were communicating every day, and sometimes every hour of the day, and knowing the vigorous and energetic way with which Mr. Roosevelt pursues political campaigns, that he was not a child in the wilderness.

Mr. REED. Was he regularly consulted with reference to the campaign as it went along?

Mr. PENROSE. It is my impression that he was very much consulted. He absolutely named his Cabinet officer and former Secretary as chairman of the national committee, and I suppose that every act of that chairman was dictated by his chief.

Mr. REED. Was Mr. Cortelyou at that time in the confidence of the President?

Mr. PENROSE. He was put there by the President, and I do not imagine he lost the confidence of the President during the three months of the campaign. I never heard that he did. He was absolutely designated by the President as chairman of the committee. The national committee sat, in a docile way at Chicago, until the word was received as to whom Mr. Roosevelt wanted for chairman.

Mr. REED. So that, as I understand you, Mr. Roosevelt dictated the chairmanship of the committee?

Mr. PENROSE. He named the chairman of the national committee as absolutely as he would name his stenographer or private secretary.

Mr. REED. And kept in active touch with him. I want to ask the Senator if, as a matter of fact, President Roosevelt largely directed the campaign? What are the facts about that?

Mr. PENROSE. I think he chiefly directed the campaign.

Mr. REED. I thank the Senator.

In that connection and just as a bit of character sketching I want to present the following from the New York World:

HIS GREATEST AMBITION.

"'Col. Roosevelt's greatest ambition,' said Greenway, 'is to be shot on the field of battle.'"—Saturday Evening Post.

"Nonsense! Col. Roosevelt's greatest ambition is to be a one-man war.

"He wants to be the commanding generals on both sides, standing calm and collected in front of his tents while the wireless spits out its reports from the front, while the telephones clatter and the telegraph clicks his orders to his corps commanders.

"He wants to be the general staff of both armies, scrutinizing the monster maps of the field of operations and shifting the pins that mark the positions of the opposing forces.

"He wants to be the trusty scouts dashing up breathlessly from the firing line.

"He wants to be the roar of the artillery, the rattle of the small arms, and the flashing detonations of the smokeless powder.

"He wants to be the last desperate charge upon the batteries, sabering himself at the guns.

"He wants to be the rear guard that bravely covers the retreat, and the smashing attack of the reserves which turns defeat into rout.

"He wants to be the dead and the dying on the field of battle, who have yielded up their lives as a last sacrifice to their beloved countries.

"He wants to be the dust-stained correspondents painting his countless acts of heroism in words that will never perish.

"He wants to be the commission that negotiates peace with honor, and, lastly, he wants to be the grand review at the close of the war, standing silently in front of the flag-draped stand, saluting himself as he marches past and pinning medals of honor to his dauntless breast.

"That is what the Colonel wants. 'To be shot on the field of battle' is only one of the minor incidents of his great ambition."—New York World.

Mr. PENROSE. Mr. President, will the Senator permit me to interrogate him?

Mr. WILLIAMS. Mr. President——

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

Mr. REED. I yield to the Senator from Pennsylvania.

Mr. PENROSE. Just let me ask him the date. Has the Senator the date of that editorial?

Mr. REED. February 29, 1912.

Mr. PENROSE. I do not think it could have been published within the last week or so, because only yesterday I read in one of the August periodicals that Mr. Roosevelt's chief ambition was to kill a grizzly bear with a knife. [Laughter.]

Mr. WILLIAMS. Mr. President——

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

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

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candidates for office, and I do not, for one, wish to be put in the position, as a Member of this Senate, of sitting here without protest while a resolution for an investigation of campaign expenditures relating to a campaign in which I was a candidate goes to the calendar and to a position from which it can not be possibly rescued during this session, and, very likely, not during the next session, excepting by unanimous consent. I believe that that investigation should be made, and should be made now; and I ask unanimous consent for the present consideration of the resolution and pending amendments.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent for the present consideration of the following resolution.

The SECRETARY. Senate resolution 386——

Mr. HEYBURN. Let the resolution be read, Mr. President.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the statement made by the senior Senator from Pennsylvania, Mr. PENROSE, in the Senate on Wednesday, August 21, 1912, be, and is hereby, referred to the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, appointed under S. Res. 79, agreed to on April 29, 1912.

The Committee on Privileges and Elections, or any subcommittee thereof, is hereby authorized and directed to investigate fully into all statements and questions of fact referred to in the statement of personal privilege made by the Senator from Pennsylvania, Mr. PENROSE, on the floor of the Senate August 21, 1912, including all correspondence and financial transactions between John D. Archbold and Members of Congress and the United States Senate from 1900 to the date of the investigation; and further, said committee is authorized and directed to investigate into and ascertain the amount of money expended by or on behalf of any candidate seeking the nomination of any political party formed or in the process of formation for President during the year 1912, or by any committee or person acting for or on behalf of such candidate, or in the interest of such candidate or party; and to ascertain the names of all persons, firms, or corporations contributing to any of the purposes aforesaid, and the amounts paid or contributed, and how and when paid, including all sums of money used to secure the election of delegates to any national convention or to influence the actions of delegates at said convention.

Said committee or subcommittee is authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress, and to hold sessions at such place or places as may be deemed most convenient for the purposes of the inquiry; to employ an attorney, stenographers, and such other clerical force as may be deemed necessary; to subpœna witnesses; send for persons, books, records, and papers; and to administer oaths.

The PRESIDENT pro tempore. Is there objection to the request for unanimous consent made by the Senator from Wisconsin?

Mr. HEYBURN. Mr. President, I object.

The PRESIDENT pro tempore. The Senator from Idaho objects.

Mr. HEYBURN. Mr. President, I desire to say that my objection is to the resolution as an entirety. I would not object to an opportunity being given to the Senator from Wisconsin so far as his participation in the campaign was concerned; but the resolution, unfortunately for the Senator from Wisconsin, is so broad and comprehensive in its scope as to open up a subject that, in my judgment, would be sensational and would develop into a dragnet for the purpose of bringing into the investigation and the report of the committee a mass of extraneous matter that could under no circumstances be proper for the consideration of the people of the country at a time such as we are now confronted with. I therefore object.

Mr. LA FOLLETTE. Mr. President, I would ask the Senator from Idaho if he does not know that the Committee on Privileges and Elections is now engaged in investigating the campaign expenditures of the presidential and the congressional campaigns of 1904 and 1908? This body has already sanctioned and approved such an investigation with regard to the campaigns of 1904 and 1908, and the pending resolution simply extends that investigation to the campaign of 1912. I do not see why that is more objectionable than the investigation regarding the campaign expenditures of 1904 and 1908.

I do remember that some amendments to this resolution have been offered and are now pending to investigate campaign expenditures back to 1890; but the Senate has not yet adopted those amendments; the whole matter is in the control of the Senate; and the Senate can limit this proposed investigation in the same way as the investigation which it has already authorized has been limited. I hope that the Senator from Idaho will withdraw his objection and let the resolution come up for consideration. The Senate can then fix the scope of it in such way as to free it from the objections which the Senator has made to it. I make it a personal matter with the Senator from Idaho in so far as I am permitted to, and ask him to withdraw his objection.

Mr. HEYBURN. Mr. President, earlier in the day I expressed myself at some length in regard to this proceeding. In my judgment it is inappropriate at this time, or at any time, to enter upon what to me seems to be a sensational investigation covering campaigns that have long since closed and the transactions of men, some of whom are dead, and I can not see that any good purpose would be served by it.

The Senator from Wisconsin is interested principally in the existing campaign, and it is not reasonable to appeal to me on personal grounds in favor of a resolution that not only comprehends the existing campaign in which he is interested but which undertakes to bring under investigation transactions concerning the campaigns of 1904 and 1908. I am not unmindful of the fact that a committee of the Senate is now engaged in the investigation of certain charges specified and limited by the language of the resolution under which that committee is acting. I would deplore the extension of the scope of that investigation so that it might operate as a dragnet in which to draw not only before the attention of the Senate but before the attention of the country allegations of misconduct and alleged violations of law by men who are before the American people for their indorsement for the high office of President. It is better that the country should be given a rest from this agitation. The attention of the people had better be directed to a consideration of the men who have been nominated, from a personal standpoint, as to their fitness for the office to which they aspire, and more especially to the political issues involved.

I want to see the campaign carried on upon principles and a consideration of principles rather than upon a consideration and determination of the propriety of the action of men in a contest that is closed. The contest for the nomination is closed. It had better remain closed until some future time—if it is to be opened at all—when the public mind will be settled and free from the rancor and prejudice and the extreme feeling that characterized that contest. I must insist upon my objection.

The PRESIDENT pro tempore. The Senator from Idaho insists on his objection.

Mr. LA FOLLETTE. If I may be permitted to say just this word, I suppose I can say nothing to the Senator from Idaho that will move him from his purpose; but I will say to him that the denial of an investigation here will not quiet, allay, or abate the public interest in this subject. The very fact that the Senate does not pass this resolution will stimulate the imagination of all men with respect to what the Senate is trying to withhold from them by preventing this investigation.

But, Mr. President, for my own part if I can do nothing else, if I can not prevail upon the Senator from Idaho, and if this matter must be blocked here at this point by the refusal to give unanimous consent for the consideration of this resolution, it occurs to me that a motion to take up the resolution is in order.

The PRESIDENT pro tempore. A motion to proceed to the consideration of the resolution is in order.

Mr. LA FOLLETTE. Then I move that the Senate proceed to the consideration of Senate resolution No. 386.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. The motion is not debatable.

Mr. SMOOT. I wish to say to the Senator from Wisconsin that I was recognized, and I yielded to the Senator for a question of personal privilege. I did not yield to bring up any question before the Senate other than the matter of personal privilege.

Mr. LA FOLLETTE. The Senator was recognized for unanimous consent. I object to his request for unanimous consent to take up the calendar. And I will ask the Chair to put the question on my motion.

Mr. SMOOT. Then, notwithstanding the objection offered by the Senator from Wisconsin, I move that the Senate proceed to the consideration of the calendar under Rule VIII.

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate proceed to the consideration of unobjected cases on the calendar under Rule VIII, and upon that motion the Senator from Wisconsin demands the yeas and nays. Is there a second?

The yeas and nays were ordered.

Mr. ASHURST. I ask that the motion be stated again.

The PRESIDENT pro tempore. The motion is that the Senate proceed to the consideration of unobjected cases on the calendar under Rule VIII, House bills to be first considered.

Mr. WILLIAMS. A parliamentary inquiry, Mr. President. I may have misunderstood, but I understood the Chair a moment ago to rule that the motion of the Senator from Wisconsin was in order, that the Senator had a right to raise the question of consideration upon his motion instead of being compelled to wait to raise it upon the motion of the Senator from Utah.

The PRESIDENT pro tempore. That opinion of the Chair was rendered upon the supposition that the Senator from Wis-

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consin was entitled to the floor, but it developed that the Senator from Utah yielded to the Senator from Wisconsin for a personal explanation, and the Senator from Utah did not lose the floor.

Mr. WILLIAMS. May I be pardoned for one more parliamentary inquiry? Did the Senator from Utah yield for a question of personal privilege, or did he yield that unanimous consent might be asked?

The PRESIDENT pro tempore. The Senator from Utah asked unanimous consent, and the Senator from Wisconsin asked him to withhold that request that he might present a question in the nature of a personal privilege.

Mr. WILLIAMS. Then I should like to make this point and let the Chair pass upon it, that although the motion made by the Senator from Wisconsin was not a point of personal privilege, it is a point of the very highest privilege, going to the integrity of the body of which we are Members, and for that reason it was in order.

The PRESIDENT pro tempore. The Chair would feel constrained——

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. If the Senator from Minnesota will permit the Chair, the Chair would feel constrained to overrule that point of order.

Mr. NELSON. I want to speak about the point of order a minute.

The PRESIDENT pro tempore. The point of order is disposed of.

Mr. NELSON. This is what I rose to submit: It may be the practice in the House, but it is not in the Senate. A Senator can not by yielding the floor to another Senator prescribe for what purpose and limit it. If a Senator surrenders the floor to another Senator, it is unconditional. I know no rule under which a Senator yielding the floor to another Senator can limit it.

Mr. SMOOT. I did not yield the floor. I yielded for a question, and that question was in the shape of a personal privilege.

The PRESIDENT pro tempore. The yeas and nays have been ordered on the motion of the Senator from Utah.

Mr. LA FOLLETTE. Mr. President, I just want to correct the statement of the Senator from Utah. I asked him to yield to me, and after he yielded to me I stated that I rose to state a question in the nature of a question of personal privilege. That is the fact about it, as the RECORD will show.

The PRESIDENT pro tempore. The yeas and nays have been ordered on the motion of the Senator from Utah. The question is on agreeing to the motion of the Senator from Utah, which is that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII, House bills to be first considered.

Mr. SMOOT. Not to interfere with conference reports.

The PRESIDENT pro tempore. Not to interfere with conference reports. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. As he is absent, I withhold my vote.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the Senator from Alabama [Mr. JOHNSTON] and vote. I vote "nay."

Mr. LA FOLLETTE (when Mr. CRAWFORD'S name was called). The junior Senator from South Dakota [Mr. CRAWFORD] is unavoidably absent. If present, he would vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON], and therefore withhold my vote.

Mr. LA FOLLETTE (when Mr. GRONNA'S name was called). For the junior Senator from North Dakota [Mr. GRONNA], I will state that he is unavoidably absent, and if present he would vote "nay."

Mr. SHIVELY (when Mr. KERN'S name was called). My colleague [Mr. KERN] is unavoidably absent from the Chamber by reason of sickness in his family. He is paired with the senior Senator from New York [Mr. ROOT].

Mr. LEA (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. LIPPITT]. I transfer my pair to the junior Senator from Arkansas [Mr. DAVIS] and vote "nay."

Mr. MCCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. I do not see him in his seat to-night. Therefore I withhold my vote.

Mr. WILLIAMS (when Mr. PERCY'S name was called). I wish to announce that my colleague [Mr. PERCY] is unavoidably absent. He is paired with the Senator from North Dakota [Mr. MCCUMBER]. If my colleague were present, he would vote "nay."

Mr. REED (when his name was called). I have a pair with the senior Senator from Michigan [Mr. SMITH]. In his absence I withhold my vote. If permitted to vote, I would vote "nay."

Mr. ROOT (when his name was called). I have a general pair with the Senator from Indiana [Mr. KERN], and therefore withhold my vote.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. BURNHAM]. In his absence, I withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH] is absent from the city on important business. He is paired with the junior Senator from Missouri [Mr. REED]. I will let this announcement stand for the day.

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK], and withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER]. On account of his absence I withhold my vote.

The roll call was concluded.

Mr. BRIGGS. As announced a few moments ago I have a general pair with the junior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE] and vote. I vote "yea."

Mr. CULBERSON (after having voted in the negative). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Arkansas [Mr. CLARKE], and allow my vote to stand.

Mr. BRANDEGEE (after having voted in the affirmative). I am paired with the junior Senator from New York [Mr. O'GORMAN]. I notice on the recapitulation that he did not vote. I withdraw my vote.

Mr. FALL (after having voted in the affirmative). I am informed that the junior Senator from Florida [Mr. BRYAN] is not present. I withdraw my vote, as I have a general pair with that Senator.

The result was announced—yeas 8, nays 27, as follows:

YEAS—8.

Bankhead	Catron	Gallinger	Smoot
Briggs	Crane	Heyburn	Wetmore

NAYS—27.

Ashurst	Fletcher	Myers	Simmons
Bacon	Jones	Nelson	Smith, Ariz.
Borah	La Follette	Page	Thornton
Bradley	Lea	Penrose	Townsend
Chamberlain	McLean	Poindexter	Williams
Clapp	Martin, Va.	Sanders	Works
Culberson	Martine, N. J.	Shively	

NOT VOTING—59.

Bailey	Davis	Kern	Reed
Bourne	Dillingham	Lippitt	Richardson
Brandegee	Dixon	Lodge	Root
Bristow	du Pont	McCumber	Smith, Ga.
Brown	Fall	Massey	Smith, Md.
Bryan	Foster	Newlands	Smith, Mich.
Burnham	Gamble	O'Gorman	Smith, S. C.
Burton	Gardner	Oliver	Stephenson
Chilton	Gore	Overman	Stone
Clark, Wyo.	Gronna	Owen	Sutherland
Clarke, Ark.	Guggenheim	Paynter	Swanson
Crawford	Hitchcock	Percy	Tillman
Cullom	Johnson, Me.	Perkins	Warren
Cummins	Johnston, Ala.	Pomerene	Watson
Curtis	Kenyon	Rayner	

The PRESIDENT pro tempore. No quorum having voted, the roll will be called.

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

Ashurst	Cullom	Myers	Smith, Md.
Bacon	Fall	Nelson	Smoot
Bailey	Fletcher	Overman	Sutherland
Bankhead	Gallinger	Page	Thornton
Borah	Heyburn	Penrose	Townsend
Bradley	Jones	Poindexter	Warren
Brandegee	La Follette	Reed	Wetmore
Briggs	Lea	Root	Williams
Catron	McCumber	Sanders	Works
Chamberlain	McLean	Shively	
Clapp	Martin, Va.	Simmons	
Culberson	Martine, N. J.	Smith, Ariz.	

Mr. THORNTON. If I have not already during the day announced the necessary absence of my colleague [Mr. FOSTER], I wish to make the announcement now.

Mr. WILLIAMS. I wish to repeat the announcement I made a moment ago about my colleague [Mr. PERCY] and to ask that it stand for the rest of the day.

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Mr. BACON. I wish to announce that my colleague [Mr. SMITH of Georgia] has been called from the city and is unavoidably absent.

The PRESIDENT pro tempore. Forty-five Senators have answered to their names—not a quorum. The names of the absentees will be called.

The Secretary called the names of the absent Senators, and Mr. SWANSON answered to his name when called.

Mr. CULBERSON. I take the liberty of stating that the Senator from West Virginia [Mr. CHILTON], whose name has just been called, has been excused by order of the Senate on account of illness.

Mr. BOURNE and Mr. CRANE entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present. The roll will again be called on agreeing to the motion of the Senator from Utah.

The Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE] and vote. I vote "yea."

Mr. FLETCHER (when Mr. BRYAN's name was called). My colleague [Mr. BRYAN] is unavoidably absent. He has a general pair with the Senator from New Mexico [Mr. FALL.] I make this announcement for the evening.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Alabama [Mr. JOHNSTON] and vote. I vote "nay."

Mr. CULBERSON (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Arkansas [Mr. CLARKE] and will vote. I vote "nay."

Mr. CULLOM (when his name was called). I again announce my pair and withhold my vote.

Mr. OVERMAN (when his name was called). I again announce that I have a general pair with the senior Senator from California [Mr. PERKINS]. He is unavoidably absent, and therefore I withhold my vote.

Mr. REED (when his name was called). As I announced before, I have a pair with the Senator from Michigan [Mr. SMITH]. I am informed, however, by his colleague that he feels it would not be unsatisfactory if I were to vote. I therefore feel at liberty to disregard the pair and to vote. I vote "nay."

Mr. ROOT (when his name was called). I again announce my pair with the junior Senator from Indiana [Mr. KERN] and withhold my vote.

Mr. SMITH of Maryland (when his name was called). I again announce that I have a general pair with the junior Senator from New Hampshire [Mr. BURNHAM]. Therefore I withhold my vote.

Mr. SUTHERLAND (when his name was called). I again announce my pair and withhold my vote.

Mr. SWANSON. I should like to know whether the junior Senator from Nevada [Mr. MASSEY] has voted?

The PRESIDENT pro tempore. The Chair is informed that the Senator from Nevada has not voted.

Mr. SWANSON. I have a general pair with the junior Senator from Nevada. I transfer that pair to the junior Senator from Ohio [Mr. POMERENE] and vote. I vote "nay."

Mr. WARREN (when his name was called). I announce my general pair with the senior Senator from Louisiana [Mr. FOSTER].

The roll call was concluded.

Mr. BRANDEGEE. I again announce my pair with the junior Senator from New York [Mr. O'GORMAN], and withhold my vote.

Mr. LEA. I am paired with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the junior Senator from Arkansas [Mr. DAVIS], and vote. I vote "nay."

Mr. CURTIS. I am requested to announce the pair of the Senator from Nebraska [Mr. BROWN] with the Senator from Oklahoma [Mr. OWEN]; the pair of the Senator from Ohio [Mr. BURTON] with the Senator from Maine [Mr. JOHNSON]; the pair of the Senator from Vermont [Mr. DILLINGHAM] with the Senator from South Carolina [Mr. TILLMAN]; the pair of the Senator from Montana [Mr. DIXON] with the Senator from Texas [Mr. BAILEY]; the pair of the Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH]; the pair of the Senator from Delaware [Mr. RICHARDSON] with the Senator from South Carolina [Mr. SMITH]; and the pair of the Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE].

Mr. LA FOLLETTE. For the junior Senator from North Dakota [Mr. GRONNA], I will say that he is unavoidably absent. If present, the Senator from North Dakota would vote "nay." I make the same announcement for the junior Senator from South Dakota [Mr. CRAWFORD].

The result was announced—yeas 6, nays 30, as follows:

YEAS—6.

Briggs	Gallinger	Smoot	Wetmore
Catron	Heyburn		

NAYS—30.

Ashurst	Fletcher	Nelson	Smith, Ariz.
Bacon	Jones	Page	Swanson
Borah	La Follette	Penrose	Thornton
Bradley	Lea	Poindexter	Townsend
Chamberlain	McLean	Reed	Williams
Clapp	Martin, Va.	Sanders	Works
Culberson	Martine, N. J.	Shively	
Curtis	Myers	Simmons	

NOT VOTING—58.

Bailey	Cummins	Kenyon	Rayner
Bankhead	Davis	Kern	Richardson
Bourne	Dillingham	Lippitt	Root
Brandegee	Dixon	Lodge	Smith, Ga.
Bristow	du Pont	McCumber	Smith, Md.
Brown	Fall	Massey	Smith, Mich.
Bryan	Foster	Newlands	Smith, S. C.
Burnham	Gamble	O'Gorman	Stephenson
Burton	Gardner	Oliver	Stone
Chilton	Gore	Overman	Sutherland
Clark, Wyo.	Gronna	Owen	Tillman
Clarke, Ark.	Guggenheim	Paynter	Warren
Crane	Hitchcock	Percy	Watson
Crawford	Johnson, Me.	Perkins	
Cullom	Johnston, Ala.	Pomerene	

The PRESIDENT pro tempore. No quorum has voted. The roll will again be called.

Mr. WILLIAMS. I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDENT pro tempore. The Senator from Mississippi moves that the Sergeant at Arms be directed to request the attendance of absent Senators. The question is on that motion.

The motion was agreed to.

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	Fletcher	Nelson	Smith, Md.
Bacon	Gallinger	Overman	Smoot
Borah	Heyburn	Page	Sutherland
Bradley	Jones	Penrose	Swanson
Briggs	La Follette	Poindexter	Thornton
Catron	Lea	Reed	Townsend
Chamberlain	McCumber	Root	Warren
Clapp	McLean	Sanders	Wetmore
Culberson	Martin, Va.	Shively	Williams
Cullom	Martine, N. J.	Simmons	Works
Curtis	Myers	Smith, Ariz.	

The PRESIDENT pro tempore. Forty-three Senators have answered to their names—not a quorum. The names of absent Senators will be called.

The Secretary called the list of absent Senators, and Mr. FALL responded to his name.

Mr. CRANE, Mr. BOURNE, Mr. BANKHEAD, and Mr. STONE entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. POINDEXTER. A quorum being present, I ask unanimous consent to dispense with the further calling of the roll and that the Senate proceed to the consideration of Senate resolution 386.

The PRESIDENT pro tempore. That can not be done.

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

The PRESIDENT pro tempore. The Chair did not understand fully the request of the Senator from Washington.

Mr. POINDEXTER. I ask unanimous consent to dispense with the further call of the roll and that the Senate proceed with the consideration of Senate resolution 386.

Mr. SMOOT. Mr. President, I object.

The PRESIDENT pro tempore. Objection is made.

Mr. BORAH. Is a motion in order at this time?

The PRESIDENT pro tempore. A motion is in order.

Mr. BORAH. I move that we take up the unobjected House bills on the calendar and proceed with their consideration, and that, as soon as they are disposed of, it be followed by this resolution, and that it be voted upon before 10.30.

The PRESIDENT pro tempore. The first part of the Senator's motion is precisely the motion now before the Senate.

Mr. SMOOT. The second part is not.

The PRESIDENT pro tempore. The second part is not. The Chair has some doubt whether that compound motion can be made.

Mr. HEYBURN. I ask that it be stated.

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The PRESIDENT pro tempore. The Senator from Idaho will state his motion.

Mr. BORAH. The motion is that we proceed with the consideration of unobjected House bills upon the calendar, and that as soon as they are disposed of we proceed with the consideration of this resolution.

Mr. HEYBURN. Is that all of the motion?

Mr. CULBERSON. I will ask the Senator why limit it to House bills on the calendar? Why not proceed to the consideration of the calendar under Rule VIII?

Mr. BORAH. For the reason that if we do that we would not get to that resolution at all, and it is necessary to get the House bills disposed of in order to get them acted upon.

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 August 24, 1912:

S. 2904. An act to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co. and to provide for transfers between said company and the Capital Traction Co. and the Washington Railway & Electric Co.;

S. 5458. An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River;

S. 5808. An act granting right of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington;

S. 6777. An act to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake at Conway, S. C.;

S. 7209. An act to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.

S. 7315. An act to authorize the construction of a bridge across the Clearwater River at a point within the corporate limits of the city of Lewiston, Idaho;

S. 3045. An act to provide for agricultural entries on oil and gas lands;

S. 4753. An act to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat. L., p. 137);

S. 5679. An act to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910;

S. 7157. An act to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus;

S. 1484. An act for the relief of Ferdinand Tobe;

S. 5556. An act to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes;

S. 6384. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 6851. 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 certain widows and dependent relatives of such soldiers and sailors; and

S. 7377. An act granting a right of way through the Fort Shafter Military Reservation, Territory of Hawaii, to the Pearl Harbor Traction Co. (Ltd.), and for other purposes.

COOSA RIVER DAM, ALA.—VETO MESSAGE (S. DOC. NO. 949).

The PRESIDENT pro tempore. Pending the motion, the Chair lays before the Senate a message from the President of the United States, which will be read.

The Secretary read as follows:

To the Senate:

I return herewith, without my approval, Senate bill No. 7343:

To authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river.

This bill presents a typical case of a river where its development by the Federal Government for navigation should go hand in hand with its development for water power. The reports of the engineers show that comprehensive plans have been made by the Corps of Engineers for the development of navigation on this river by a series of dams constructed for the purpose of creating deep pools. This bill seeks to authorize the construction of one of these dams through a private agency, the Alabama Power Co., which intends to use the water power created for commercial purposes. If the Federal Government chose to build this dam itself in aid of navigation, its right to the water power incidentally created by the dam would be beyond question. When, instead of building the dam itself, it builds it by an agent, as proposed by this bill, I believe it to be equally clear that the dam and all its incidents, including the water power created, is within the regulative power of the Federal Government in respect to navigation.

It is said that the grantee, the Alabama Power Co., proposes to spend over a million dollars in the construction of the dam, as well as to furnish toward the project its riparian rights, and to stand the expense and cost of the damages by flowage. It is manifestly entitled to be credited for all these expenditures, and is manifestly entitled to a fair, full, and reasonable profit for its investment and work. But, after all of these items are fully allowed for, it is equally manifest that in the course of time the return from the privilege thus granted in the shape of valuable water power created may far exceed a reasonable return for these items.

No provision is made in the bill whereby the Secretary of War may, in granting the permit, exact such compensation as in the course of time may prove to be necessary to equalize this account. I think this is a fatal defect in the bill, and that is is just as improvident to grant this permit without such a reservation as it would be to throw away any other asset of the Government. To make such a reservation is not depriving the States of anything that belongs to them. On the contrary, in the Report of the Secretary of War it is recommended that all compensation for similar privileges should be applied strictly to the improvement of navigation in the respective streams—a strictly Federal function. The Federal Government, by availing itself of this right, may in time greatly reduce the swollen expenditures for river improvements which now fall wholly upon the general taxpayer. I deem it highly important that the Nation should adopt a consistent and harmonious policy of treatment of these water-power projects which will preserve for this purpose their value to the Government whose right it is to grant the permit. The necessity for the adoption of such a policy has recently been pointed out, with my approval, by the Secretary of War, and I see no reason why this bill should be exempted from the safeguards which have been recommended by him in the cases of other bills now pending before Congress.

I therefore return the bill to your honorable body without my approval.

WM. H. TAFT.

THE WHITE HOUSE, *August 24, 1912.*

The PRESIDENT pro tempore. The question is, Shall the bill pass the objections of the President to the contrary notwithstanding?

Mr. BANKHEAD. At this late hour of the session, Mr. President——

Mr. LA FOLLETTE. I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Wisconsin will state his point of order.

Mr. LA FOLLETTE. I make the point of order that the regular order is the calling of the roll upon the pending motion of the Senator from Utah, and this interruption is out of order, and that certainly no remarks upon the veto message which has just been read would be in order or any motion to dispose of the bill.

The PRESIDENT pro tempore. The Chair is of the opinion that, inasmuch as the roll call was not proceeding, a message from the President of the United States is a matter of privilege; and the Chair is further of the opinion that no discussion is to be had upon it.

Mr. BANKHEAD. Mr. President——

The PRESIDENT pro tempore. The Senator from Alabama.

Mr. BANKHEAD. I was about to say that at this late hour——

Mr. LA FOLLETTE. I am compelled to interrupt the Senator from Alabama. Without any disposition to be discourteous, I must demand the regular order.

The PRESIDENT pro tempore. The Chair thinks the message of the President, which has just been read, is the regular order at the present time.

Mr. LA FOLLETTE. I would inquire if the Chair thinks the message is now open to debate, pending the roll call upon the motion of the Senator from Utah?

The PRESIDENT pro tempore. The Chair will hold that some disposition can properly be made of the message. If the Senator will permit the Chair for one moment, I think it will be disposed of.

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Mr. LA FOLLETTE. I do not want to be captious.

Mr. BANKHEAD. Mr. President, I do not want to discuss the message of the President at this late hour, and I ask that it lie on the table.

Mr. NELSON. With the consent of the Senator from Alabama, or if he has no objection, I move that the bill and the message be referred to the Committee on Commerce.

Mr. BANKHEAD. I hope my friend will not insist upon that motion.

Mr. NELSON. Has the Senator from Alabama objection to that course?

Mr. BANKHEAD. I should prefer to have it lie on the table.

Mr. NELSON. Very well.

The PRESIDENT pro tempore. The Senator from Alabama asks that the message and the bill lie upon the table. Is there objection?

Mr. HEYBURN. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HEYBURN. The Constitution says the message being received, the House receiving it shall proceed to determine the question whether or not the bill shall pass, notwithstanding the veto of the President.

The PRESIDENT pro tempore. The Chair is of opinion that it is competent for the Senate to dispose of the message at its pleasure, and that the request of the Senator from Alabama is in order. Is there objection? The Chair hears none, and the message will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. SISSON, and Mr. CANNON managers at the further conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 20102) relating to proof of signatures and handwriting, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

S. 2534. An act to extend the time for the completion of the Alaska Northern Railway, and for other purposes;

S. 7165. An act to authorize the elimination of part of North Dakota Avenue from the permanent system of highways plan;

S. 7409. An act to constitute a commission to investigate the purchase of American-grown tobacco by the governments of foreign countries;

S. 7410. An act to authorize the Carolina, Clinchfield & Ohio Railway to construct bridges across the Big Sandy River and the branches thereof in the States of Virginia and Kentucky;

S. 7411. An act to authorize the Clinchfield Northern Railway of Kentucky, to construct bridges across the Big Sandy River and the branches thereof in the States of Kentucky and Virginia; and

S. J. Res. 108. Joint resolution authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet.

THE CALENDAR.

The PRESIDENT pro tempore. The roll will be called on the question of agreeing to the motion of the Senator from Utah that the Senate proceed to the consideration of unobjected bills on the calendar, House bills to be first considered.

Mr. McCUMBER. I desire to make an inquiry—whether the subject is still open to discussion before there is a call of the roll?

The PRESIDENT pro tempore. It is not a debatable question under the rule. The roll will be called.

The Secretary proceeded to call the roll.

Mr. NELSON. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. NELSON. Would a motion to go into executive session be in order at this time?

The PRESIDENT pro tempore. Not pending the roll call.

The Secretary resumed the calling of the roll.

Mr. BRANDEGEE (when his name was called). I have a pair with the junior Senator from New York [Mr. O'GORMAN], and therefore withhold my vote.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I transfer the pair to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea." I will let this announcement stand for the day.

Mr. CHAMBERLAIN (when his name was called). I again transfer my pair, as announced a while ago, and will vote. I vote "nay."

Mr. CULBERSON (when his name was called). I announce the transfer of my pair, as previously made, and will vote. I vote "nay."

Mr. CULLOM (when his name was called). I again announce my pair and withhold my vote.

Mr. FALL (when his name was called). I have a general pair with the junior Senator from Florida [Mr. BRYAN], and withhold my vote.

Mr. LEA (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. LIPPITT]; I transfer it to the Senator from Arkansas [Mr. DAVIS]. I vote "nay."

Mr. McCUMBER (when his name was called). I again announce my pair and withhold my vote.

Mr. ROOT (when his name was called). On account of my pair, already announced, I withhold my vote.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. BURNHAM]. I therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). On account of my pair, already announced, I withhold my vote.

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Nevada [Mr. MASSEY]. I transfer the pair to the junior Senator from Ohio [Mr. POMERENE] and will vote. I vote "nay."

The roll call was concluded.

Mr. OVERMAN. I again announce my pair with the senior Senator from California [Mr. PERKINS], who is unavoidably detained.

The result was announced—yeas 7, nays 28, as follows:

YEAS—7.

Bourne	Catron	Heyburn	Wetmore
Briggs	Gallinger	Smoot	

NAYS—28.

Ashurst	Curtis	Martine, N. J.	Simmons
Bacon	Fletcher	Myers	Smith, Ariz.
Borah	Jones	Nelson	Swanson
Bradley	La Follette	Page	Thornton
Chamberlain	Lea	Poindexter	Townsend
Clapp	McLean	Reed	Williams
Culberson	Martin, Va.	Shively	Works

NOT VOTING—59.

Bailey	Davis	Kern	Rayner
Bankhead	Dillingham	Lippitt	Richardson
Brandegee	Dixon	Lodge	Root
Bristow	du Pont	McCumber	Sanders
Brown	Fall	Massey	Smith, Ga.
Bryan	Foster	Newlands	Smith, Md.
Burnham	Gamble	O'Gorman	Smith, Mich.
Burton	Gardner	Oliver	Smith, S. C.
Chilton	Gore	Overman	Stephenson
Clark, Wyo.	Gronna	Owen	Stone
Clarke, Ark.	Guggenheim	Paynter	Sutherland
Crane	Hitchcock	Penrose	Tillman
Crawford	Johnson, Me.	Percy	Warren
Cullom	Johnston, Ala.	Perkins	Watson
Cummins	Kenyon	Pomerene	

The PRESIDENT pro tempore. Not a quorum having voted the roll will again be called.

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

Ashurst	Curtis	Nelson	Stone
Bacon	Fletcher	Overman	Sutherland
Borah	Gallinger	Page	Swanson
Bradley	Heyburn	Penrose	Thornton
Brandegee	Jones	Poindexter	Townsend
Briggs	La Follette	Root	Wetmore
Catron	Lea	Shively	Williams
Chamberlain	McLean	Simmons	Works
Clapp	Martin, Va.	Smith, Ariz.	
Culberson	Martine, N. J.	Smith, Md.	
Cullom	Myers	Smoot	

Mr. LA FOLLETTE. I make the same statement for the junior Senator from North Dakota [Mr. GRONNA] and the junior Senator from South Dakota [Mr. CRAWFORD] that I made on the previous roll call, and I will let it stand for the balance of the day.

The PRESIDENT pro tempore. Forty-one Senators have answered to their names—not a quorum. The names of the absentees will be called.

The Secretary called the names of the absent Senators.

Mr. FALL, Mr. REED, and Mr. BANKHEAD entered the Chamber and answered to their names.

After some delay Mr. BAILEY and Mr. WARREN entered the Chamber and answered to their names.

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After further delay, Mr. BOURNE and Mr. CRANE entered the Chamber and answered to their names.

The PRESIDENT pro tempore (at 1 o'clock and 18 minutes a. m., Sunday). Forty-eight Senators have answered to their names. A quorum of the Senate is present.

JOINT COMMITTEES AND COMMISSIONS.

The PRESIDENT pro tempore. In the Post Office appropriation act there are three provisions for members of joint committees to be appointed by the chairmen of the committees. The Chair is informed that in the House the Speaker announced those committees at the request of the chairman, and the Chair has been requested to do the same in the Senate.

On the committee to inquire into the subject of postage on second-class mail matter and compensation for transportation of the mails, Mr. BOURNE, Mr. RICHARDSON, Mr. BANKHEAD.

On the committee to make inquiry into the subject of Federal aid in the construction of post roads, Mr. BOURNE, Mr. PENROSE, Mr. GRONNA, Mr. SWANSON, Mr. OVERMAN.

On the committee to inquire into the advisability of the Government purchasing pneumatic tubes, Mr. GUGGENHEIM, Mr. SMITH of Georgia.

On the committee to make further inquiry into the subject of parcel post, Mr. BRIGGS, Mr. BRISTOW, Mr. BRYAN.

Under the provisions of the bill S. 7409 the Chair appoints Mr. MARTIN of Virginia, Mr. LODGE, and Mr. BRANDEGEE a commission to investigate the purchase of American-grown tobacco by the Governments of foreign countries.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 134) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the Speaker had appointed on the part of the House of Representatives on the committee to inquire into the subject of postage on second-class mail matter and compensation for transportation of mail Mr. LLOYD, Mr. TUTTLE, and Mr. WEEKS.

The message further announced that the Speaker had appointed on the committee to inquire into the subject of Federal aid in the construction of post roads Mr. SHACKLEFORD, Mr. LEE of Georgia, Mr. MCGILLICUDDY, Mr. MADDEN, and Mr. AUSTIN.

The message also announced that the Speaker had appointed on the committee to inquire into the advisability of the Government purchasing pneumatic tubes Mr. BLACKMON and Mr. MURDOCK.

The message further announced that the Speaker had appointed on the committee to make further inquiry into the subject of the parcel post Mr. FINLEY, Mr. LEWIS, and Mr. GARDNER of New Jersey.

The message also announced that the Speaker had appointed on the part of the House of Representatives, under the provisions the bill (S. 7409) to investigate conditions under which foreign governments purchase American-grown tobacco, Mr. FLOOD of Virginia, Mr. STEDMAN, and Mr. MCKINLEY.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 362) amending the Army appropriation bill, and it was thereupon signed by the President pro tempore.

Mr. LA FOLLETTE. Mr. President, a quorum having been reported present, I suppose the pending motion should be presented.

The PRESIDENT pro tempore. Yes; if the Senator will permit the Chair for a moment to lay before the Senate a message from the House of Representatives.

CORBETT TUNNEL PROJECT.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 134) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel, which were, on page 1, lines 3 and 4, to strike out "the Treasury of the United States" and insert "any moneys in the reclamation fund in the Treasury"; on page 1, line 9, after "subcontractor," to insert "and used"; and on page 2, line 4, after "unpaid," to insert "if any."

Mr. MYERS. I would ask the Senator from Wisconsin if he will yield to me long enough to move that the Senate concur in the House amendments.

The PRESIDENT pro tempore. The Senator in his right can make that motion.

Mr. MYERS. Mr. President, the joint resolution went to the other House and was there amended so that the money to pay these claims should be paid out of the general reclamation fund, but not taxable to any particular project. I move that the Senate concur in the House amendments.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 20102. An act relating to proof of signatures and handwriting was read twice by its title and referred to the Committee on the Judiciary.

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 resolutions:

On August 24, 1912:

S. J. Res. 108. Joint resolution authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet;

S. 7409. An act to constitute a commission to investigate the purchase of American-grown tobacco by the Government of foreign countries;

S. 7410. An act to authorize the Carolina, Clinchfield & Ohio Railway to construct bridges across the Big Sandy River and the branches thereof in the States of Virginia and Kentucky;

S. 7411. An act to authorize the Clinchfield Northern Railway, of Kentucky, to construct bridges across the Big Sandy River and the branches thereof in the States of Kentucky and Virginia;

S. 7378. An act for the relief of James E. C. Covel;

S. 7165. An act to authorize the elimination of part of North Dakota Avenue from the permanent system of highways plan; and

S. J. Res. 134. Joint resolution appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker had signed the enrolled joint resolution (S. J. Res. 134) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel, and it was thereupon signed by the President pro tempore.

EXECUTIVE SESSION.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business. I want to say that there are three or four nominations that ought to be disposed of to-night. It will take but three or four minutes to dispose of them, and then we can go back into legislative session. This will not displace the matter that the Senator from Wisconsin has in charge.

Mr. LA FOLLETTE. Mr. President, I make the point of order that that motion is not in order pending a roll call upon the motion of the Senator from Utah [Mr. SMOOT].

The PRESIDENT pro tempore. The Chair is of opinion that a motion to proceed to the consideration of executive business is in order at any stage of the proceedings, and he will put the motion.

Mr. LA FOLLETTE. Well, Mr. President, pending my right to take an appeal from the decision of the Chair, I inquire in what position that will leave the pending motion and the order for a roll call upon it?

The PRESIDENT pro tempore. In precisely the same position that it is now.

Mr. LA FOLLETTE. At the conclusion of the executive session?

The PRESIDENT pro tempore. It will; and the Chair will ask that the roll shall be called upon the motion of the Senator from Utah at that time.

Mr. LA FOLLETTE. Very well; I have no objection.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Minnesota [Mr. NELSON].

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

THE CALENDAR.

The PRESIDENT pro tempore. The question is on the motion made by the Senator from Utah [Mr. SMOOT].

Mr. MCCUMBER. I move to lay the motion of the Senator from Utah on the table.

Mr. BACON. What is the motion, Mr. President?

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