

By Mr. HARRISON of Mississippi: Petitions of citizens of Lumberton, Pascagoula, Moss Point, Gulfport, Ocean Springs, and Biloxi, Miss., favoring the enactment of laws regulating express and postal rates; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of Lumberton, Moss Point, Pascagoula, Gulfport, Biloxi, and Ocean Springs, Miss., against extension of the parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Petition of Logan Valley Grange, No. 664, Patrons of Husbandry, State of Pennsylvania, favoring passage of House bill 19133, for Government system of postal express; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: Petition of citizens of Arizona, against passage of general parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. HELGESEN: Petition of North Dakota farmers, favoring passage of parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of North Dakota citizens, against passage of any parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. KINDRED: Petition of North Side Board of Trade, in the city of New York, favoring improvement of Bronx Kills, Harlem River, and East River, New York City; to the Committee on Rivers and Harbors.

By Mr. LINDSAY: Petition of Associated Fraternities of America, favoring passage of Dodds amendment to the House postal appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petitions of Henry Siegel, of New York; Frank E. Vogel, of Brooklyn, N. Y.; and Retail Dry Goods Association of New York City, favoring passage of limited parcel post; to the Committee on the Post Office and Post Roads.

By Mr. MCCOY: Petition of Bank of New York, favoring immediate action on emergency bill to repair the levees along the Mississippi River; to the Committee on Rivers and Harbors.

Also, petition of the Bergen County Pomona Grange, No. 11, of Preakness, N. J., favoring passage of parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of New Jersey State Grange, favoring passage of House bill 19133, relating to postal express; to the Committee on Interstate and Foreign Commerce.

Also, petition of Metal Polishers' Union, of Newark N. J., and United Brotherhood of Carpenters and Joiners of America, of Belleville, N. J., favoring passage of House bill 22339, prohibiting use of stop watch for Government employees; to the Committee on Labor.

Also, resolution of registration committee of the Amateur Athletic Union, held in New York City April 4, 1912, favoring appointment of a commissioner to represent the United States Government at the coming Olympian championships; to the Committee on Foreign Affairs.

By Mr. MARTIN of South Dakota: Petition of Black Hills Presbytery at Rapid City, S. Dak., favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. NYE: Resolution of Minneapolis Civic and Commerce Association, favoring legislation providing for mental examination of immigrants; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of citizens of Chatham, Middlesex County, Conn., favoring passage of the Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. J. M. C. SMITH: Petition of 33 citizens of Allen, Mich., protesting against House bill 9433; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of Associated Fraternities of America, of Lincoln, Nebr., favoring passage of Dodds amendment; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petitions of Dudley & Beckwith, of Guilford; Manufacturers' Association, of Hartford County; and the International Silver Co., of Meriden, Conn., protesting against proposed legislation to deprive a manufacturer from fixing and enforcing retail prices on his patented articles; to the Committee on Patents.

By Mr. TOWNER: Petition of 25 citizens of Hamburg, Iowa, protesting against the enactment of the proposed parcel-post law; to the Committee on the Post Office and Post Roads.

By Mr. UTTER: Petition of the Chamber of Commerce of San Diego County, Cal., against House bills 11372 and 20576, prohibiting the towing of log rafts or lumber rafts through the open sea; to the Committee on the Merchant Marine and Fisheries.

Also, joint resolution of the city council of Providence, R. I., for enactment of new Federal laws to secure the highest pos-

sible protection for American travelers upon the oceans or the other great waterways of the world; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Rhode Island Society for the Prevention of Cruelty to Animals, favoring passage of House bill 17222; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of the State of Rhode Island, favoring passage of House bill 22339 and Senate bill 6172, the anti-Taylor system bills; to the Committee on Labor.

By Mr. WILSON of New York: Memorial of P. T. Rowe, bishop of Alaska, relative to conditions among the natives of Alaska; to the Committee on the Territories.

Also, resolution of North Side Board of Trade, in the city of New York, favoring improvement of Bronx Kills, Harlem River, and East River at New York City; to the Committee on Rivers and Harbors.

Also, petitions of the Brotherhood of Railroad Trainmen, Cleveland, Ohio; of the Farm Journal, of Philadelphia, Pa.; of Sovereign Camp, Woodmen of the World, Omaha, Nebr.; of the National Council of the Knights and Ladies of Security, Topeka, Kans.; of the Ladies of the Modern Maccabees, of Port Huron, Mich.; of the Modern Brotherhood of America, Mason City, Iowa; of the Ancient Order United Workmen, of Des Moines, Iowa; of the Woodmen of the World, Dallas, Tex.; of the Associated Fraternities of America, of Lincoln, Nebr.; of the Catholic Order of Foresters, Chicago, Ill.; of the Supreme Conclave, Improved Order Heptasophs, Baltimore, Md.; and of the Supreme Tribe of Ben Hur, Crawfordsville, Ind., favoring passage of Dodds amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of Kings Highway Board of Trade, Brooklyn, N. Y., favoring building one battleship at the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petition of South Side Republican Club, of Brooklyn, N. Y., favoring passage of letter carriers' pension bill (H. R. 9242); to the Committee on Reform in the Civil Service.

SENATE.

WEDNESDAY, May 1, 1912.

The Senate met at 12 o'clock m.

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. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

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

Richard G. Davenport, brother and sole heir at law of Thomas Corbin Davenport, deceased, *v.* United States (S. Doc. No. 622);

Thomas Addington *v.* United States (S. Doc. No. 639);

Elizabeth Sharp, widow of John Sharp, deceased, *v.* United States (S. Doc. No. 638);

Amanda Steadman, widow of Leonard Steadman, deceased, *v.* United States (S. Doc. No. 637);

Mary E. Smith, widow of Albert J. Smith, deceased, *v.* United States (S. Doc. No. 636);

Thomas J. Smith *v.* United States (S. Doc. No. 635);

Courtland D. Slow *v.* United States (S. Doc. No. 634);

Adelaide B. Slaughter, widow of William B. Slaughter, *v.* United States (S. Doc. No. 633);

Cornelia Skofstad, widow of Albert Skofstad, deceased, *v.* United States (S. Doc. No. 632);

Frances Stackpole, widow of Thomas Stackpole, deceased, *v.* United States (S. Doc. No. 631);

Joseph Stanton *v.* United States (S. Doc. No. 629);

Harriet E. Stevens, widow of George C. Stevens, deceased, *v.* United States (S. Doc. No. 630);

Lucinda E. Lancaster, widow of James Lancaster, deceased, *v.* United States (S. Doc. No. 628);

David Murphy *v.* United States (S. Doc. No. 627);

William H. Mickle *v.* United States (S. Doc. No. 626);

Louise S. Palmer, widow of Gustavus M. Palmer, deceased, *v.* United States (S. Doc. No. 625);

Elizabeth M. Rush, widow of David Rush, deceased, *v.* United States (S. Doc. No. 624); and

Helen E. Sturtevant, widow of Josiah H. Sturtevant, deceased, *v.* United States (S. Doc. No. 623).

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 20840) to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 4623. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5194. 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. 5670. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of the Webb Presbyterian Church, of Middletown, N. Y., 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.

He also presented a memorial of sundry citizens of Oshkosh, Wis., remonstrating against the passage of the so-called Owen medical bill, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of Pequawket Grange, Patrons of Husbandry, of North Conway, N. H., praying for the establishment of a parcel-post system, and remonstrating against the enactment of legislation to permit the coloring of oleomargarine in imitation of butter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Woman's National Press Association, favoring the enactment of legislation to provide additional triangular parks between Franklin Square and Longfellow Street on Fourteenth Street in the District of Columbia, which was referred to the Committee on Appropriations.

He also presented resolutions adopted by the Woman's National Press Association, favoring the enactment of legislation to pension members of the police and fire departments in the District, which were referred to the Committee on Appropriations.

Mr. BROWN. I present a memorial signed by citizens of my State, remonstrating against the so-called Owen medical bill. I ask that the memorial lie on the table and that it, including the first signature thereto, be printed in the RECORD, without reading.

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

We, the undersigned citizens of Nebraska, practitioners and believers in various systems of healing, including allopathic, homeopathic, osteopathic, chiropractic, Christian Science, etc., wish to enter our protest against the passage of Senate File No. 1, known as the Owen bill, providing for a national bureau of health.

We consider that the older school of healing has shown by its record of attempted legislation for more than 20 years a desire to secure more power for its own special benefit, without advancing any reasons to show that the general public would benefit thereby; they favor the Owen bill because it is in line with the legislation they have tried to secure.

We are opposed to the use of the Government authority, funds, and other facilities in the interest of any particular school of healing, believing that any system which has merit can establish the same without the aid of Government authority. We claim the right to exercise our individual opinions in the selection of practitioners or systems of healing for our own use.

We believe that a national bureau of health means class legislation and is designed to deny to individuals the rights and liberties for which the citizens of these United States have contended from the beginning. Free government is measured by the liberty enjoyed by individuals, so long as these liberties do not encroach upon the rights of others, and any measures, which might ever be enlarged upon or so construed that they would interfere with medical freedom strike at the very roots of free government.

We ask that you represent the rights of all Nebraska citizens and that you work against this and any similar measures.

Dr. A. S. DOWLER, D. O.,
David City, Nebr.

Mr. LODGE. I present resolutions adopted by the Massachusetts Legislature, asking Federal protection to migratory

game birds. I ask that the resolutions lie on the table and be printed in the RECORD.

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

THE COMMONWEALTH OF MASSACHUSETTS, 1912.

Resolutions relative to Federal protection of migratory game birds.

Whereas there has been introduced in the Congress of the United States a bill designated as H. R. No. 36, to afford Federal protection to migratory game birds; and

Whereas the Legislature of the State of New York has adopted resolutions favoring such protection and requesting the legislatures of other States of the United States to join in a request for such Federal protection: Now, therefore,

Resolved, That the General Court of Massachusetts hereby requests Congress to enact a law giving ample protection to migratory game birds.

Resolved, That a copy of these resolutions be sent by the secretary of the Commonwealth to the Senators and Representatives in Congress from this Commonwealth.

In senate, adopted April 16, 1912.

In house of representatives, adopted in concurrence April 23, 1912.

A true copy.

Attest:

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. LODGE. I present a brief protest from business men in New England, remonstrating against the adoption of the Covington amendment to the Panama Canal bill. I ask that the substance of the protest be printed in the RECORD and referred to the Committee on Interoceanic Canals.

There being no objection, the protest was referred to the Committee on Interoceanic Canals and ordered to be printed in the RECORD, as follows:

We, the undersigned, being actively interested in business in New England which involves the transportation of merchandise to and from southern points to New England, understand that the Covington amendment, so called, to the bill now before Congress regulating the passage of vessels through the Panama Canal provides that "it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever, directly or indirectly, in any common carrier by water with which said railroad does or may compete for traffic."

We believe in the regulation of common carriers by the Government and in the authority granted to the Interstate Commerce Commission. We do not, however, believe in such restriction or limitation of investment 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 their 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. We believe that with the opening of the Panama Canal it is of 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.

Mr. JOHNSON of Maine presented memorials of sundry citizens of Dover, Foxcroft, Waterville, Oakland, Fairfield, Gardiner, and Winslow, all in the State of Maine, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. ASHURST presented a resolution adopted by members of the United States grand jury, empaneled at the April, 1912, term of the United States District Court for the District of Arizona, favoring the enactment of legislation to denounce as a crime the actions of every Indian who in any manner uses or acquires for himself or others any intoxicating liquor, or who in any manner induces any other person to secure intoxicating liquor for himself or any other person, which was referred to the Committee on the Judiciary.

Mr. SWANSON presented memorials of sundry citizens of Lynchburg, Alexandria, Fairfax, Richmond, and Norfolk, all in the State of Virginia, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Virginia, 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.

He also presented a petition of sundry citizens of Roanoke, Va., 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. SHIVELY presented a memorial of sundry citizens of Gary, Ind., 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. CLAPP presented resolutions adopted by members of the Civil Engineers' Society of St. Paul, Minn., favoring the establishment of a court of appeals in patent cases, etc., which were referred to the Committee on Patents.

Mr. SMITH of Arizona. I present a resolution adopted by the Yuma County Water Users' Association in Arizona, which I ask may be referred to the Committee on Irrigation and Reclamation of Arid Lands to accompany the bill (S. 6621) to amend section 3 of the act of February 21, 1912, relating to the disposition of surplus irrigating waters.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Irrigation and Reclamation of Arid Lands to accompany the bill.

LOSS OF THE STEAMER "TITANIC."

Mr. WORKS. Mr. President, I have here a very clear, considerate, and apparently unbiased statement of the circumstances and incidents of the sinking of the ship *Titanic*, by Mrs. W. M. Clark, of Los Angeles, Cal., one of the survivors, and whose husband went down with the ship.

This matter is under investigation by a Senate committee. Personally I deplore the fact that the investigation was entered upon at all. This was a British ship, manned by British subjects. The investigation, at least in the first instance, should have been undertaken by the British Government.

The investigation, it seems to me, has gone to unreasonable and unwarranted lengths in undertaking to ascertain the particular details and incidents of that unfortunate disaster which we might very well have been spared. The things the Senate ought to know, if it is to be informed by an investigation of that kind, might have been ascertained in a very few hours, without going into all these unnecessary and soul-harrowing details. I desire to have the statement referred to the Committee on Commerce. It was prepared in the quiet of the home by one of the unfortunate people who was there upon the ship. It is so fair and apparently just in giving the details, that I ask that it may be printed in the Record without reading.

There being no objection, the statement was referred to the Committee on Commerce and ordered to be printed in the Record, as follows:

[From the Tribune, Los Angeles, Cal., Thursday, Apr. 25, 1912.]

MRS. W. M. CLARK HOME—TELLS OF "TITANIC"—WIDOW OF SEA-WRECK VICTIM PRAISES MEN AND WOMEN FOR BRAVERY, SETTING EXAMPLE TO MAKE WHOLE WORLD BETTER.

(By Mrs. Walter Miller Clark.)

Mrs. Walter M. Clark, widow of the only son of J. Ross Clark, who was lost in the wreck of the *Titanic*, arrived in the city on the Los Angeles Limited yesterday afternoon in as good physical and mental condition as could be expected after passing through the ordeal that was her lot from the time the ill-fated ship struck the iceberg until Mrs. Clark was picked up by the steamer *Carpathia*. Mrs. Clark gave the press the following statement:

"My husband and I boarded the *Titanic* at Southampton, somewhat delayed in starting from that place owing to an accident that had delayed the *Titanic* at Liverpool in colliding with another vessel. All the way over we had most beautiful and calm weather; in fact, up to the time of the accident the sea had been like glass. We had seen no ice anywhere, nor were we aware of the presence of ice floes until the afternoon of the calamity.

NO SHOCK FROM IMPACT.

"I had retired to my stateroom about 11.30 Sunday, when the *Titanic* struck the iceberg. There was no shock from the impact that in any way startled me. However, I knew something had occurred out of the ordinary and looked out of my stateroom porthole, and it seemed to me that we were passing another ship, but this may have been ice in the near vicinity. It aroused my curiosity enough, however, to prompt me to dress and go out on the promenade deck, where the smoking room is located, and where I knew my husband was with friends. There was absolutely no excitement at that time.

"My husband, seeing me at the door of the smoking room, came out to me apparently unconcerned, and said that they had also felt a slight shock, but had paid no attention to it, being assured by the officers of the boat that all was well, that some ice had been struck, but that we were on the way again, and everything apparently had been done in the way of closing the water-tight compartments, and everybody was assured that there was no danger of any kind.

NO PANIC ON BOARD.

"I remained on deck some 15 or 20 minutes, conversing with other people, and my husband returned to the smoking room. From this it can be seen that there was no panic on board at that time. Some few minutes later I returned to my stateroom, and on the way down I met a man coming up with a life preserver around him. I asked him the reason, and if he were alarmed, and he replied that all the passengers had been ordered to the top deck with life preservers. I then returned to the smoking room and told my husband that we had been ordered above with life preservers, and we returned to our stateroom. He took off his evening dress and put on an ordinary suit and heavy underwear, and I did likewise. We took with us our heavy overcoats and I my furs—also two life preservers—with other valuables we could pick up. My husband also saw that I was provided with money in case we should become separated.

PERFECT DISCIPLINE.

"We then went to the main deck, where, as yet, no attempt had been made to man the boats, and discipline seemed perfect among the crew, and no condition of panic prevailed among the passengers. We conversed in groups on the deck. I remember I was with Mr. and Mrs. Straus, Mr. and Mrs. Astor, my husband, and some others, when an officer approached and said that while they felt no alarm for the safety of the ship, it was thought best, owing to the fact that the *Carpathia* had been communicated with and was heading toward us, that the women and children be put aboard the lifeboats, with sufficient of the crew to man same, prepared to leave the ship. This was perhaps an hour after we struck the iceberg. Even then there was no rush for the

lifeboats. I saw two or three boats lowered, which were filled with as many men as women. The rest of us, however, remained on deck, assisting in loading these boats with children and women of both second-class and steerage passengers.

ALL WOMEN ORDERED IN BOATS.

"A little while later the officer again approached us and said it was imperative that all the women leave the ship, that the men could not leave until the women had been provided for, and that it was extremely urgent that we immediately take to the lifeboats in order that the men could be taken care of as soon as we were out of the way. I was placed in a lifeboat along with Mrs. Astor and Mrs. Hayes and about 40 others, among them being the ship's quartermaster and a sailor named McCarthy, who conducted themselves most commendably. I must particularly praise the brave and unselfish actions of the latter after leaving the *Titanic*.

"At the time of our leaving in the lifeboats the men of our party even then seemed unconcerned and failed to realize the danger that the steamer was in. Mrs. Straus absolutely refused to leave her husband. Mr. Astor, just before our boat was lowered, asked permission to accompany his wife, but was refused. He made no protest whatever and retired, joining my husband, and the two of them, together with Maj. Butt and others, rendered assistance in filling the lifeboats with passengers.

CLARK FEELS SAFE.

"My husband seemed cool and collected all the time, and told me that he would not leave the ship until all the women and children had been cared for. I know from the way he bade me good-by that he felt no apprehension and fully expected to join me later. There was room for 15 others in our boat, and these men could have been taken as well as not. The night was clear, although no moon was shining. The stars threw much light, which made the ocean quite plain. There was no ice to be seen anywhere. Each lifeboat was equipped with lanterns, so by them we were able to see one another, and orders were given to keep together as much as possible. We had plenty of provisions in the way of crackers and bread in the lifeboats.

"As we rowed away from the ship, which was now listing pretty badly on the port side, it occurred to some of us that we should return to the steamer, as we had room aboard for 15 more, at which proposal many of the women became hysterical and endeavored to dissuade us from doing so, even going so far as to impede the rowers in their efforts to carry out the plan of the more deliberate and cool. There was a great deal of commotion in our boat then.

PRAISE FOR MRS. ASTOR.

"I can not say too much for the bravery of Mrs. Astor in this connection. She, among others, insisted that the boat be returned to the steamer. All this time the lights on board the steamer were gleaming brilliantly, and we could see her looming up silhouetted against the darkness. She was sinking, however, very fast, and as we approached her the *Titanic* sank, followed by two almost simultaneous explosions. There was little or no suction felt as the steamer went down, owing, perhaps, to the fact that she sank prow foremost.

"We rowed about the scene of the disaster all night and picked up eight men out of the water, two of whom subsequently died of exposure and one lost his mind. We had nothing in the way of stimulants with which to revive these men, but worked over them almost all night, the women taking off their coats and furs to provide warmth for them.

"I am sure that we saw three or four fishing smacks in the vicinity. We knew that they were not other lifeboats for the reason that lights could be seen high above, as if on masts, and the *Carpathia* had not at that time appeared in sight.

LIFEBOATS PICKED UP.

"Some of the lifeboats were picked up by the *Carpathia* at 4.30 in the morning following, but it was not until about 8.30 that we were rescued.

"When the *Titanic* went down and the lights from it had disappeared we could hear all about us the most heart-rending moans and cries for help of those who had gone down with the ship and came up, again to perish within our hearing in the darkness.

"I can not say too much for the noble assistance we received from the crew and passengers aboard the *Carpathia*. Everything possible was done for our comfort and the care of those who had suffered from exposure. The *Carpathia* cruised about the scene of the wreck for about eight hours, but found no bodies or other evidences of the disaster. The *California* came in sight and laid alongside us, and on our departure, by signals, promised to remain for 48 hours near the scene of the wreck.

"I wish to say that so far as I could see the discipline maintained on the *Titanic* after the accident was of the very best, and I saw no brutal conduct or drunkenness. The world can not help but be bettered by the example of these brave men, who gave their lives that others might live."

REPORTS OF COMMITTEES.

Mr. GUGGENHEIM, from the Committee on Public Lands, to which was referred the bill (S. 6551) to amend section 3 of an act entitled "An act to provide for an enlarged homestead," reported it with an amendment.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 5507) for the relief of A. W. Cleland, jr., reported it without amendment and submitted a report (No. 685) thereon.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 3452) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors for surveying Yosemite Park boundary, and for damages for illegal arrest while making said survey, reported it with amendments and submitted a report (No. 686) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (S. 4791) authorizing the patenting of certain lands to rural high school district No. 1, of Nez Perce County, Idaho, reported it with an amendment and submitted a report (No. 687) thereon.

Mr. BROWN, from the Committee on the Judiciary, to which was referred the bill (S. 2371) to amend section 3224 of the

United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax—State, county, municipal, district, or Federal—reported it with an amendment and submitted a report (No. 688) thereon.

BILLS INTRODUCED.

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

By Mr. CHILTON:

A bill (S. 6630) to correct the military record of William Dunsford, alias William King; to the Committee on Military Affairs.

A bill (S. 6631) granting an increase of pension to Oscar C. Black; and

A bill (S. 6632) granting an increase of pension to Hiram Campbell; to the Committee on Pensions.

By Mr. SWANSON (for Mr. MARTIN of Virginia):

A bill (S. 6633) to correct the military record of Charles Anderson (with accompanying paper); to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 6634) granting an increase of pension to Charles Mays (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6635) granting an increase of pension to Margaret J. Grable; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 6636) to authorize the President of the United States to appoint Robert H. Peck a captain in the Army; to the Committee on Military Affairs.

By Mr. BORAH:

A bill (S. 6637) granting a pension to Reinhard Anschutz (with accompanying paper);

A bill (S. 6638) granting an increase of pension to George H. Batchelder (with accompanying paper);

A bill (S. 6639) granting an increase of pension to John P. Glenn (with accompanying paper);

A bill (S. 6640) granting a pension to Robert Hamilton (with accompanying paper);

A bill (S. 6641) granting a pension to Robert Riley Lorton (with accompanying paper);

A bill (S. 6642) granting an increase of pension to William A. Stewart (with accompanying paper);

A bill (S. 6643) granting an increase of pension to William Turnbeaugh (with accompanying paper); and

A bill (S. 6644) granting a pension to A. J. Henderson; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 6645) granting an increase of pension to William Dawson (with accompanying paper); to the Committee on Pensions.

AMENDMENTS TO RIVER AND HARBOR BILL (H. R. 21477).

Mr. ROOT submitted an amendment proposing to increase the appropriation for improving harbor at Ogdensburg, N. Y., from \$20,000 to \$87,970, intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment relative to the survey of the Great Chazy River and the Little Salmon River, State of New York, intended to be proposed by him to the river and harbor appropriation bill, which was ordered to be printed and, with accompanying papers, referred to the Committee on Commerce.

CREEK ALLOTMENTS.

Mr. OWEN submitted an amendment proposing to carry into effect the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 20728), which was referred to the Committee on Indian Affairs and ordered to be printed.

INTERNATIONAL HARVESTER CO.

Mr. LEA submitted the following resolution (S. Res. 300), which was read:

Resolved by the Senate, That the response of the Attorney General to the resolution of the Senate of March 18, 1912, calling for correspondence and information relative to the International Harvester Co., be returned by the Secretary of the Senate to that officer, for the reason that it is not a proper response to the resolution of the Senate.

Mr. LEA. I ask that the resolution may be printed and lie on the table.

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

Mr. LEA submitted the following resolution (S. Res. 301), which was read:

Whereas the proposed settlement between the United States and the International Harvester Co., by which the so-called Harvester Trust was to have been permitted to reorganize and to bring its organization and business within the Sherman antitrust law as construed by the Supreme Court, has been abandoned and suit has been instituted by the United States to dissolve the International Harvester Co.; and Whereas the facts developed in the attempted settlement between this company and the United States, and the differences that resulted in a failure to agree upon the terms of dissolution of the so-called Harvester Trust, will be of interest and importance in considering proposed amendments to the Sherman antitrust law: Therefore be it

Resolved, That the Attorney General be, and he is hereby, instructed to lay before the Senate all correspondence and information he may have upon this subject, together with any and all correspondence, information, and reports of the Bureau of Corporations relating thereto, from January 1, 1904, to the present time.

Mr. LEA. I ask that the resolution may be printed and lie on the table.

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

HOUSE BILL REFERRED.

H. R. 20840. An act to provide for deficiencies in the fund for police and firemen's pensions and relief in the District of Columbia was read twice by its title and referred to the Committee on Appropriations.

CALLING OF THE ROLL.

The VICE PRESIDENT. The morning business is closed.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Dillingham	Myers	Shively
Bacon	du Pont	Nelson	Simmons
Borah	Fall	Newlands	Smith, Ariz.
Bourne	Fletcher	Nixon	Smith, Ga.
Brandegee	Foster	O'Gorman	Smith, S. C.
Bristow	Gallinger	Oliver	Stephenson
Brown	Gronna	Overman	Sutherland
Burnham	Guggenheim	Page	Swanson
Burton	Heyburn	Paynter	Thornton
Catron	Hitchcock	Percy	Tillman
Chamberlain	Johnson, Me.	Perkins	Townsend
Chilton	Johnston, Ala.	Poindexter	Warren
Clark, Wyo.	Jones	Pomerene	Watson
Clarke, Ark.	Lea	Rayner	Wetmore
Crawford	Lippitt	Reed	Williams
Cullom	Lodge	Richardson	Works
Cummins	McLean	Root	
Davis	Martine, N. J.	Sanders	

Mr. SHIVELY. I desire to state that my colleague [Mr. KERN] is unavoidably absent from the city.

Mr. TOWNSEND. I wish to state that the senior Senator from Michigan [Mr. SMITH] is unavoidably absent on the business of the Senate.

Mr. FLETCHER. I desire to state that my colleague [Mr. BRYAN] is unavoidably absent from the city.

Mr. SWANSON. I will state that my colleague [Mr. MARTIN] is detained from the Senate on account of illness in his family.

The VICE PRESIDENT. Seventy Senators have answered to the roll call. A quorum of the Senate is present.

LAND AT MAGDALENA BAY (S. DOC. NO. 640).

A message, in writing, was received from the President of the United States by his executive clerk, Mr. Latta.

Mr. LODGE. Mr. President, I ask that the message may be laid before the Senate.

The VICE PRESIDENT. 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:

In response to the Senate's resolution of April 2, 1912, requesting the President, "if not incompatible with the public interest, to transmit to the Senate any information in possession of the Government relating to the purchase of land at Magdalena Bay by the Japanese Government or by a Japanese company," I transmit herewith a report by the Secretary of State on the subject.

WM. H. TAFT.

THE WHITE HOUSE, April 30, 1912.

(Inclosure: Report as above.)

Mr. LODGE. Mr. President, I ask that the report of the Secretary of State may be read.

The VICE PRESIDENT. Without objection, the report will be read.

The Secretary read as follows:

The President:

The undersigned, Secretary of State, has the honor to report as follows in regard to the resolution adopted by the Senate on April 2, 1912,

requesting the President, "if not incompatible with the public interest, to transmit to the Senate any information in the possession of the Government relating to the purchase of land at Magdalena Bay by the Japanese Government or by a Japanese company."

The first request of the resolution is for information relating to the purchase of land at Magdalena Bay by the Japanese Government and presents itself in two aspects, the first being the acquisition of land directly by the Japanese Government, and the second being the potential acquisition of land by the Japanese Government through its preliminary acquisition by a Japanese company. The Department of State has no evidence whatever adequate to show any acquisition of land or any intention or desire to acquire land, whether directly or indirectly, in Mexico by or on the part of the Imperial Japanese Government. Not only is this true, but, doubtless in depreciation of singularly insistent rumors to the opposite effect, both the Imperial Japanese Government and the Government of Mexico some time ago made public official declarations to the effect that there was no basis to the rumors in question.

The second request of the resolution is for information relating to the purchase of land by a Japanese company. Rumors regarding this appear to have arisen from efforts made by an American syndicate to dispose of certain lands which they claimed actually or potentially to own or control in the vicinity of Magdalena Bay. This American syndicate, according to the department's information, entered upon negotiations for the sale of the lands to a Japanese syndicate. The attorney for the American syndicate, in person and by letter, sought a statement as to the attitude the department would take toward such a transaction. In connection with these inquiries there was evidence that the American syndicate felt or knew that Japanese capitalists would not care to consummate the purchase of the lands without the approval of the Japanese Government, and that in view of the location of the lands in question, the well-known American policy to which these reports had been related in some quarters, and indeed its usual friendly consideration for the United States, the Imperial Japanese Government would not give such approval unless assured that the transaction would be unobjectionable to the Government of the United States.

This department replied to the attorney that it was difficult categorically to answer the inquiries made, but that the fact (very likely fully realized by him) ought not to be disguised that such a transfer would be quite certain to be interpreted in some quarters in a manner to cause a great outcry, and that such a result would be so obviously a cause of regret to the Government of the United States that it would appear unnecessary further to comment upon the disposition of the Federal Government in the premises.

Subsequently the American interests concerned set about making arrangements for cooperation with Japanese investors in the formation of a company for the working of the lands in accordance with some plan which they hoped the Government of the United States might be willing to pronounce unobjectionable. The same attorney of the Americans interested later roughly outlined to the department the idea of a scheme by which the Japanese investors should hold a 35 per cent interest in the company with an option for a further 15 per cent interest, the American syndicate to retain control of the property, with a majority of the board of directors and the president and manager of the company to be Americans.

A statement of the attitude of the department with respect to this general scheme was then sought by the attorney of the American interests. To his inquiry the department replied in January last that the intimation of changes in the project neither persuaded the department to add anything to its former statement nor made it feel called upon to say whether or not it might at any time see reason to disfavor such a project. It was added that these were the sole remarks the department had to make with only such general and insufficient information before it.

Since this reply the files of the Department of State do not disclose any further communication with the Americans interested in the lands or their attorney either in regard to the proposed sale of the lands to a Japanese syndicate or in respect to the mooted arrangement for Japanese participation in an American company.

Thus both correspondence and oral communication have assured on the part of the Americans concerned a full realization of the interest of this Government in the character of any such transactions as those discussed, and in the absence of any new information the department can not assume that there is on foot any project calling for action on the part of the Government of the United States.

Adverting once more to the text of the resolution, the undersigned has the honor to say, by way of recapitulation, that there is nothing on file in the Department of State that has justified any inference that the Mexican Government or the Imperial Japanese Government has been occupied with any disposition of land near Magdalena Bay by which the latter Government would acquire land there for any purpose.

In these circumstances the Department of State felt no necessity for further steps in the matter of any of these rumors, which are of a kind that all too frequently occur to the detriment of public opinion in the respective countries and are so alien to the cordial relations of the Governments concerned.

However, his excellency, the Japanese ambassador, informed the department that he had apprised his Government of the rumors in question, which had become well known through the public press; and subsequently his excellency made, with his Government's authorization and merely for the information of the Department of State, an unreserved and categorical denial of the rumored purchase of land at Magdalena Bay by the Imperial Japanese Government or by a Japanese company, characterizing the report as entirely sensational and utterly without any foundation whatever, the Japanese Government having never directly or indirectly attempted or contemplated the acquisition of any land at Magdalena Bay for any purpose.

Respectfully submitted,

P. C. KNOX.

DEPARTMENT OF STATE,
Washington, April 27, 1912.

Mr. LODGE. Mr. President, before this message takes the usual course, I desire the indulgence of the Senate for a few moments that I may say a word in regard to this matter, because the message is in reply to a resolution which I introduced.

I did not introduce that resolution unadvisedly or with any ulterior motive. It seemed to me, from the information I had received, that there was a situation in existence in regard to the land about Magdalena Bay which might become a cause of difficulties and misunderstandings, unless some steps were

taken to make the position of the United States very clear in regard to it. The report of the Secretary of State is very clear and satisfactory upon this subject. It is evident, of course, that the Japanese Government, as such, has never attempted any purchase there, and I never supposed that it had, although as a matter of form my resolution covered that point. It will be observed, however, in the statement of the Secretary of State that attempts have been made to sell the land in the neighborhood of Magdalena Bay to a company in which Japanese subjects were to hold a large if not a controlling interest. I should like very briefly to add a little in that direction to the statement made by the Secretary of State.

I do not question in the least the entire correctness of the attitude of the Japanese Government or that the Department of State has taken every proper means to make our attitude clear. But I think it is just as well that the Senate should know exactly what has happened in connection with Magdalena Bay, so far as I have been able to discover.

Some years ago the Mexican Government made a large concession of land, some 4,000,000 acres, running along the coast of Lower California, lying between the mountains and the sea, and including Magdalena Bay, to an American named Floris Hayes. He transferred his concession to another American named Edwards, and he, in turn, transferred the concession to a man named Lakin.

Under Mr. Lakin's auspices a company was chartered under the laws of the State of Maine, called the Chartered Co. of Lower California. The company did not prosper. In its efforts to sustain itself it borrowed \$200,000 from the J. E. Henry Co.—or from Mr. J. E. Henry himself, who, I believe has since died—which is a very large lumber firm in New Hampshire. The Chartered Co. became bankrupt and its property passed into the hands of the creditors, the holders of the Henry loan. A holding company was formed called the Magdalena Bay Co., which took all the stock and bonds of the Chartered Co. and issued certificates. Those certificates are in the hands of the J. E. Henry Co., and, therefore, the actual control of that property is with them. They very naturally have been making efforts to dispose of the property in order to reimburse themselves for their debt. Various promoters have been trying to sell the property—on commission, presumably—and have been endeavoring to form syndicates for its purchase.

In the report of the Secretary of State, just read, which the President has transmitted, it is stated that the department was consulted about one of these propositions, which was to sell the property about Magdalena Bay to a company which should consist of Americans and Japanese, the Japanese holding 35 per cent of the stock, with an option to take 15 per cent more. Those negotiations have not been consummated, although there is a sale at present under consideration, I believe, to a company said to be exclusively American. There is, however, no doubt that efforts have been made to sell that property to a syndicate in which there was a large Japanese interest.

Now, Mr. President, what I desire to call the attention of the Senate to particularly is this: Magdalena Bay lies near the end of Lower California. It has at the present moment no commercial value. There is an industry there, and has been for some years, in the gathering of sea moss called "orchil," which is used for dyeing purposes. It has been a prosperous industry at times, but never a very large one. There have been reports of oil being found in that neighborhood and also reports of minerals, but there are neither mines nor wells, and there certainly is no commerce there. The land in its present condition is very largely desert, and I think while possibly in the future it may be developed industrially and commercially, at the present moment there is no commercial or industrial development of any importance. There are, of course, no railroad connections of any sort.

The peninsula of Lower California, although it belongs to Mexico, is a part of our coast, a continuance of the coast of California, separated from Mexico, as everyone is aware, by the Gulf of California. It connects with Mexico at the upper end by a narrow strip through which pass the mouths of the Colorado, which are of very great interest to us. This upper part of Lower California has been used as a seat of insurrection and as a refuge for outlaws and bandits from Mexico during the recent troubles in that country.

There is, as I have said, no railroad connection on the peninsula, and Magdalena Bay can have no value whatever at the present time except a military and strategic value. Its military and strategic value, however, is very great indeed. It lies there, a fine bay, at a point on the coast nearly midway between San Francisco and Panama—I am not sure of the distances, but it is approximately midway. Nobody would think of buy-

ing that property at Magdalena Bay at the present time and of paying a large sum for it except for its military value as a coaling station and naval base.

There is no doubt, Mr. President, as the Secretary of State said in his report, that efforts have been made by subjects of Japan—it has been stated, I do not know on how good authority, that some of them were directors and large stockholders in the Oriental Steamship Co.—to get possession of the title to the land about Magdalena Bay. The situation happily has not yet arisen. I do not wish it to arise. It is the part of wise policy and wise diplomacy to anticipate any situation which may give rise to difficulty or misunderstanding with any friendly nation.

Mr. GALLINGER. Mr. President—

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

Mr. LODGE. Certainly.

Mr. GALLINGER. I should like to inquire of the Senator precisely what the J. E. Henry Co. had in view when they made that loan of \$200,000? Was it a lumber proposition that did not materialize?

Mr. LODGE. No, Mr. President. I understand—I was so informed by their counsel—that Mr. Henry became interested in the project as it was laid before him and thought that this great tract of land lying along the coast would be of large value, and he advanced money in the regular course of business to the promoters of the chartered company in the hope that it would enable them to develop the property. It was a perfectly legitimate and proper transaction in every respect.

Mr. GALLINGER. I made the inquiry for the reason that Mr. Henry, who has recently died, was a very wise business man, and his operations in New Hampshire have been wholly confined to the lumber industry, in which he made a great fortune.

Mr. LODGE. I am aware of that fact. He made a fortune, and, as I have stated, that is the only reason, as I understand, why he became interested. He thought the property would be of value.

Mr. President, as I was saying, the situation now is harmless and we wish it to remain so. We do not wish a situation created there from which it would be in the least troublesome or disagreeable for a friendly nation to withdraw. It is better to have the matter in such a position that no situation can arise which will in the least involve us in discussion or differences with a friendly nation. But, Mr. President, the situation is now, as I believe, for the present at least, a perfectly safe one and anything we may do will carry no reflection upon any foreign country. It seems to me, therefore, that the moment is very opportune for the Senate to make a declaration in regard to the statement in Mr. Monroe's message that the American continents are not to be considered as further subjects for future colonization, in order to make it clear that that statement is not confined to government action merely or to colonization under government auspices, but that by the word "colonization" we also cover action by companies or corporations or by citizens or subjects of a foreign State which might do, at a place, for instance, like Magdalena Bay, precisely what the Monroe doctrine was intended to prevent.

The fact that a colony is contemplated at Magdalena Bay composed of citizens or subjects of a foreign Government, who would hold a point of great military value and might establish a coaling station, is just as much to be guarded against by the United States as if it were done directly by a foreign Government. The thin veil of a corporation does not alter the character of the act.

Mr. President, it is clear from the Secretary's report that some of our Japanese friends have been trying to get possession of this land through a syndicate formed by them. They have a fishing concession along that coast now. So have we. So has Great Britain. They have been taking great interest in their fishing concession. They have been surveying the coast. Information has come about their purchase and use of maps. I impute no ulterior motives at all. But the curing of fish and the repair of nets require no possession of great areas of land or of a great harbor.

It seems to me this is a suitable time for the Senate to consider this grave question in connection with the doctrine laid down by President Monroe.

Mr. RAYNER. Mr. President—

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

Mr. LODGE. Certainly.

Mr. RAYNER. The Senator from North Carolina [Mr. SIMMONS] said to me he would wait until I could submit a few remarks on this measure.

Mr. LODGE. I had very nearly concluded.

Mr. SIMMONS. If the Senator from Maryland will permit me for a moment, I will state that I now prefer to wait until the morning hour is over, when, at 2 o'clock, the unfinished business will be laid before the Senate.

Mr. RAYNER. I wish to say merely a word to the Senator from Massachusetts.

This is a very important message from the President in response to the resolution of the Senator from Massachusetts. I have just hurriedly looked over it. I have not had an opportunity to examine it. When the Senator from Massachusetts shall have finished I may possibly submit a few remarks on the subject.

I wish to ask the Senator from Massachusetts a question. Suppose the owners of this Magdalena Bay enterprise should sell to Japanese subjects—either individuals or corporations—without the sanction of the Government of Japan. Suppose they should transfer their rights on Magdalena Bay to a Japanese subject, just as they would transfer it to a British subject or a French citizen. Would the Senator from Massachusetts claim that this violated the Monroe doctrine?

Mr. LODGE. It certainly does not violate any principle of international law. I quite agree to that.

Mr. RAYNER. The Monroe doctrine.

Mr. LODGE. I think it depends altogether on what is done. The Monroe doctrine is not international law.

Mr. RAYNER. I understand that, of course.

Mr. LODGE. Of course the Senator understands that.

Mr. RAYNER. I am putting this simple question to the Senator from Massachusetts; put it upon any doctrine you want: If the American interests who own this enterprise should sell their interest to subjects of Japan, without the sanction of the Japanese Government, would the American Government have the right to interfere?

Mr. LODGE. The Monroe doctrine is a policy adopted by this country, after careful consideration, for its own protection and defense. The right of a citizen of another country or of a corporation of another country to buy land on the coast of Lower California or upon our coast or elsewhere is a legal question, but the question here is whether such action interferes with the principles of the Monroe doctrine. We do not base the Monroe doctrine on international law. We have the right, for our own self-preservation, in my judgment, to protect that doctrine at all points and to take such steps as may be necessary to do it.

Mr. HEYBURN. If the Senator from Massachusetts will permit me to go further, we have statutes that make it a criminal offense for any American citizen or person subject to our laws to enter into any such negotiations, waiving the Monroe doctrine.

Mr. LODGE. That would be a negotiation with a foreign Government?

Mr. HEYBURN. With anyone, to be turned over to a foreign Government having in view its use in future military operations.

Mr. RAYNER. I should like the Senator from Idaho to point out any statute we have which would prohibit subjects of Japan from selling lands—

Mr. HEYBURN. No; there is no use of misstating the proposition in the beginning. I said citizens of the United States. I did not say subjects of Japan.

Mr. RAYNER. I should like the Senator from Idaho to point out a statute prohibiting an American who has acquired lands in Mexico from selling them to a subject of Japan. There is no such statute on the books.

Mr. LODGE. The statement I make is based on—

Mr. HEYBURN. The Senator will permit me; I do not want to be left in a wrong position. The Senator makes an erroneous statement of what I said and then denounces it as having no foundation in law.

I may have occasion hereafter to say something on this subject, and if I do so I will produce in support of anything I may say a respectable authority.

Mr. LODGE. There is no doubt, from the facts brought to my attention from those who are interested in the sale of this land, that this is simply an effort to recover money due to them as creditors. There is no question that there was a plan of establishing a Japanese colony or a Japanese settlement, or whatever you may wish to call it, on Magdalena Bay. It does not exist now. The negotiations have thus far failed. But it is upon that point I desire the consideration of the Committee on Foreign Relations first and then of the Senate. Under modern conditions there has been a great change. Of course, the Monroe doctrine was intended to apply to the methods by which establishments could be erected by foreign Governments on the American coast.

Mr. BACON. Mr. President—

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

Mr. LODGE. Certainly.

Mr. BACON. I simply wish to say I do not consider that the question involved here is one to be tested by the Monroe doctrine, necessarily. If our interests required, we could proclaim a new doctrine; and it seems to me that is really the thing for us to consider. Outside of whether this is technically or in substance an infraction of the Monroe doctrine, the question is whether we would consent to the acquisition by any Government, actually in its own name or through any organization of its citizens, to secure the control of such a place as Magdalena Bay, where there could be established a naval base which would be dangerous to our own peace and safety.

I do not think we are limited to the question whether it is an infraction of the Monroe doctrine. The question is whether the present presentation is such as to call upon us to consider the question whether we will proclaim it as a doctrine, that we will not permit the acquisition by a foreign Government, either nominally or actually, of a harbor, or of a point of strategical importance which would be a menace to us in time of war.

Mr. LODGE. Mr. President, I agree with the Senator from Georgia that this is a matter where, if it is necessary to make a new declaration of policy, it should be made. In my own belief, under the phrase relating to colonization, the declaration of the meaning of that word as now understood would cover it.

Mr. FALL. I will ask what the concession is. In other words, what is the purpose and what is the consideration running to the Government for granting this concession?

Mr. LODGE. I have not examined the terms of the concession. In a general way I may say that it is a concession granted to a certain man, with a view to the development of this great tract of land; I have heard it stated that it was 350 and again 450 miles along the coast, containing over 4,000,000 acres.

Mr. FALL. Was not the consideration for the concession that this company should improve Magdalena Harbor itself?

Mr. LODGE. I have seen the prospectus of the company. The improvement of the harbor was incidental. They expected to find minerals, to develop the sea-moss industry, and to develop cattle raising in suitable regions.

Mr. FALL. Does not the concession give to those taking it over and performing the conditions the absolute control of Magdalena Bay?

Mr. LODGE. Absolutely; unquestionably.

Mr. CUMMINS. I understand that this concession is now owned by American citizens?

Mr. LODGE. It is controlled by the creditors of the company.

Mr. CUMMINS. Is there anything in international law or in our relations with Mexico which would prevent the Government of the United States from becoming the owner of the concession by purchase?

Mr. LODGE. Nothing that I am aware of.

Mr. FALL. There is in the Mexican laws and constitution.

Mr. LODGE. The Mexican Government can not, under the constitution of Mexico, part with its territory.

Mr. CUMMINS. I understand she has parted with it to an American citizen.

Mr. LODGE. Parted with the title, not the sovereignty.

Mr. CUMMINS. I do not mean the sovereignty. If the United States were to become the owner, would it disturb our friendly relations with Mexico?

Mr. LODGE. I can not answer the question as to what our relations would be. Mexico is somewhat disturbed at present. There would be nothing unfriendly about it.

Mr. CUMMINS. Perhaps the Senator from New Mexico could explain that.

Mr. HITCHCOCK. Mr. President, we on this side can not hear a word.

Mr. FALL. In answer to the suggestion of the Senator from Iowa, I will say that in every Mexican concession there is a provision that under no circumstances shall the concession be transferred to any foreign Government. That is in every concession which has ever been granted by the Mexican Government.

It further carries with it a provision that a company to operate the concession or to carry out the purposes of the concession shall be a Mexican company, whether organized in the United States or a foreign country or not. It must file articles of incorporation in the proper place in Mexico, and by filing its articles it becomes a Mexican company.

There is always a provision that under no circumstances shall a concession be transferred to any foreign Government.

Mr. CUMMINS. That, I assume, would be equally prohibitory against Japan.

Mr. LODGE. The Japanese Government.

Mr. CUMMINS. It would be absolutely impossible for Japan to become the owner of the concession.

Mr. LODGE. I never suggested that. If that were the case, it is all answered by the statement of the President. The Japanese Government has done nothing of that kind. Its conduct has been absolutely correct. It is the indirect method of—

Mr. McCUMBER. What is the danger, if no other nation can obtain either sovereignty or title?

Mr. LODGE. The danger is this: I thought I had made it plain that under the possession of a company owned in whole or in part by the citizens or subjects of a foreign power, a colony of their people can establish at Magdalena Bay a coaling station and can acquire possession of a bay, under the title of the company from whom they buy, which would be of enormous military value.

That situation does not exist. It is because I do not want it to exist that I bring the matter to the attention of the Senate and that I introduced the resolution originally.

Mr. McCUMBER. If there can be no colony planted, that is, if the jurisdiction of no other Government can attach, it would not be a colony of that Government, and I fail to see the danger because the citizens of one foreign nation may settle there, still being subject to the jurisdiction of the Mexican Government.

Mr. LODGE. I think it would make very little difference to the people of the Pacific coast whether there was a large Japanese colony there under government auspices or whether there was a large Japanese colony there under their own auspices as the representatives of a company. I think it would make very little difference from a strategical view whether the coaling station was established by the Government or whether the coaling station was established by a Japanese company which the Government could use if it chose. The danger if it would come would be in the fact, not in how it was done.

Mr. President, I did not desire to be led into any debate on this subject. It seems to me a matter of great moment, and I hope it will be referred to the Committee on Foreign Relations, and that that committee will take it up and give it their full consideration and report their opinion to the Senate.

Mr. RAYNER. Mr. President, I desire to submit only a few remarks to the Senate. I had no idea that this message, in response to the suggestion of the Senator from Massachusetts, would come in this morning.

I do not know that I disagree very much with the Senator from Massachusetts, but there is one question that I want to put before the Senate, and a line of distinction that I want to draw, if it is possible to do it, on this subject. I think it is a question of great moment.

As I understand it, there were three enterprises that gave rise to the Senator's resolution. If I am wrong in my statement, the Senator can correct me. The first was a purchase upon Magdalena Bay by an American syndicate of a large quantity of land, I think some four or five million acres, if I am not mistaken. This was a New England corporation, I believe.

Mr. LODGE. Yes.

Mr. RAYNER. They expected to find minerals there and were disappointed. Instead of finding gold they found seaweeds.

Mr. LODGE. If the Senator will allow me—

Mr. RAYNER. Certainly.

Mr. LODGE. They expected a great many things. They expected to develop a great cattle industry, and to find oil, and to develop still further a sea-moss industry, and all that can be imagined in an entirely wild and open country.

There is only one company that has title there. The title is in the Chartered Co. of Lower California, that their creditors hold there.

Mr. RAYNER. I understand there was a large amount of money put into the enterprise originally, some \$400,000 or \$500,000, and some syndicate or estate in New Hampshire is a creditor of the concern.

Mr. GALLINGER. It is, I will say to the Senator, essentially a lumber company, J. E. Henry & Co. I asked the question of the Senator from Massachusetts as to whether or not they had prospects in that direction, and I found they had not. So, undoubtedly, they expected to make money in developing other things.

Mr. LODGE. The Henry Co. was purely a loan company.

Mr. GALLINGER. The Henry Co. does not enter in except as a creditor. It was a mere loan.

Mr. RAYNER. Let us see now how this matter stands. This company made some effort to sell this land, whether to a Japanese syndicate or any other syndicate I do not know. I suppose they would sell the land to anybody who wants to

buy it. It was not a question with the owners of this land as to whom or how the land should be sold. The question was whether they could extricate themselves from the financial difficulty they were in, and it did not make a particle of difference to them whether they sold to a syndicate of Japanese or whether they sold to anyone else anywhere.

I have not read the response to the Senator's resolution, but that was the situation about Magdalena Bay.

Then the Japanese Government was apprised by us of another purchase along the coast some two or three hundred miles south of Magdalena Bay. That is, I understand, a grant of exclusive fishing rights and covering territory of about 700 miles from the Province or State called Tepic to another State some seven or eight hundred miles farther down the coast. Tepic is about two or three hundred miles, I believe, below Magdalena Bay.

Mr. LODGE. Magdalena Bay is very near the end of the peninsula.

Mr. RAYNER. This is much farther down.

Mr. LODGE. I should say it was a hundred miles.

Mr. RAYNER. What is the distance between the State of Tepic and Magdalena Bay?

Mr. FALL. It is several hundred miles. One is on the main coast, while the other is on the peninsula.

Mr. LODGE. Those fishing rights, I understand, have been granted to Great Britain as well as to Japan. I think I may say those fisheries extend all along that coast. They acquire nothing more than the concession for the fishing rights and acquire no title to the land anywhere.

Mr. RAYNER. Of course Mexico would not have any right to grant fishing rights in the open sea. The question is, What rights does she grant within the marine league?

Mr. LODGE. She grants rights within the marine league.

Mr. RAYNER. If the Senator will pardon me, I do not wish to make any mistake. This matter has come up hurriedly. I have not had time to read the response.

There was a third proposition adverted to, but I do not think there is anything whatever about it in the response to the Senator's resolution. There was a well-authenticated rumor that the Japanese Government had acquired a 15-years' grant to the harbor of Salina Cruz, which I think is two or three hundred miles farther down from the point where the fishing rights are granted. The statement that was made was that they had acquired this right to the harbor of Salina Cruz, which is on the western coast, and would give control practically of the Tehuantepec Railroad.

Mr. LODGE. Salina Cruz is not on the peninsula at all.

Mr. RAYNER. It is not on the peninsula the Senator is speaking about, but it is on the peninsula I am speaking about. It was said the Japanese acquired a 15-year grant at the harbor of Salina Cruz.

Mr. LODGE. I can say to the Senator, I think without impropriety, that the matter of Salina Cruz has been dealt with by the State Department, but I think there is no foundation in the rumor.

Mr. RAYNER. Then we have not heard anything from the State Department about it. I considered this the most important incident of these concessions, because in connection with the Government of Mexico it would virtually give the Japanese Government control of the railroad between the western coast and the eastern coast, the eastern port being right south of Galveston, and it would be a very dangerous proposition in view of the Panama Canal.

Mr. LODGE. I quite agree as to the importance, but I think I am right in saying that there is no foundation for it.

Mr. RAYNER. I do not know what the Department of State is doing. The Senator knows more about it than I do. If the Government of Japan were to-day to acquire lands for a military reservation upon the coast of Mexico, that of a base for military operations or for coaling stations, and a base for military supplies, without any reference to the Monroe doctrine, I would consider that almost equivalent to a declaration of war against the United States, and we would not for a moment sanction or permit it. I say I agree entirely with the Senator from Massachusetts, that if the Government of Japan were to attempt to acquire a base for military supplies and for a coaling station upon the coast of Mexico, I would come to the conclusion immediately that the United States ought to interfere without any reference to the Monroe doctrine at all. Perhaps it would come within the Monroe doctrine, the latter clause of it, but I do not think we need discuss the Monroe doctrine if an event of that sort happened.

The point I want to make is this, however: Suppose the owners of this Magdalena Bay enterprise were to transfer the lands that they own there to a subject or corporation of Japan

that is not subsidized by the Japanese Government and over which the Japanese Government has no control, what are we going to do about it? That I consider to be the important proposition we are dealing with.

Mr. LODGE. That is precisely what I want to have something done about.

Mr. RAYNER. That is what I am going to ask the Senate to do something about. I have written a resolution here, upon the subject. Now, what can we do about it? What right have we to prevent a subject of Japan in good faith, for the purpose of industrial development, entirely disconnected with any governmental enterprise not sanctioned or justified by his own Government, from acquiring land in Mexico to any greater extent than we would have the right to prevent any other subject or any other citizen of any other country from acquiring land there? Under the laws of Mexico, as I understand them, the citizens of Mexico are prohibited under the severest penalties, I think under the penalty of death, if I am not mistaken, from transferring any land in Mexico to a foreign government without the sanction of the Government. I think I am right in that statement. But, Mr. President, there is nothing in the constitution of Mexico, there is nothing in the statutes of Mexico, so far as I can discover, that prevents a citizen or corporation or syndicate of Japanese subjects from acquiring land in Mexico. Unquestionably at least the Mexican Government can permit it. I will read just a few lines to show what the law is upon this subject.

Mr. BACON. If the Senator will pardon me a minute, it seems to me the whole thing lies simply in a nutshell. It is simply a question as to what we will do, not by virtue of any statute, but by virtue of our right and power to do that which is necessary for our safety.

Mr. RAYNER. I understand that fully, but I am not talking about the Monroe doctrine now. The Monroe doctrine does not touch the acquisition of a private citizen.

Mr. BACON. Will the Senator permit me to finish?

Mr. RAYNER. I thought the Senator had finished.

Mr. BACON. The Monroe doctrine does not depend on any law and is not a matter of law, but it was the enunciation of a determination on our part not to permit a certain thing to be done, not because such determination was according to any law, international or municipal, but because we deemed it essential to our safety. Therefore we have reserved the same right, if it is within our power to do it, to condemn anything else we may deem to be inconsistent with our own safety and peace.

Mr. RAYNER. I understand that fully, but it does not in the slightest degree touch the point I am submitting to the Senate. The Monroe doctrine or any other doctrine never prohibited a private citizen from acquiring land in the Central American States, for instance. There was never any pretense made in all the precedents and in all the diplomatic correspondence that has ever taken place upon the Monroe doctrine that a citizen of a foreign country could not acquire any land in a South American or a Central American state. I do not think the Senator from Georgia has caught the point I want to submit to the Senate.

Mr. BACON. If the Senator will pardon me a minute, I think I do. I do not myself rest any proposed action on our part upon the Monroe doctrine, but in the same way that we have a right to say that we would not consent to any foreign Government colonizing any part of the Western Hemisphere we have a right to say, if we want to, that we will not consent for a citizen of a foreign Government to acquire property on the Western Hemisphere if it is done in a way that will be a menace to our peace.

Mr. RAYNER. That is not the proposition that I am discussing at all. We can enunciate any new doctrine that we want. That would be an extremely new and original doctrine unless it actually menaced our peace.

The point I make is this: What right have we to interfere with the industrial development in Mexico by foreigners, if the laws of Mexico permit it? I want to stop, if I can, this constant cry of war with Japan. I have never thought for a moment that there is the slightest danger of war. This mad fancy that Japan intends to control and dominate the Pacific Ocean is the most absurd proposition I think that ever crossed the vision of a bewildered brain. Every time a subject of Japan buys a strip of land in Mexico or goes fishing upon the coast of Mexico there is a cry of war.

What I want to do, if we can, is for the Senate, through its proper committee, to definitely ascertain what rights Japanese subjects have in Mexico and what right we have to interfere with their possessions, disconnected with the sanction of the Government of Japan?

I will take only a few moments of the Senate on this subject, as important as it is. I should like to discuss it in full, but I do not intend to do so now. Under the laws of Mexico it is provided—

Citizens of the countries bordering on Mexico can not hold real estate in Mexico within 60 miles of the frontier, without the individual permission of the President of Mexico, nor can foreigners acquire real estate within 5 leagues of the maritime coasts of the Republic, except by permission of a special act of Congress.

Mr. FALL. Will the Senator allow me to make a suggestion?

The PRESIDING OFFICER (Mr. Roor in the chair). Does the Senator from Maryland yield to the Senator from New Mexico?

Mr. RAYNER. Certainly.

Mr. FALL. That is exactly what this concession has done. It has given private citizens permission to own this land.

Mr. RAYNER. It has given them possession of the maritime coast, but it has done so, I apprehend, by a special act of the Mexican Congress.

Mr. FALL. These concessions are based upon individual contracts entered into with the proper official of the proper department of the Mexican Government first and afterwards approved by the Congress of Mexico through its legislative committee. Mexico legislates during vacations, all the while the Congress is not in session, by a legislative committee, and the acts of that committee have exactly the same force and effect as acts of Congress when in session.

I should like to ask the Senator if his view in this matter might not be affected by the fact that the concession granted to this company or to this individual by the Mexican Government transferred to the concessionaires almost governmental powers over the harbor of Magdalena Bay.

Mr. RAYNER. As I understand it, Mr. President, this concession was originally granted to the Oriental Steamship Co. and afterwards transferred by the Oriental Steamship Co. to a Japanese whaling company. The Senator will tell me whether I am right or not.

Mr. FALL. The Senator is speaking of the fishing concession.

Mr. RAYNER. Was the Senator speaking of Magdalena Bay?

Mr. FALL. I am speaking of Magdalena Bay.

Mr. RAYNER. I agree, then, with the Senator, if the Government of Japan intervenes and it is a governmental concession it would unquestionably interfere with American rights.

Mr. FALL. In the event the Mexican Government were to make a concession to individuals which practically placed those individuals in a position where they could exercise governmental powers over Magdalena Bay, would it not be possible for those individuals by indirection, by the transfer of stock, for instance, to transfer the property itself or the control of the property to a foreign Government?

Mr. RAYNER. Let me answer that question by asking another question of the Senator. Suppose subjects of Great Britain and citizens of France should do this, would they have a right to transfer to their Government a sufficient amount of stock so as to enable the Government to control it? What would the Senator say about that? I think if the transfer should be made we ought to look into it, but we ought not to question it until the emergency arises and not imagine danger when none exists.

Mr. FALL. I think if the Government of Mexico undertook to transfer one of its harbors to the Government of France or to the Government of Great Britain it would be an absolute violation of the Monroe doctrine.

Mr. RAYNER. That is not the question. The question is, Suppose they give a concession to individuals, and with the danger that these individuals might transfer it to a foreign Government, does the Senator say that the mere concession given to a citizen or subject of a foreign state would afford an opportunity for us to intervene under the Monroe doctrine, if there is no actual transfer and no intention to transfer the concession to a foreign Government?

Mr. FALL. No; but if it became apparent to the American people that something was sought to be done by indirection which would violate the Monroe doctrine if it was done directly, I do not believe the American people would submit to it.

Mr. RAYNER. I agree with this proposition. I will state the proposition now upon which I stand, and it is this: If the Government of Japan acquires rights, Monroe doctrine or no Monroe doctrine, the Government of the United States will take some steps to prevent the act or if an individual or a corporation or a syndicate acquire rights which they propose to transfer to the Government of Japan. The Government of the United States would not stand idly by and permit the enterprise to be consummated. But I stand upon the further proposition that the subjects of Japan, for their own individual purposes,

without any connection with the Japanese Government, intending merely to develop industrial enterprises, have all the rights that the laws of Mexico give them, and that we can not interfere with the laws of Mexico in that regard. I want that distinction understood, so that every time a Japanese subject buys an acre of land in Mexico there will not be a cry of war throughout the continent.

Mr. McCUMBER. Mr. President, I will ask the Senator from Maryland, is it not a fact that British subjects have a concession on the coast of Mexico and are developing the oil industry there, and in connection with the oil industry they are also developing harbors to transfer the oil? Would anyone say the fact that they are developing the industry and that, in addition to that, are fixing up a harbor and making it so it can be entered, the United States is in a position to claim that there is danger because Great Britain might, in case of war, use that particular bay for naval purposes? Is it not a fact that Germany has colonies in Brazil and in other countries, and they are developing harbors and rivers? Would not the result be the same if we would object to that?

Mr. RAYNER. Of course no one would ever dream for a moment that the Monroe doctrine would touch or approach any subject of that sort. Have not the citizens of other countries possessions and concessions, and are they not conducting large financial enterprises all through Central and South America? Was it ever supposed for a moment that that would occasion any interference by the Government of the United States in the vindication of the Monroe doctrine?

We must draw this distinction, otherwise we will be in constant trouble. We must draw a distinction between the Government of Japan, either itself or through its agents, openly or surreptitiously acquiring land in Mexico for its own purposes and the subjects of Japan acquiring land in Mexico for their own purposes, simply in the progress of industrial development. The line is broadly drawn. If Mexico gives the right to a Japanese subject to own land in Mexico, I ask the Senator from Massachusetts what right have we to interfere? Can we compel the Mexican Government to change its laws and alter its constitution?

Let us leave the Monroe doctrine out of the question. Under the law of Mexico—and it is a strange law; I thought I had it here, but I know it exists—

Mr. STONE. Will the Senator pardon me for a moment?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Missouri?

Mr. RAYNER. Certainly.

Mr. STONE. Does the mere grant of a concession, such as that now under consideration, of a large tract of land about Magdalena Bay or at any other point on the Mexican coast at all impair or affect the sovereignty of Mexico over the lands covered by the concession?

Mr. RAYNER. It does not.

Mr. STONE. But that remains intact?

Mr. RAYNER. Unquestionably.

Mr. STONE. Japan, whose subjects, it is said, are about to acquire this concession, could not as a Government undertake to fortify the harbor or have any right of entering it without invading the sovereignty of Mexico?

Mr. RAYNER. Unquestionably the Senator is right about that. I do not think anybody will controvert that point.

Mr. STONE. Then the status, so far as sovereignty goes, would remain the same?

Mr. RAYNER. It would remain intact, in statu quo. What right have we to interfere except upon the ground of apprehension that things might occur, which I do not believe ever will occur? As I said just now, a foreign Government, under the laws of Mexico, has no right to hold any land in that country. Anyone who sells to a foreign Government, under the constitution and the laws of Mexico, sells under the severest penalties, I believe—I am almost certain—under penalty of death. I think there is a Mexican statute—the Senator from New Hampshire, I think, knows that a statute of that sort exists—which, under penalty of death, prohibits anyone from selling lands in Mexico to a foreign Government. We have no right to sell to a foreign Government here.

Now, before closing, what I want to direct the attention of the Senate to is that Mexico has its own laws, and we have no right to change the laws of Mexico. In Mexico a foreigner who owns land in that country, and who has what they call under their old constitution Mexican children, becomes a Mexican citizen. That is the language of the statute. They changed that afterwards, because it was pretty hard to tell whether they had Mexican children or any other kind of children, and they also subsequently changed their constitution. That is the doctrine of what is called involuntary expatriation. We have never

accepted such a doctrine, that a man by becoming a land owner of Mexico became a citizen of Mexico without renouncing his allegiance to the United States; but that is the law of Mexico, that such a man becomes a Mexican citizen.

If Mexico gives the right to a foreigner who under its laws becomes a Mexican citizen or to a foreigner whether he becomes a Mexican citizen or not to hold lands in Mexico, I should like to know from the Senate or from any Senator here, because it will illuminate the subject greatly to my own mind, what right the Government of the United States has to interfere and what distinction we can draw between a subject of Japan, except upon the ground of fear and apprehension, and a subject or a citizen of any other foreign country.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. RAYNER. I do.

Mr. LODGE. If the Senator from Maryland will allow me, I should like to say that I do not apply what I am saying about Magdalena Bay to citizens or subjects of Japan particularly, but they happen to be the ones who are trying to get it. I would apply what I have said just as much to the citizens or subjects of any other country in like conditions. The case rests on the character of Magdalena Bay, because it is a menace to us to have it in the hands of foreigners. There are thousands of Japanese scattered throughout Mexico, but that is none of our affair; there are Germans in Brazil, but that is none of our affair. It is the taking of a military post on our coast line that is very much our affair.

Mr. RAYNER. I agree with the Senator if there is any attempt there to establish a base for military supplies or a coaling station. I said just now, and I say it again, that would amount practically to a declaration of war, for what right has Japan to come to Magdalena Bay?

Mr. LODGE. I do not mean the Japanese Government. If it is done by a corporation it is just as bad.

Mr. RAYNER. But there is not the slightest evidence of its being done by a corporation, and there is not the slightest evidence that it was ever so intended.

Mr. LODGE. The report of the Secretary of State sent to the Senate, and which was made after long examination of this matter, shows that there has been an attempt to purchase that very land, with the control of the harbor.

Mr. RAYNER. I ask the Senator from Massachusetts whether the response of the Secretary of State to the Senator's resolution states that to be a fact?

Mr. LODGE. It states the whole negotiations there and how much stock the Japanese were to have in the company.

Mr. RAYNER. Then, Mr. President, if I mistake not, it also states the entire disavowal of the Japanese Government as to its having any connection with the matter.

Mr. LODGE. Oh, the Japanese Government, Mr. President, is not involved in it. The Government is not buying the land; nobody charges that the Japanese Government is doing anything there.

Mr. RAYNER. No; but if it is not done in the interest of the Japanese Government—

Mr. LODGE. The Senator from Maryland may be able to speak for the Japanese Government; I am not.

Mr. RAYNER. I am sufficiently able to speak for the Japanese Government to say that I do not believe that every time there is any acquisition of land in Mexico we ought to start the proposition about a war with Japan, for I do not believe there will be any war with Japan, either now or in the future, and I want to see if I can rid the public mind of the apprehension which exists upon that subject. Let us read what the Secretary of State says about this matter. That is the best way to settle the dispute. So far as I am concerned I am for peace and not for strife. I am for law and not for war:

Adverting once more to the text of the resolution, the undersigned has the honor to say by way of recapitulation that there is nothing on file in the Department of State that has justified any inference that the Mexican Government or the Imperial Japanese Government has been occupied with any disposition of land near Magdalena Bay by which the latter Government would acquire land there for any purpose.

In these circumstances, the Department of State felt no necessity for further steps in the matter of any of these rumors, which are of a kind that all too frequently occur to the detriment of public opinion in the respective countries and are so alien to the cordial relations of the Governments concerned.

However, his excellency the Japanese ambassador informed the department that he had apprised his Government of the rumors in question, which had become well known through the public press; and subsequently his excellency made, with his Government's authorization and merely for the information of the Department of State, an unreserved and categorical denial of the rumored purchase of land at Magdalena Bay by the Imperial Japanese Government or by a Japanese company, characterizing the report as entirely sensational and utterly without any foundation whatever, the Japanese Government having never directly or indirectly attempted or contemplated the acquisition of any land at Magdalena Bay for any purpose.

Mr. LODGE. That is a splendid denial of what is not charged. The charge is—and the statement is there in that very report—that the attempt was made to sell the land to a company nominally American, in which the stock was controlled in a large part by Japanese. There is no disavowal of that in that report.

Mr. RAYNER. Now, Mr. President, in order that this question may be settled by law and not by war, I will offer a resolution, which I will ask to have referred to the Committee on Foreign Relations. I will read the resolution before offering it, and I think it is very appropriate at this time:

Resolved, That the Committee on Foreign Relations be, and it is hereby, directed to ascertain whether under the laws of Mexico, or under treaty rights, aliens are permitted to hold and acquire landed property within her territorial limits, or to obtain concessions of land from the Government of Mexico, and also what power is conferred by law upon the Mexican Government to grant exclusive fishery rights upon its ocean shore or in any of the gulfs or bays adjoining the Mexican coast, and whether or not such acquisition of property or concessions, if allowed, encroach upon the Monroe doctrine or are affected by the same, and what position the United States should assume in reference thereto, and to report as early as practicable the result of its investigation to the Senate.

Mr. BACON. Mr. President, I have no objection—

Mr. RAYNER. Will the Senator allow the resolution to go to the Committee on Foreign Relations?

Mr. BACON. Certainly. I have no objection to that resolution, but the Committee on Foreign Relations would not be limited to that particular investigation, by any means. As I understand, the proposition is to refer the message, with the report—

The PRESIDING OFFICER. Without objection, the message of the President, with the accompanying report, will be referred to the Committee on Foreign Relations.

Mr. BACON. Mr. President, I had not finished.

The PRESIDING OFFICER. And, without objection, the resolution offered by the Senator from Maryland is referred to the Committee on Foreign Relations.

Mr. GALLINGER. The resolution should be stated from the desk.

Mr. BACON. Mr. President, I had the floor and I had not finished.

The PRESIDING OFFICER. The Chair begs the pardon of the Senator from Georgia. The Chair supposed the Senator had finished.

Mr. BACON. I was proceeding to say, Mr. President, that I had no objection at all to these resolutions, but that the committee would not be limited to the consideration of the particular features of this subject designated in the resolutions; that under the proposition to refer this message to the Foreign Relations Committee the entire subject would be committed to that committee and would embrace every feature of it which the committee might think of sufficient importance to investigate and to report upon.

I want to say simply one thing further. The Senator from Maryland [Mr. RAYNER] discusses the question of the right of the United States Government to interfere in case this is a sale to private individuals, and disputes the right of the Government of the United States to take any action in the matter if it shall be found that that purchase is in accordance with the laws of Mexico.

Well, Mr. President, according to the view I take of it, that presentation does not cover the matter under consideration. Of course we have, as a matter of law, no right to interfere with the laws of any country, and yet we do not hesitate to interfere with them whenever they are found to be inimical to our peace and our safety. There was no law which authorized the enunciation of the Monroe doctrine, and yet there was no law which could at that time have existed in a South American country which would have prevented our enforcement of the Monroe doctrine. If there had been then a provision in the constitution of any South American country which permitted the colonization by a European government of a part of the territory of that South American country, we would none the less have insisted upon the Monroe doctrine, not as a matter of law but as a matter of national right, to enforce that which may be deemed to be necessary to the safety of our Government. It was simply upon the pure basis of the right of power that we announced the Monroe doctrine; it has never rested on any other basis, and could not rest on any other basis.

Now, in the same way, when you come to consider the question of whether or not the possession of a certain piece of property in the territory of Mexico by a private citizen or a subject of another government would be inimical to our peace it is simply a question of whether or not we shall so deem it; and if we do so deem it, we take our position upon it, to be enforced, if we have the power to enforce it, not because of the law in the foreign country but because of our innate right

to take care of ourselves and to do whatever is necessary to effect that purpose.

Mr. President, nobody will dispute the right of a subject of a foreign government to acquire territory in the country of Mexico if the laws of that country permit it. Nobody will dispute that the Government of Mexico has passed a law under which, under severe penalties, a citizen of that country is prohibited from conveying any part of the territory of that country to a foreign government; but that does not touch this question at all.

We are not now dealing with the question as to whether or not this suggested action by the Senate is necessary or does accomplish the purpose which the Senator from Maryland denies it will accomplish. That is a question to be investigated; that is a question we are proposing to investigate; but the ground upon which we investigate, the ground upon which we proceed, is this: That if, when we investigate it, we find that the possession of a great harbor, capable of being made a great naval base, by the subjects of another country is likely to lead to complications under which in any developments of the future a foreign Government might get through that means the possession or control of that property, if we deem it necessary to our safety to say that foreign subjects shall not have it, we have just the same right to say it as we said nearly 100 years ago, that a foreign Government should not colonize any part of this hemisphere. In either case it is a question of what we deem necessary for our safety. If we should think it necessary for our safety to say that the subject of no foreign Government shall hold any land in any country in South America, we have no right in law to say it, except the law that every country has a right to protect itself. It might be a very extreme and a very unreasonable thing for us to say, and I think it would be a very foolish thing for us to say, and I have no idea we ever will say it, but if we said it and had the power to enforce it it would be just as binding as is the Monroe doctrine now. Of course—

Mr. RAYNER. Mr. President—

Mr. BACON. One moment, if the Senator please, and I will be through. Of course we are never going to say that, but it is altogether probable, taking each particular case as it comes, that as to Magdalena Bay we would say that we would not only not consent that any foreign Government should acquire a naval base there, but we might go further and say that, situated as that is, between the Panama Canal and our western coast, we would not permit any corporation of any foreign Government to hold it, because by that means it might ultimately result in an ownership or control by the foreign Government. If we should see proper to say that, it would rest on the same authority as the Monroe doctrine. It depends altogether on whether or not we have the power to enforce it, and that is the whole of it.

Mr. President, that is not a new position for the United States Government to take, so far as the possession of a naval base in our neighborhood by a foreign power is concerned. The prohibition of such possession of a naval base is not included in the Monroe doctrine, and yet I think it is a matter about which this Government would not hesitate to say that, regardless of the fact that it is not in the Monroe doctrine, we would not sit by and see any foreign Government take possession of any great harbor adjoining this country where the establishment of a naval base would be a menace to this country. That is evidenced, Mr. President, by one restraint which we imposed on Cuba.

I repeat, there is nothing in the Monroe doctrine which denies to a foreign Government the right to establish a naval base upon our borders; that is not included in it; and yet when we came to turn Cuba over to its own people one of our stipulations was that Cuba should not convey to any foreign Government any port or harbor which could be used as a naval base upon the island of Cuba. There is the principle. And in the same way, Mr. President, that we said that Cuba should not convey to a foreign Government a port or a harbor in the island of Cuba, we would say that no foreign Government should acquire a naval base adjoining or so near to us as to be a menace to us, and when we go that far we can go still further and say that nothing which will lead to such a result will be consented to by us. Whether this will lead to it is another question altogether, but when you come to the question of whether we have the right to do it, that is a question of power and a question as to whether or not we deem it important to our safety that that power shall be exercised.

Mr. RAYNER. Mr. President, I may say that I consider that our relations with Cuba are entirely different from our relations with Mexico. I do not think there is any comparison between the two; but before the Senator sits down I want to ask him a question. I know he might answer by saying we do

not care what the nations of the world might do, but all this, of course, means war and not a peaceful solution—

Mr. BACON. Not at all. It means the prevention of war.

Mr. RAYNER. I do not think it means the prevention of war; but I will ask the Senator this question: Suppose we were to say to-day that no subject of any foreign country should hold lands in Mexico, what does the Senator think the nations of the earth would answer to such a proposition?

Mr. BACON. They would think we were very foolish, and I would think so, too; but then there may be some particular piece of land in Mexico about which it would not be foolish for us to take that view.

Mr. RAYNER. I entirely agree with the Senator that if there is any apprehension of the establishment of a naval base upon the part of Japan and if that Government intended to establish such a base, I would not care for the Monroe doctrine. It would be a declaration of war, because for what purpose would Japan want a naval base in Mexico except for purposes of war? That is not what I am talking about at all; I am talking about the general proposition; and I will state again in conclusion that foreign subjects or citizens of their own accord, without the sanction of their Government, without any connection with their Government, without intending to make any transfer to their Government, have a perfect right under the laws of Mexico and within the limits of that law, whatever it may be, to acquire land in Mexico, and, unless there is apprehension of what the Senator thinks may take place, we have no right under the law of nations to interfere with it. That is all. I do not intend to go a step further, and it is for that purpose that I have offered the resolution, so as to find out what the rights of the United States are in connection with a matter of this kind whenever it occurs.

Mr. CULLOM. I think the discussion has gone far enough, and I ask that the pending matter be referred to the Committee on Foreign Relations.

Mr. GALLINGER. Let the resolution be reported.

The PRESIDING OFFICER. The resolution proposed by the Senator from Maryland [Mr. RAYNER] will be read.

The Secretary read the resolution (S. Res. 302), as follows:

Resolved, That the Committee on Foreign Relations be, and it is hereby, directed to ascertain whether under the laws of Mexico or under treaty rights aliens are permitted to hold and acquire landed property within her territorial limits, or to obtain concessions of land from the Government of Mexico, and also what power is conferred by law upon the Mexican Government to grant exclusive fishery rights upon its ocean shore or in any of the gulfs or bays adjoining the Mexican coast, and whether or not such acquisition of property or concessions, if allowed, encroach upon the Monroe doctrine or are affected by the same, and what position the United States should assume in reference thereto, and to report, as early as practicable, the result of its investigation to the Senate.

Mr. CULLOM. Let the whole matter be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER. It is so ordered.

Mr. LODGE. The message has already been referred?

The PRESIDING OFFICER. Yes.

COMMITTEE ON NATIONAL BANKS.

Mr. GALLINGER. I ask unanimous consent for the present consideration of Order of Business 614, to which I think there will be no objection.

The resolution (S. Res. 295) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on National Banks be, and it hereby is, authorized to employ a clerk at a salary of \$2,220 per annum and a messenger at \$1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

THE CALENDAR—BILLS PASSED OVER.

The VICE PRESIDENT. The calendar is in order under Rule VIII.

Senate concurrent resolution No. 4, instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co. was announced as the first business in order on the calendar.

Mr. GALLINGER. Let the concurrent resolution go over.

The VICE PRESIDENT. It will go over.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as next in order on the calendar.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. GALLINGER. Let it go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the

purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 4762) to amend an act approved February 6, 1905, entitled "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' and to amend an act approved March 2, 1903, entitled 'An act to establish a standard of value and to provide for a coinage system in the Philippine Islands,' and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes," was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. It will go over.

LLOYD L. R. KREBS.

The bill (S. 1337) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint Lloyd L. R. Krebs, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act was announced as next in order.

Mr. GALLINGER. Formerly I objected to the bill, but I have been examining the report this morning. The bill is recommended by the War Department, and I see no valid objection to it.

By unanimous consent, 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.

BILLS PASSED OVER.

The bill (S. 459) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribes of Indians was announced as next in order.

Mr. LODGE. Let the bill go over.

The VICE PRESIDENT. The bill will go 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. GALLINGER. Let it go over.

The VICE PRESIDENT. 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. GALLINGER. Let it go over.

The VICE PRESIDENT. The bill will go over.

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.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 2051) to promote the efficiency of the Life-Saving Service was announced as next in order.

Mr. OVERMAN. Let it go over. I want to read the bill.

The VICE PRESIDENT. The bill will go over.

DEPOT FOR SIXTH LIGHTHOUSE DISTRICT.

The bill (S. 4476) to provide for the purchase of site and construction of wharf and buildings and the necessary equipment for a depot for the sixth lighthouse district was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Commerce with amendments, in line 4, after the word "site," to insert

"and to," and in line 5, after the word "equipment," to insert "so far as funds may permit," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to purchase a site and to construct a wharf and buildings and purchase the necessary equipment, so far as funds may permit, for a depot for the sixth lighthouse district, at a cost not to exceed \$125,000.

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.

ARMY POST AT FORT OGLETHORPE.

The bill (H. R. 17029) authorizing the Secretary of War to convert the regimental Army post at Fort Oglethorpe into a brigade post was announced as next in order.

Mr. WARREN. Let the bill go over.

Mr. LEA. This bill has been on the calendar a long time, and I move to take it up, notwithstanding the objection.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Tennessee that the bill be taken up notwithstanding the objection.

Mr. SMOOT and Mr. WARREN called for the yeas and nays, and they were ordered.

Mr. OLIVER (when Mr. BRANDEGEE's name was called). The Senator from Connecticut requested me to state that he is detained from the Senate upon committee service.

Mr. DILLINGHAM (when his name was called). I withhold my vote because of my pair with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. HEYBURN (when his name was called). I would ask if the Senator from Alabama [Mr. BANKHEAD] has voted?

The VICE PRESIDENT. He has not.

Mr. HEYBURN. I am paired with that Senator.

Mr. SHIVELY (when Mr. KERN's name was called). I wish to announce that my colleague [Mr. KERN] is necessarily absent from the Senate on important business. I wish this announcement to stand for the day.

Mr. OWEN (when his name was called). I transfer my pair to the Senator from Florida [Mr. BRYAN] and will vote. I vote "yea."

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM] 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 absent on the business of the Senate.

Mr. OVERMAN (when Mr. THORNTON's name was called). I have been requested to announce that both the junior and the senior Senators from Louisiana are necessarily absent on the business of the Senate.

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 I will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], which I transfer to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming. I have a general pair with the Senator from Missouri [Mr. STONE]. I transfer it to the Senator from Illinois [Mr. LORIMER] and will vote. I vote "nay."

Mr. McCUMBER. I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I transfer the pair to the Senator from Minnesota [Mr. NELSON] and will vote. I vote "nay."

Mr. CHILTON. I have a pair with the Senator from Illinois [Mr. CULLOM]. I do not know whether he has voted or not.

The VICE PRESIDENT. He has not.

Mr. CHILTON. I withhold my vote, then.

Mr. CHAMBERLAIN. I wish to state that my colleague [Mr. BOURNE] is detained from the Senate on its business.

Mr. HEYBURN. I stand paired with the senior Senator from Alabama [Mr. BANKHEAD]. I transfer the pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and will vote. I vote "nay."

Mr. SMITH of Maryland. I notice that the junior Senator from New Hampshire [Mr. BURNHAM], with whom I am paired, is absent. I transfer the pair to the Senator from Arkansas [Mr. DAVIS].

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is unavoidably absent.

Mr. GALLINGER. I have been requested to announce that the Senator from Ohio [Mr. BURTON] is paired with the Senator from Florida [Mr. FLETCHER].

The result was announced—yeas 27, nays 28, as follows:

YEAS—27.

Ashurst	Gore	Owen	Smith, Ga.
Bacon	Hitchcock	Pomerene	Smith, Md.
Borah	Lea	Rayner	Smith, S. C.
Chamberlain	Martine, N. J.	Sanders	Swanson
Clapp	Myers	Shively	Watson
Clarke, Ark.	O'Gorman	Simmons	Williams
Culberson	Overman	Smith, Ariz.	

NAYS—28

Bradley	Cummins	Lippitt	Richardson
Bristow	du Pont	Lodge	Root
Brown	Fall	McCumber	Smoot
Catron	Gallinger	Nixon	Sutherland
Clark, Wyo.	Gronna	Oliver	Townsend
Crane	Heyburn	Page	Warren
Crawford	Jones	Perkins	Wetmore

NOT VOTING—40.

Bailey	Curtis	Johnston, Ala.	Penrose
Bankhead	Davis	Kenyon	Percy
Bourne	Dillingham	Kern	Polindexter
Brandeggee	Dixon	La Follette	Reed
Briggs	Fletcher	Lorimer	Smith, Mich.
Bryan	Foster	McLean	Stephenson
Burnham	Gamble	Martin, Va.	Stone
Burton	Gardner	Nelson	Thornton
Chilton	Guggenheim	Newlands	Tillman
Cullom	Johnson, Me.	Paynter	Works

So Mr. LEA's motion was rejected.

THE METAL SCHEDULE.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, House bill 18642.

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.

The VICE PRESIDENT. The Senator from North Carolina [Mr. SIMMONS] is entitled to the floor.

Mr. SIMMONS. Mr. President, yesterday when speaking of the statement made by Mr. Schwab, president of the Bethlehem Steel Works, before the Committee on Finance, I stated that in response to certain questions propounded by the Senator from Mississippi [Mr. WILLIAMS], Mr. Schwab had then contended that 33½ per cent of the total cost of the products of iron and steel was labor, and that the labor cost in this country is twice as high as in Europe, and that the labor cost in Europe is about 16 per cent of the total cost of production, while here it is 33½ per cent.

Last August, when Mr. Schwab was examined under oath with reference to this matter in the investigation of the United States Steel Corporation, then pending before the committee of the House of Representatives, he made an entirely different and apparently contradictory statement. He then stated:

The cost of labor per man in the United States is almost double what it is in England—a little more. * * * I think the cost per ton in the United States is as cheap as it is abroad, notwithstanding the fact. * * * I think the reason for that is because we manufacture in such large quantities. We manufacture under the economic conditions that I spoke of, and our tonnages are so great.

Mr. President, the only way in which we can reconcile this sworn statement of Mr. Schwab made last August with the statement before the Committee on Finance, which I have heretofore quoted and discussed, is that when he said before the Committee on Finance that the cost here was twice what it is abroad he did not mean the cost per ton, but he meant that the per diem wages paid here are twice what they are abroad.

Mr. SMOOT. Mr. President—

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

Mr. SIMMONS. I do.

Mr. SMOOT. The only disagreement last night between the Senator and myself was this: I stated that Mr. Schwab's testimony was to the effect that the labor cost in this country was a third in the manufacture of heavy steel. The Senator from Iowa [Mr. CUMMINS] took exceptions to that statement and also, I think, the Senator from North Carolina.

I want to call the attention of the Senator to just what Mr. Schwab stated, and it was upon the testimony given by Mr. Schwab that I made the statement. The Senator from Idaho [Mr. HEYBURN] asked:

Senator HEYBURN. What percentage of the cost of structural steel is wages?

That follows questions which had been asked by the Senator from Mississippi [Mr. WILLIAMS]. Mr. Schwab answered in this way:

Mr. SCHWAB. About one-third in all the heavy steel. From 30 to 35 per cent of the entire cost is labor.

In relation to the 16½ per cent the Senator spoke of, this is what I asked Mr. Schwab when he was before the committee:

Senator SMOOT. Or, in other words, if every other item of expense attached to the manufacture of steel was equal with every other country, then 16½ per cent would be necessary to protect you against the actual labor cost?

Mr. SCHWAB. Exactly so.

That is what I stated last night, and I stated it from the testimony of Mr. Schwab.

Mr. SIMMONS. Mr. President, we will get at that later, when I will discuss this question from the standpoint of what the Senator from Utah [Mr. SMOOT] claims Mr. Schwab meant in the statement in reference to the proportion of labor cost. I will attempt to show that the difference in the labor cost upon the coarser and bulky articles, even as high as he claims that Mr. Schwab puts it, is covered by the duties provided in this bill; and if the labor cost of the higher and more costly articles is a third or a half higher, or even twice as high, the duties placed on those articles will substantially cover the difference, if any, here and abroad, even if that difference is as great as is contended.

Mr. President, on yesterday, when I was interrupted, I was contending that Mr. Schwab, in fixing the labor cost of iron and steel at 33½ per cent in this country, was speaking about the industry at large.

Proceeding upon that assumption, I was undertaking to show that if that were true the cost in Europe was only 16 per cent, and that this bill, which carries an average ad valorem of about 22½ per cent, covered the difference and left a margin for the benefit of the manufacturers of something over 6½ per cent.

The other side, I think, anticipating that conclusion, interrupted me and insisted that Mr. Schwab, in giving 33½ per cent as the cost in this country, was not referring to the iron and steel industry as a whole, but that he was only speaking with reference to the bulkier and heavier products of iron and steel.

Mr. President, while I do not think Mr. Schwab's testimony bears out that contention, for the purpose of the argument that I propose to make this morning I am going to assume that that is a correct interpretation of Mr. Schwab's testimony upon this question, and that when he said the labor cost of producing steel and iron in this country was 33½ per cent of the total cost he meant only the heavier and bulkier articles, such as are produced by the Bethlehem Steel Works and by the United States Steel Corporation. If that be true, then, Mr. President, the difference between the labor cost of these heavy products in this country and in Europe is, according to Mr. Schwab, 16 per cent.

I have caused various products of the United States Steel Corporation—and I assume the Bethlehem corporation makes about the same things—to be enumerated and the ad valorem rate of duty imposed under this bill calculated by an expert in the Treasury Department.

I will not read the various items, but I am satisfied from the information he has given me that they practically cover the things produced by the United States Steel Corporation and, in the main, those produced by the Bethlehem corporation.

Taking all these items together, those on the free list as well as on the dutiable list in the House bill, the average rate of duty carried is 13 per cent. Eliminating the things on the free list and taking only those on the dutiable list, the average rate upon these particular articles is 15.61 per cent, or, according to Mr. Schwab's own testimony, this bill carries a rate within a fraction of 1 per cent of the alleged difference between the cost of producing these articles here and abroad.

But, Mr. President, I shall contend that Mr. Schwab, in estimating 33½ per cent as the labor cost of these bulkier products, is far too high, and that, in fact, the average labor cost of these products in this country is not much more than half as much as Mr. Schwab claims it is.

I have here the minority report of the Committee on Ways and Means of the House. Attached to that report, which is signed first by Mr. SERENO E. PAYNE, of New York, there is a table:

Table 1. Census statistics of manufactures in the United States, grouped in conformity with the schedules, tariff law of 1897, including articles classified under section 6 and the free list.

This is taken from the report of the census made of manufactures for the calendar year 1904. I have had the same Treasury expert examine this table and calculate the labor cost

as shown by it of the various bulky and heavy and coarser articles known to be produced at the Bethlehem Steel Works and by the United States Steel Corporation. I will not read his statement, except to give the result. It shows that in the manufacture of these products in the calendar year 1904 there were employed 266,192 wage earners, that the wages paid were \$153,061,151, and that the value of the products was \$960,393,279. So we have here the total value of the things produced and the total amount of wages paid in their production, leaving no chance for a misunderstanding as to the labor cost, if the figures as to wages and production are true, and leaving it a mere matter of mathematical calculation.

Now, taking those figures, the expert advises me, as will be seen, that the average labor cost of these articles amounted to 15.9 per cent. So, as against Mr. Schwab's contention that the labor cost of these bulkier articles in this country is 33½ per cent of the total cost, we have the findings of the Census Bureau, based upon the actual amount of wages paid and the actual output for the year 1904, showing that the actual proportion of the labor cost to the product is only 15.9 per cent, or about 16 per cent.

In other words, Mr. President, it shows the labor cost here is about the same as Mr. Schwab says it is in Europe.

Mr. SMOOT. Mr. President—

Mr. SIMMONS. Just let me finish this statement. Taking these figures as representing the true labor costs of these heavier products, taking the contention that the labor price in Europe is only one-half what it is here to be true, then, instead of the difference in the labor cost here and abroad being 16 per cent, as contended, it will only be 8 per cent; and the present bill, carrying an average ad valorem, as I have just shown, upon these bulkier articles of something over 15 per cent, not only covers the difference in labor costs, but covers the total labor cost in this country and is more than twice as much as the labor cost in Europe, assuming that to be half what it is here.

Mr. SMOOT. Mr. President—

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

Mr. SIMMONS. Certainly.

Mr. SMOOT. I think the Senator ought to consider that the census report he has just quoted from does not take into consideration the labor of the different intermediary processes of manufacture. In other words, let me explain it in this way: If ore is taken and transferred into pig iron, that is one process and the labor in that is computed. The Census Bureau will report the pig iron as being transferred into billets or into steel rails, and do not take into consideration the labor that was put into the process from converting the ore into pig iron, but they only take into consideration the amount of labor required to make the pig iron into rails.

It is just the same, Mr. President, as we find in the manufacture of woolen goods and cotton goods. That same thing transpires in nearly every one of the reports that are given in the Statistical Abstract.

Mr. SIMMONS. The Senator is now making a speech. I do not care to yield for the purpose of making a speech. But let me ask the Senator this question: Does the Senator deny that the census figures I have given represent the percentage of labor cost of converting raw material into the finished products?

Mr. SMOOT. The figures the Senator quoted would show the cost of the conversion as something like 15 per cent from, as he said, the raw material to the finished product of all manufactures of steel and iron. The Senator must know that upon its very face that can not be so, because the ore itself is of little value indeed, and what makes the increased value if it is not labor?

Mr. SIMMONS. On the very face of it, Mr. President, it is so. The Senator is making this sort of an argument, that if a material has to go through one, two, three, or four different processes before it reaches the final state of completion, in fixing the duty we ought to consider the labor cost at every stage.

Mr. SMOOT. Certainly.

Mr. SIMMONS. And I contend, when we are talking about the labor cost in fixing duties, we want the labor cost of conversion.

Mr. SMOOT. Mr. President—

Mr. SIMMONS. The labor cost of the process below that is provided for by another duty, and the process below that is provided for by still another duty, and so on; so that, to use the language of the Senator from Mississippi [Mr. WILLIAMS] in reply to Mr. Schwab before the Finance Committee, "each manipulator gets his nib."

Mr. SMOOT and Mr. OLIVER addressed the Chair.

The VICE PRESIDENT. Does the Senator from North Carolina yield to one of the Senators, and to whom?

Mr. SIMMONS. I am in a colloquy with the Senator from Utah, and therefore yield to him.

Mr. SMOOT. I merely suggest this example to the Senator from North Carolina, to show that 15 per cent certainly does not represent the labor cost from ore to the finished product.

Mr. SIMMONS. Now, Mr. President—

Mr. SMOOT. Take the ore that is worth a dollar a ton, and 15 per cent on a dollar is 15 cents. The Senator from North Carolina does not want the Senate to believe that 15 cents is the labor cost from the ore to the highest class of finished products, which in many cases amount to 80 per cent labor.

Mr. SIMMONS. Mr. President, we had yesterday here a very fine illustration of the fallacy of the position taken by the Senator from Utah. The Senator from Iowa [Mr. CUMMINS], in one of his interruptions yesterday, brought out the fact that the cost of converting pig iron into ingots or pig iron into steel rails was about \$1.80. The Senator brought out the further fact that there was added to the product by this process of conversion \$14 of value, so that the cost of labor in that process of conversion was \$1.80 and the added value \$14, or about 12 or 13 per cent of the cost of conversion was labor.

Mr. SMOOT. Mr. President, does the Senator from North Carolina mean to say that he could take iron ore and convert it into steel rails for a dollar and eighty cents a ton?

Mr. SIMMONS. I said that that was the statement of the Senator from Iowa yesterday.

Mr. SMOOT. If that is the case—

Mr. SIMMONS. That the cost of converting pig iron—not iron ore, but pig iron—into steel rails was \$1.80, and that the added value by reason of that process of conversion was \$14.

Mr. CUMMINS. Mr. President, before the Senator from Utah replies to the Senator from North Carolina, may I restate precisely what I endeavored to state on yesterday?

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

Mr. SIMMONS. I shall be glad to have the Senator from Iowa do that.

Mr. CUMMINS. I think I said the cost would be about \$1.80. The exact amount is \$1.86.

Mr. SMOOT. Will the Senator state what it is for?

Mr. CUMMINS. I will. The Commissioner of Corporations, in examining the cost of 51,902,609 tons of Bessemer iron, states that the cost of converting the ore into pig is 77 cents per ton; the cost of converting 9,573,539 tons of basic iron into pig is 62 cents per ton; the cost of converting 5,339,766 tons of southern pig from the ore into pig is \$1.23 per ton.

Mr. SMOOT. I can not follow the Senator with the figures I have.

Mr. CUMMINS. I will give the Senator the figures in a minute. The labor of converting it from pig into ingots is 61 cents.

Mr. STONE. That is, the southern pig.

Mr. CUMMINS. No; it is 61 cents for converting it into Bessemer ingots and billets; and for the open-hearth or basic ingots, 24 cents. If the Senator will then turn to another table which gives the cost of producing Bessemer rails from steel ingots, which is \$1.25 per ton, he will find that the total from pig iron to steel rails is \$1.86 a ton. Taking the iron from the pig to the steel rails—

Mr. OLIVER. From pig to steel rails?

Mr. CUMMINS. Yes. I think I said yesterday—and I believe that was correct—from pig to steel rails.

Mr. SMOOT. That is what the Senator said yesterday; but the Senator from North Carolina said it was from ore to steel rails.

Mr. SIMMONS. No; I did not say from ore. I said that I understood the Senator from Iowa to say yesterday that it was from pig to ingots, or from pig to steel rails.

Mr. SMOOT. Oh, no. He said yesterday that it was from pig to ingots.

Mr. SIMMONS. Yes; from pig to ingots or from pig to steel rails.

Mr. SMOOT. That is an entirely different proposition.

Mr. SIMMONS. That is what the Senator from Iowa said. I read it here this morning, and I do not think I am mistaken about it.

Mr. CUMMINS. The Senator from North Carolina is substantially right. Taking pig iron as a basis, the cost of converting it into an ingot for the purpose of making rails is 61 cents per ton for the regular Bessemer ingots. The cost of converting the ingot into the rail is \$1.25 a ton, making a total of \$1.86 a ton for the conversion from the pig into the steel rail.

Mr. SIMMONS. And that is about 12 or 13 per cent of the added value.

Mr. CUMMINS. I think that depends upon what you take as added value. If you take pig iron at \$14 a ton—

Mr. SIMMONS. I was taking the Senator's statement on yesterday.

Mr. CUMMINS. Taking pig iron at \$14 a ton and steel rails at \$28 a ton it is about 12 per cent.

Mr. OLIVER. I should like to ask the Senator from Iowa a question, with the permission of the Senator from North Carolina.

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Pennsylvania for that purpose?

Mr. SIMMONS. Certainly.

Mr. OLIVER. As I understand, the Senator from Iowa takes the labor cost by adding the labor cost of the manufacture of pig iron, the labor cost of converting pig iron into ingots and the ingots into rails, producing that result, at something like \$1.86.

Mr. CUMMINS. At \$1.86.

Mr. OLIVER. Mr. President, to assume that that is the labor cost of a ton of steel rails shows how little knowledge the Senators who are juggling with these figures have of the real process of manufacture. They ignore the fact that a ton of pig iron does not produce a ton of steel rails; they ignore the important fact of waste, for instance. In the Bessemer process it takes a ton and a quarter of pig iron to produce a ton of ingots; it takes about 1 $\frac{1}{2}$ tons of ingots to produce a ton of steel rails. There is continual waste in each process, and in figuring up the labor cost you have to figure first the labor cost of producing a ton of pig iron from the ore, then add to it the labor cost, say, of converting a ton and a quarter of pig iron into ingots, and then add to that the cost of a ton and one-tenth of ingots into rails, and so on. All these things must be considered in estimating the labor cost, and in arriving at the labor cost of any article you have to consider the accumulation of cost of everything, every process through which the article has passed from the time it left the earth until it reaches the consumer. The Senator from North Carolina says that each one is compensated by a separate duty, but the last duty is the accumulation of all previous duties.

Mr. SIMMONS. Let me ask the Senator a question. In discussing the labor cost with the view to fixing duties by the standard of measuring the difference between the labor cost here and abroad—

Mr. OLIVER. Plus a reasonable profit.

Mr. SIMMONS. Well, we will leave that out for the present.

Mr. OLIVER. I do not leave it out.

Mr. SIMMONS. Measuring the difference between the labor cost here and abroad for the article, we want to ascertain the cost of the process of conversion in the factory of the article upon which the duty is laid. For the purpose of fixing the duty according to that basis—according to the Republican basis, which I do not agree to—measuring the difference between the labor cost here and abroad, I maintain that you only need to take into consideration the cost of making the product upon which the duty is imposed.

Mr. OLIVER. Does the Senator wish me to reply to that?

Mr. SIMMONS. Yes.

Mr. OLIVER. Then I will reply that you want to estimate the cost of every hour of labor that is put upon any article within the boundaries of the United States of America—that is, the labor cost of any article—and you might just as well say that in estimating the labor cost of this penknife which I hold in my hand you only have to estimate the cost of the last work done upon it.

Mr. SIMMONS. All I desire to say about that is, while the Senator may be technically correct, he is not correct—

Mr. OLIVER. I am practically correct.

Mr. SIMMONS. He is not correct for the purpose for which we are trying to ascertain what the labor cost is and what the difference in that labor cost here and abroad is.

Mr. CUMMINS. Mr. President—

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

Mr. SIMMONS. Certainly.

Mr. CUMMINS. Whatever conclusions the Senator from Pennsylvania may draw from the statistics on this subject, I think upon reflection he will be inclined to withdraw his charge that I, at least, have juggled with any figures.

Mr. OLIVER. Oh, I did not intend to intimate that the Senator had intentionally juggled with figures, and if I used the term "juggled" it was not in any offensive sense.

Mr. CUMMINS. I am sure of that, and I wanted to give the Senator an opportunity to make the RECORD clear upon that point.

Mr. OLIVER. Oh, yes.

Mr. CUMMINS. I may not agree with all of the conclusions drawn by the Senator from North Carolina, but I want the Senate to remember, and especially the Senator from Pennsylvania to remember, that I gave simply the labor or the wage cost of converting pig iron, first into ingots, and then from ingots to steel rails; and that cost, according to the most approved information we can get, is \$1.86.

Now, there is a broad sense in which all value is given to an article by labor. If we could conceive of a world uninhabited, but stored with the resources of which we are now the possessors, it would be quite true to say that the world was of no value whatsoever and would continue to be valueless until man put some labor upon something in it and produced something that some other man wanted to buy; but in all that I have said I want it to be clearly understood that I am giving the figures with regard to what was actually paid to the men who work with their hands in converting one article into another. I shall show presently that the cost of the materials—an item which I know is in the minds of the Senator from Utah and the Senator from Pennsylvania—I shall show that the materials which go to make up a ton of pig iron cost the producer of this country much less than they cost the producer in England or in Germany, and that therefore we ought to start with a credit rather than with a debit in ascertaining what the duties ought to be upon those articles which follow pig iron in production.

Mr. SIMMONS. The Senator from Iowa means a debit on account of the lower cost of materials in this country. I agree with him. The cost of materials is less here. But I have not gone into that, and for lack of time I will not go into that now. I shall probably wish to take that up later.

Mr. CUMMINS. Simply because England imports iron ore, 50 per cent of her iron ore from Spain.

Mr. SIMMONS. The Senator is right about that.

Mr. CUMMINS. And she pays a great deal more per ton for that iron ore, which is no richer than 30 per cent, than it costs any producer to buy 50 per cent iron ore at the lake ports in America.

Mr. SMOOT. Mr. President—

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

Mr. SIMMONS. I yield for a brief statement, but I desire to go on with my speech.

Mr. SMOOT. I merely desire to make a short statement.

The PRESIDING OFFICER. Does the Chair understand the Senator from North Carolina to yield?

Mr. SIMMONS. Yes; for a brief statement.

Mr. SMOOT. In answer to the Senator from Iowa, I want to call his attention to the tariff hearings of 1909 in the House of Representatives, at which Herbert Knox Smith filed his report on standard rails. It is found on page 1765 of the House hearings. He reports the cost items of rails for the five years from 1902 to 1906. I will read from his report:

<i>Cost items.</i>	
Bessemer pig iron	\$14.52
Waste	1.95
Cost pig iron in rails	16.47
Tons produced, 14,020,303.	
That is not iron ore; it is pig iron, and the total cost of pig iron in rails is \$16.47. Now, he goes on and estimates the cost of making steel rails. By his report the steel rails cost \$22.23 a ton, and these are the items of cost:	
Cost pig iron in rails	\$16.47
Labor	1.98
Manganese, etc.	.20
Fuel	.35
Steam	.62
Molds	.15
Rolls	.17
Materials in repairs and maintenance	.42
Supplies and tools	.27
Miscellaneous and general works expense	.51
General expense	.14
Depreciation	.16
Total cost	22.23

Mr. President, in this report, giving the figures from 1902 to 1906, the labor cost is placed at \$1.98 and the operating expenses at \$2.79, and in operating expenses there is not an item included which does not represent labor.

Mr. CUMMINS. Well, Mr. President, I shall examine all those tables later, but my friend from Utah seems to assume—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. I yield. I am very much delighted at this controversy between the Senator from Utah and the Senator from Iowa.

Mr. CUMMINS. The Senator from Utah seems to assume that the manufacturer abroad has no wastage—

Mr. SMOOT. Not at all.

Mr. CUMMINS. That he has no other expenses, and that he is able to make a ton of steel rails out of a ton of pig iron. Now, I suppose a ton of pig iron in England will go as far toward making a ton of steel rails as it will in America; and if it is the idea of the Senator from Utah that the Republican Party proposes to lay a duty upon steel rails in order to compensate the American manufacturer for the waste or the diminution which occurs in these processes, he is carrying the doctrine to an extent I never heard it applied before.

Mr. SMOOT. No, Mr. President—

Mr. CUMMINS. I had assumed also that there is depreciation in property abroad and that there are other expenses abroad, just as there are here, and I have thought that our doctrine—his doctrine and mine—simply required us to put a duty upon the article that would measure the difference between the cost of doing these things abroad and at home.

Mr. SMOOT. Well, Mr. President, the Senator—

The PRESIDING OFFICER. Does the Senator from North Carolina yield further?

Mr. SIMMONS. I yield, Mr. President.

Mr. SMOOT. The Senator certainly does not mean to say that I quoted these figures to prove that there was no waste or depreciation in foreign countries. I simply answered the Senator, because he said that the labor in producing steel rails from the ore to the finished product was \$1.86. I say that the report of Herbert Knox Smith does not prove that. The report is here in print; I have it; no doubt the Senator has read it; and if he has not, he can find it here. It has been published, and the report says from pig iron to rails the labor cost is \$1.98.

Mr. CUMMINS. I understand that.

Mr. SMOOT. And, Mr. President, so far as depreciation is concerned, I should like to ask the Senator if he does not recognize the fact, in connection with the question of depreciation, that if there is 16 per cent depreciation in a plant that cost \$150,000 in this country and the same percentage of depreciation in a plant in a foreign country that cost \$100,000, there is a difference that should be made up to the American manufacturer so far as depreciation is concerned.

Mr. CUMMINS. The depreciation might be much greater abroad than at home, and it might be much less.

Mr. SMOOT. But does not the Senator recognize the fact that if it is exactly the same, if it is 16 per cent in a foreign country and 16 per cent in this country, and the factory costs more in this country than it costs abroad, there is a difference in depreciation that has got to be made up?

Mr. CUMMINS. In so far as I am concerned, Mr. President, I refuse to consider the matter of depreciation in discussing the question of wages or of labor. The depreciation belongs to the reward of capital, and that comes under an entirely different phase of this subject. I will give some attention to the matter of capital when I come to discuss the whole subject.

Mr. SMOOT. Mr. President—

Mr. SIMMONS. Mr. President, I think I ought not to be required to yield any further to this controversy.

The PRESIDING OFFICER. The Senator from North Carolina refuses to yield further.

Mr. SMOOT. I only desire to refer briefly to one item.

Mr. SIMMONS. I will yield to the Senator briefly.

Mr. SMOOT. I desire to speak of one other item, and that is this: Included in the operating expenses, Herbert Knox Smith says the cost of steam is 62 cents. Steam requires labor to make it, and it is stated in the report that, including labor, the steam item amounted to 62 cents. That is a part of the labor cost just as much as the work of the man who takes the hot ore and carries it from one place to another.

Mr. SIMMONS. Mr. President, I have been very much edified and very much gratified at this controversy between the two schools of tariff thought represented upon the other side of the Chamber, and I have been glad to yield a part of my time in order that they might fight out this controversy between themselves; but, after all that has been said in the course of these interruptions, my proposition remains true, that, according to the only authentic official report that we have upon this question, the labor cost of producing the articles made by the Steel Corporation and by the Bethlehem Co., known in the trade as the heavier and bulkier products of iron and steel, is only about 15½ per cent of the total cost of production. This bill levies average duties of about 15 per cent upon these very products, not a general ad valorem but an average ad valorem upon these specific products shown by these Government reports to represent only about 15½ per cent of labor.

So that from the standpoint of difference in labor cost here and abroad, according to the contention of Mr. Schwab—and

his contention was the same as that of nearly every witness who came before the Finance Committee—according to that contention the bill provides for twice as much duty as the difference between the labor cost of these products here and in competing countries abroad, and from that standpoint there is no just cause of complaint on the part of the manufacturers of these products in this country.

LABOR COST OF FINER PRODUCTS.

But, Mr. President, it was contended yesterday, and it has been contended all along in the House and in the hearings, that there are certain finer products of steel in which the element of labor cost enters more largely. I think most of the witnesses claimed that the labor cost of such products is about 50 per cent of the total cost. Some of them, I believe, went as high as 60 per cent, and I think, speaking as to one particular product, it was stated before the committee that the labor cost represented 80 per cent.

I have caused to be taken, because I think it very important in connection with this discussion, the various products in this bill in which the element of labor seems to be very high in proportion to the total cost, and I have had made estimates of the labor cost according to these Government publications, and I have compared them with the duties carried in this bill upon those articles, and I think I shall be able to show the Senate that in every case the duties carried in this bill more than measure the difference between the cost of labor here and abroad, even conceding, which I do not, and which no Democrat does, that the labor cost abroad is one-half less than it is here.

Let us take cutlery. I think it is one of the articles mentioned by the Senator from New Hampshire [Mr. GALLINGER] yesterday as carrying a very high percentage of labor cost. The labor cost in that industry is high as compared with that of many other articles covered by the bill.

According to the census of manufactures taken in 1905, covering the calendar year 1904, the wages paid in the cutlery industry in this country in that year amounted, in round numbers, to \$7,000,000, and the value of the product, in round numbers, \$18,000,000; the labor cost about 38 per cent. Now, Mr. President, the House bill carries upon cutlery an average duty of 31.25 per cent. If the labor cost abroad is only one-half what it is here, and the labor cost here is 38 per cent, then the difference in labor cost here and abroad is 19 per cent. So the House bill, carrying 31 per cent, carries about 12 per cent in excess of the difference between labor cost here and abroad.

Another article which it is claimed is made at a high per cent of labor cost is files. I find that in 1904 the wages paid in this industry amounted to \$1,500,000; value of products, \$4,391,000; percentage of labor to total cost, 34.50 per cent.

An examination of the House bill shows that the duty upon files carried by that measure is 25 per cent. Allowing for the difference claimed between wages here and abroad, putting the wages at 34 per cent and the wages abroad at half of that, 17 per cent, the House bill carries in excess of the alleged difference in the labor cost 8 per cent.

Another one of the items of relative high labor cost is screws. The entire wages paid labor was half a million and the product a little over two million. The percentage of labor cost was 26. The House bill carries a duty of 25 per cent on screws, so that it carries 12 per cent more than the amount which it is claimed would measure the difference between the labor cost here and abroad upon the basis of its being twice as high here as in Europe.

Saws—another item in which the labor cost is high. The wages paid in 1904 was \$2,700,000; value of product, \$9,800,000; percentage of labor cost, 27.58, one-half of that amount representing, as it is claimed, the difference between labor cost here and abroad—13.79, or about 14 per cent. The duty under the House bill is 12 per cent, so in that particular instance the duty would not cover the alleged difference.

Firearms—the manufacture of pistols, automatic and otherwise, and all kinds of guns.

The amount of wages paid in this industry, according to the Government report to which I have referred, in 1904 was \$3,722,000; value of product, \$8,275,000; labor cost, 45 per cent. One-half of that amount, representing as claimed the difference between the labor cost here and abroad, would be 22½ per cent. The House bill carries upon firearms a duty of 35 per cent, or a duty in excess of the alleged difference in the cost of production here and abroad of 12½ per cent.

Watches—As I recollect it, there were but few, if any, items in the bill where it was claimed before the committee that the labor cost was higher than in making watches and articles of watch movements. According to this report the labor cost, without giving the other figures, is 40 per cent; one-half of that would be 20 per cent. The bill carries 30 per cent, or 10

per cent in excess of the alleged difference in the labor cost here and abroad.

Clocks. Labor cost according to this report is 40 per cent. One-half to represent the difference in labor cost here and abroad would be 20 per cent. The bill carries 30 per cent, or 10 per cent in excess of the alleged difference in labor cost here and abroad.

Tools. I believe there were more witnesses examined before the committee with reference to this schedule embracing tools than any other. Their complaint was most strenuous, because they claimed a large percentage of cost of labor, and that unless we retained the present duties that industry would be destroyed because of the lesser cost abroad.

The wages paid in that industry in the year I have been speaking about was \$6,000,000; output, \$20,000,000; per cent of labor, 30; one-half of that would be 15. The House bill carries 25 per cent, or 10 per cent more than the alleged difference between the labor cost here and abroad.

Mr. President, I do not believe that the difference in labor cost is near so important in determining competition as the advocates of protection would have us believe.

Mr. CUMMINS. Mr. President—
The PRESIDING OFFICER (Mr. POMERENE in the chair)
Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. Certainly.
Mr. CUMMINS. I simply wanted to be sure that I understood the Senator from North Carolina. He has just referred to steel tools. I assume he means machine tools.

Mr. SIMMONS. No; it is tools generally, not elsewhere specified. I was not able to get the figures as to machine tools.

Mr. CUMMINS. I thought possibly the Senator was referring to the complaint made by the manufacturers all over the country as to machine tools.

Mr. SIMMONS. I was not.
Mr. CUMMINS. Under the bill he is now discussing they are put upon the free list.

Mr. SIMMONS. I was not discussing those. They come in under the general clause providing duties on articles not provided for specifically.

We are exporting some of these products in large quantities. Take, for instance, saws. We exported and sold abroad in competition with the world last year about \$9,000,000 worth of saws.

We sold abroad last year in competition with the world \$6,500,000 worth of tools. We sold abroad last year in competition with the world nearly \$2,500,000 worth of firearms. It would seem that if, in competition with our European competitors in the neutral markets of the world, we are able to sell these articles without a loss, these articles in which is contended the element of labor enters largely, we at least ought to be able to sell them here in our own country, where we have an advantage in freights, in competition with foreign producers.

But I was about to say, Mr. President, that I do not believe that the difference in labor cost is near so important in determining competition as the advocates of protection would have us believe.

The States of this Union, with varying soils, climate, and labor conditions, carry on successful competition contradicting this theory.

COTTON IN TEXAS, ETC.

It costs more to make a bale of cotton in my State than it does in Texas or in Louisiana or in Mississippi, because of the greater average of fertility of the land of those States. Our average yield is as great as theirs, but we have to accomplish it through the use of expensive fertilizers and a much more extensive system of cultivation; and yet, Mr. President, we are raising cotton successfully in competition with those States.

It costs more to make a ton of pig iron in Pennsylvania than in Alabama, and yet Pennsylvania is able to compete and does compete successfully with Alabama in iron.

UNITED STATES STEEL CORPORATION PRODUCES CHEAPER, YET INDEPENDENTS SUCCESSFULLY COMPETE.

Independent representatives of this industry who appeared before the committee insisted that the United States Steel Corporation largely monopolized the export trade of this industry. They claimed that the United States Steel Corporation could manufacture cheaper than the independents and were therefore able to export at a profit.

Notwithstanding the fact that the United States Steel Corporation, for one reason or another, can and does manufacture cheaper than the independents, they have been able to sustain themselves in competition with this cheaper-produced product and, according to Government reports, in recent years have been increasing their percentage of production more rapidly than the

Steel Corporation, showing right in our own country, by reason of greater capital, by reason of better organization and other advantages that accrue from a combination such as the United States Steel Corporation, an article can be produced very much cheaper, yet the producer at the higher cost is able to maintain himself in competition with the cheaper-produced product and to grow and expand and to acquire a larger part of the local market.

Now, Mr. President, coming back to the testimony of Mr. Schwab for a minute, in his testimony before the Finance Committee he asserted, as I recall his statement, that the average wage paid at Bethlehem in the steel and iron industry is \$766 per annum. The average English wage would be, therefore, according to him, something less than \$400.

Now, let us see what the Immigration Commission in its report upon this subject says.

I have here Table 46, page 66, referring to industrial conditions in iron and steel manufacturing. This table gives the per cent of males of 18 years of age and over working for wages and earning under \$400. It shows that in the Pittsburgh district it is 59.2 per cent; in the east Pennsylvania district it is 74.6 per cent; New York district, 55.6 per cent; Middle West, 82.4 per cent; Birmingham district, 75.1 per cent. Total of the iron and steel manufacturing industry receiving less than \$400 per year, 68.4 per cent, while 72.1 per cent of the foreign-born labor in this industry is shown to be earning less than \$400.

Mr. SMOOT. I should like to ask the Senator if he understands those figures the same as I do.

Mr. SIMMONS. I have the report here. I did not want to read the whole report. I will hand the report to the Senator and let him read it, and he can answer in his own time.

Commenting upon this table, the commission says:

The average annual wage of the native white in the Pittsburgh district is \$677 and of the total native born \$623. Both the native born and the foreign born exhibit the lowest average wage in community "C," which is east of the Pennsylvania district, where the annual earnings for the total native born are \$450, as contrasted with \$271 for the total foreign born.

Average total native born, \$504; average total foreign born, \$325. Table 45 of this same report shows that the average earnings of the foreign-born laborer in the Pittsburgh mills is \$367; in the Birmingham district, \$309; and in the iron and steel industry at large, \$325.

According to this report of the commission it therefore appears that 68 per cent of the employees in the iron and steel industries of this country are receiving less than \$400, which, according to Mr. Schwab's testimony and argument, is about the same amount paid in Europe.

SIXTY PER CENT FOREIGNERS EMPLOYED IN STEEL INDUSTRY—GREAT PROFITS.

More than 60 per cent of the laborers employed in the steel industry in the East are foreigners, 72 per cent of whom, according to the report of the Immigration Commission, are receiving less than \$400 a year and in some districts less than \$300.

Mr. SMOOT. Does the Senator understand that wherever an employee works six months or three months, then leaves, and another employee takes his place, the average of the rate per year includes the man or the boy who works six months or three months, and an average is then made of the whole number?

The figures are just a little more than one-half what Mr. Schwab quoted.

Mr. SIMMONS. I do not know anything about what the commission did. The commission finds that the average native born in the districts discussed received \$504 a year and the average foreign born \$325 a year.

Mr. SMOOT. That may be absolutely true; and yet you could not tell what is the wage in any industry in the United States unless the table shows what the wage was for 12 months, and then taking the number of employees in the mill, and whether they worked 3 or 6 or 9 months, and the amount paid for salaries, and then dividing it by the number of employees.

Mr. SIMMONS. I do not know what the commission did, but I find this. Here is the summary:

General nativity and race of individuals.

Sections.	Total native-born of foreign father.	Total native-born.	Total foreign-born.
East:			
Pittsburgh district.....	552	623	363
Community C—Eastern Pennsylvania.....	472	450	271
Community D—New York.....	446	514	371
Middle West—Community E.....	411	460	285
South—Birmingham district.....	488	504	309
Total iron and steel manufacturing industry.....			325

This industry, with its product protected by an average duty of 35 per cent, recruiting 60 per cent of its labor from southern and eastern Europe, where labor conditions and wages are the lowest of all Europe, comes to Congress, and in the name of

American labor, in the interest of the high standard of living of the American laborer, demands protection against German labor and English labor.

Mr. HITCHCOCK. Can the Senator put in at that point in his speech, if he has not already prepared it, how many hours of labor and the number of days per week required of those laborers?

Mr. SIMMONS. I have not that, but I can state it generally. In the recent report set forth in the report of the majority members of the Ways and Means Committee, and in Mr. Knox Smith's report, it is found that at the blast furnaces and in some other departments of the steel and iron industry they have the continuous process by which a man works 7 days a week 12 hours a day. While it was contended that was necessary, it was shown in the report that while it is necessary in certain departments to hire continuous labor, that the process is practiced where there is no such necessity and practiced for reasons of economy.

Mr. SMOOT. I think the Senator wants to be fair.

Mr. SIMMONS. Surely.

Mr. SMOOT. I wish to say that the 12-hour-a-day labor in the steel industry applies only to the blast-furnace men.

Mr. SIMMONS. The Senator will find that statement very positively contradicted in the report. It applies to some other departments where there is no such necessity as there is in the blast-furnace department.

Mr. SMOOT. We had no witnesses before the Finance Committee who stated that there were any 12-hour-a-day men with the exception of the blast-furnace men. It was at their request, and it was stated by the men themselves before the committee that they preferred to work the 12 hours, because of the 12 hours they were not required to work over 5 or 6 hours. If the blast went on with no interruption and the process was perfect, there was not very much to do, and they were there as watchers rather than as workmen.

Mr. SIMMONS. Does the Senator think it is necessary, except for purposes of pure economy, to work a man 7 days in the week 12 hours a day?

Mr. SMOOT. No; I do not.

Mr. SIMMONS. It was admitted, if the Senator will permit me, that that could be avoided, that there was no insurmountable difficulty that could not be overcome. But it was said by one of the witnesses, and I think Mr. Schwab, although I am not sure about it, that that would be too expensive; and it is for the purpose of saving expense in this industry, where more profits have been made than in any other industry in this country, that some laborers are required to work 7 days in the week and 12 hours a day, and there is a shift every 2 weeks when one man has to work 24 hours a day.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. Certainly.

Mr. SMOOT. In answer to the Senator I will state that I do not approve of employing any class of labor and requiring them to work 12 hours a day. I will also state, in justice to Mr. Schwab, as I think the Senator will remember, he testified before the committee that his company as well as one other company had undertaken to change their system some years ago, and that they were perfectly willing it should be changed and hoped to see the time when it would be; that the only reason why it had not been, as far as his company was concerned, was because of the fact that the industry was upon that basis, and unless they were all put on the same basis one would have an advantage over the other in making goods at a less price.

Mr. SIMMONS. And they, for the sake of advantage in cost incident to putting on another shift, were doing this thing.

Mr. SMOOT. There is no doubt of it.

Mr. SIMMONS. And make them work continuously.

Mr. SMOOT. I have so stated. It was also stated by the men themselves that out of the 12 hours sometimes they did not work 5 hours. Even if they worked but 2 hours, as far as I am concerned, I would never approve the employment of men and compelling them to be even on watch for 12 hours.

Mr. GALLINGER. Mr. President—

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

Mr. SIMMONS. Certainly.

Mr. GALLINGER. On that point I interrogated Mr. Schwab when he was giving his testimony, and Mr. Schwab's words will be found on page 1274 of the hearings. He said:

Mr. SCHWAB. I can only say that the steel interests a year ago met in New York with a view of changing this condition of affairs by putting on a sixth extra workman and by making such changes as would give a workman one day a week off. The experiment is now being tried at one of the Steel Corporation's works in Pittsburgh, which we are follow-

ing with great interest. We proposed it to our workmen, and almost unanimously they desired that the condition continue as it is at present. This class of men that work 12 hours a day for 7 days in the week are blast-furnace men. It is a continuous metallurgical operation, and somebody has to be employed all the time.

Then I inquired of him. I asked:

But that does not apply to your entire force?

Mr. SCHWAB. Oh, no. These are the men who work at the blast furnaces. All the others work 10 hours a day. We give all the workmen, other than the blast-furnace men, a holiday on Saturday.

Then later on the Senator from North Carolina himself interrogated Mr. Schwab. He said:

Senator SIMMONS. I want to call attention to the fact that in the report they state that that seven days a week is not confined to those metallurgical operations.

The Senator had just stated that the employment extended beyond that.

Mr. SCHWAB. That is true. There are some situations in the rolling mills, but they are very few. But that is not the ordinary practice. But in any operation that is necessary, by reason of metallurgical conditions, to be continuous, the practice is to employ the workmen 12 hours a day. It is universal all over the world.

Senator SIMMONS. Do you not see the same thing in some other departments?

Mr. SCHWAB. It is only done, as I say, in continuous operations. You can take all our men in the engineering department—the machinists, mechanics, and laborers—all the men of that sort work 10 hours a day.

Mr. President, I put that in the RECORD with the consent of the Senator from North Carolina, and I thank him for giving me the privilege, to show that while I do not approve this condition, and we had the assurance from Mr. Schwab and I think from others that they were working out the problem of changing it, it applies only to the men who because of metallurgical conditions are rather compelled to do this. It is a universal practice. As Mr. Schwab says, it is universal the world over.

Mr. SIMMONS. This is what the Bureau of Labor has to say on this matter in its report on the steel industry:

The investigation developed that the seven-day working week was not confined to the blast-furnace department, where there is a metallurgical necessity for continuous operation and in which department nine-tenths of the employees worked seven 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 Sundays 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 seven days a week for commercial reasons only.

The hardship of a 12-hour day and a 7-day week is still further accentuated 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.

Mr. OLIVER. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. I think I will go on and finish my speech.

Mr. OLIVER. I want to apologize to the Senator from North Carolina for interrupting him. I dislike very much to do it, but I want to say right here that the head of one of the largest steel concerns in the country told me within two months that they were making an earnest effort to change the condition of affairs in their plant and that they undoubtedly would make the change.

Mr. SIMMONS. Will the Senator allow me to ask him if they can not accomplish it in 24 hours by simply hiring a few more men and increasing their expenses a little?

Mr. OLIVER. Not at all. If the Senator from North Carolina were familiar with large manufacturing enterprises, he would not even ask that question. It is a revolution. What I was going to say, and I will be very brief, is that the main opposition, the most determined opposition to this effort to change, comes from the men themselves, who—

Mr. SIMMONS. Mr. President, I submit that the Senator is injecting a speech into mine.

The PRESIDING OFFICER. The Senator from North Carolina declines to yield further.

Mr. SIMMONS. The Senator is not making a statement of facts, but is simply injecting a speech.

Mr. OLIVER. I will not further interrupt the Senator. I was endeavoring to enlighten him, but he does not seem to relish it.

The PRESIDING OFFICER. The Senator from North Carolina will proceed.

Mr. SIMMONS. I have had an abundance of enlightenment through the report of the Bureau of Labor. Here is an industry employing men and requiring them, where there is no absolute necessity for it except to save money, to work 12 hours a day and 7 days during the week and every 2 weeks

to work 24 hours 1 day. That is an industry employing probably a larger per cent of foreign labor than any other industry in this country. It is recruited from the very scum of Europe, not from the higher-priced labor countries of Europe where they say that they are not able to compete with the labor, but from the lowest-priced labor countries of Europe—not from Germany or England, where wages are nearer the same as ours, but from Italy and Hungary, where the difference between wages here and abroad is greater and where the wages are less. This industry, enjoying the benefits of high protection, has accumulated enormous profits during the last 15 or 20 or 25 years through protection—protection in the products of its factory and its free trade in labor—and this is the industry that can not afford to employ an extra shift of men so as to relieve against the necessity of the men having to work 7 days in the week and every 2 weeks 24 hours in a day at the end of a shift.

These conditions as to employment of foreign labor and long hours that I have described, Mr. President, in the steel industry obtained during the same period of time covered by the statement of the president of the Bethlehem Steel Co. when he wrote, under date of November 5, 1909, the following:

The capital stock of the Bethlehem Steel Co. amounts to \$15,000,000 (all owned by the Bethlehem Steel Corporation), divided into 300,000 shares at \$50 par. While nominally only \$1 per share has been paid in, the surplus of the company is practically sufficient to pay the stock in full, and the company intends to issue stock to represent this surplus.

Referring to this letter, Hon. A. MITCHELL PALMER recently said:

Apparently this intention of the company was carried out and the earned profits added to the capital account, for in 1910 we find that the Bethlehem Steel Co. earned, net, after liberal additions to depreciation and furnace refining reserves and considerable redemption of funded debt, the comfortable amount of \$1,789,462.09, which was sufficient to nearly double the then surplus and declare and pay a dividend of 10 per cent, amounting to \$1,500,000 on the capital stock of the company, which, according to Mr. Schwab's statement, consisted of \$300,000 contributed in cash and \$14,700,000 earned profits. What this return on the actual cash investment amounted to is a simple problem in arithmetic. In the solution of which the men at Bethlehem, whose wages have been tabulated by the Bureau of Labor, would find an interesting though unprofitable occupation.

Mr. President, this Bethlehem record of 10 per cent dividends upon \$15,000,000 actual investment by its stockholders of only \$300,000, is a record of "get rich quick" without parallel in the history of the world. The president of this corporation enjoying the blessing or curse of free trade in labor—employing 60 per cent of the scum of Europe at starvation wages, while the products of this alien horde is highly protected against the higher price labor of Europe—protests against any cut in its protection, and declares if this is done it will have to go out of business or further cut the wages of its aggregation of Hungarians, Poles, Magyars, and what not.

In the name of humanity I should hate to see the pay of these underpaid and underfed foreigners further reduced, but in the interest of the thousands who buy its overprotected product I would dearly love to see the extortionate profits of this petted child of fortune cut down a little bit, if not more. I should feel that such a cut would be healthy. While it would grieve Mr. Schwab and his Bethlehem stockholders, it would gladden the hearts of the thousands who have to buy his products.

THE ARGUMENT THAT WE CAN NOT COMPETE WITH THE FOREIGN PRODUCER IS ANSWERED BY THE FACTS OF OUR EXPORT TRADE.

Mr. President, the argument of the opponents of tariff reduction that we can not compete with the foreigner in this market, that any material reduction in the present high rate of duties will result in foreign invasion of our markets, is overwhelmingly answered by our annual exports of merchandise. That it is profitable is shown by the eagerness it is sought after. That the profits are satisfactory nobody denies.

Last year we exported and sold abroad in Europe, in Asia, in Africa, and South America, all over the face of the earth, over \$900,000,000 worth of the products of our factories.

If we can not compete with the foreigner in our own market with a tariff advantage such as this bill carries—an advantage of 22 per cent—how are we able, year after year, to sell nearly a billion dollars' worth of products of these factories in the neutral markets of the world where we have no tariff advantage?

If the manufacturers of the articles embodied in this bill would not be able to compete with the foreigner in this market with the 22 per cent tariff advantage which it would give them, how were they able last year to sell at a reasonable profit \$230,000,000 worth of these very products from one end of the world to the other without any tariff advantage and under probable freight disadvantages in competition with the like products of the very countries they now claim will scale this 22 per cent tariff wall and take from them their American customer?

CANADA.

In the calendar year 1910, as appears from the Canadian Yearbook, Canada imported in iron and steel and manufactures thereof \$61,183,000, of which Great Britain sold her \$11,212,000; Germany, Holland, Belgium, and all other countries except the United States, \$1,930,000; and the United States sold her \$48,040,000, or over four times as much. That, Mr. President, in the face of the fact that Great Britain enjoys in the Canadian market the tariff preference over us of 35 per cent.

MEXICO.

According to the Bureau of Statistics, we exported to Mexico, of iron and steel, including agricultural implements, cars and carriages, which included automobiles, in 1910, \$18,130,000; England, \$3,722,000; Germany, \$2,423,000; Holland and Belgium, a little less than \$250,000; or, we exported about five times as much as Great Britain, almost eight times as much as Germany, and over sixty times as much as Belgium. These figures demonstrate we are able to compete with the other iron-producing countries in this neutral market of the world.

Mr. President, it can not be contended that in Mexico we enjoy any privilege over our foreign competitors. Freight rates are probably little to our disadvantage, tariff rates are equal; and yet, under these conditions, we sell to Mexico \$18,000,000 worth of products of our iron and steel industry against Great Britain's less than \$4,000,000 worth.

STEEL RAILS.

In 1910 we exported, all told, of steel rails \$10,546,000, as against England's \$13,275,000, Germany's \$12,924,000, Belgium's \$4,209,000, and Holland's about \$3,480,000. If we exclude the exports of these countries to other countries in Europe, which they dominate and control against us by reason of freight rates, and exclude the exports to the colonies of each of these countries, which they in a large measure and in many cases entirely control, and take into consideration only foreign markets where all countries stand on an equality as to tariff and somewhere near an equality as to freight rates, we exported nearly as many dollars' worth of steel rails to these neutral markets of the world in 1910 as all of Europe combined. We exported in that year to these neutral markets \$10,546,000 worth of steel rails, as against Great Britain's exports of about \$4,000,000, Germany's exports of about \$5,000,000, Belgium's exports of about \$2,500,000, and Holland's exports of about \$1,300,000.

Mr. President, in the face of the fact, admitted of all men, that our manufacturers are selling annually nearly a billion dollars' worth of their products of all kinds in nearly every quarter of the globe, in Asia, in Africa, in Europe, in South and North America, in competition with the world and at profits so satisfactory that this trade is eagerly sought by them; in the face of the fact that our manufacturers of iron and steel sold to Canada last year more than four times as much of these products as Great Britain, notwithstanding Great Britain has a preferential tariff advantage over us of 35 per cent; in the face of the fact that in 1910 we sold to Mexico, where we have no advantage over our competitors either in tariff or freight rates, products of iron and steel, including farming implements, carriages, and so forth, twice as much as England, Germany, Belgium combined; in the face of the fact that last year we sold of steel rails to the world at large \$10,000,000, as against England's \$12,000,000, Germany's \$13,000,000; and that leaving out the contiguous, or approximately contiguous, countries of Europe, where the European manufacturer has a freight advantage over us, and leaving out the dependencies of our European competitors, where for various reasons they have an advantage over us, we sold in the neutral markets of the world, where trade conditions are equal nearly, as many steel rails as all the balance of the world; in the face of the fact that in the neutral markets of the world, where we have no advantage in either tariff or freight rates, markets which until recently our competitors have dominated; markets in which they have better bank-exchange arrangements and facilities than we have; markets in which by reason of long possession they understand the habits, the customs, the taste of the people better than we, and cater to them to an extent that we have not learned; I can not understand, if in the face of these facts we are able to meet these competitors elsewhere upon the basis of fair profits, why we are not able to meet them upon the same basis in our own country, with our customers at our doors, and where both tariff and freight rates are in our favor.

Mr. President, our manufacturing industries are fairly well organized. I am not now referring to the trust combinations, but business organizations. I say they are fairly well organized, and through their various organizations they are able to make themselves heard, and do make themselves heard, whenever their interest is involved in any way in legislation. They are

never forgotten. Speaking with reference to our population as a whole they may be said to represent the thousands, but the consumers who represent the millions are too numerous for organization. They have no committees. When legislation affecting their interest is pending the consumers have no direct personal representative or voice here. As a result, in our tariff legislation, in recent years, while the interest of the industries has been carefully safeguarded, protected, and often unduly promoted, the interest of the consumer has been too largely overlooked and forgotten.

The Democratic Party, Mr. President, while not forgetful of the interest of those great industries which have contributed so largely to the greatness, the wealth, and the prosperity of the Nation, does not forget the absent consumer, however humble. The authors of this bill in the other House, mindful of the great fundamental Democratic principle of equality, while not forgetting the seller and his interest, have not forgotten the buyer and his interest as well.

Mr. CULLOM. Unless the Senator from Missouri [Mr. STONE] desires to speak, I shall move an executive session. We have had no executive session this week.

Mr. CUMMINS. Will the Senator from Illinois withhold that motion for just a moment?

Mr. CULLOM. I will.

Mr. CUMMINS. There is upon the calendar a notice from me that I would address the Senate on this general subject to-day immediately after the routine morning business. It is obvious that I must in some way change that notice. Tomorrow we have a special order. I do not know whether the Senator from Missouri desires to speak next or not.

Mr. STONE. As the RECORD shows, on yesterday I stated that by the courtesy of the Senator from Iowa, who had a notice that he would speak after the routine business to-day, and who indicated to me that he preferred to postpone his remarks, I would address the Senate to-day. But under the circumstances at present I think I will not proceed now. It is nearly 4 o'clock. As there is a special order for to-morrow, if it should suit the Senator from New Hampshire [Mr. GALLINGER] to adjourn until 12 o'clock to-morrow, instead of 2, we might be able to conclude the consideration of that measure before the close of the calendar day.

Mr. GALLINGER. If Senators will permit me, I will now move that when the Senate adjourns to-day it adjourn to meet at 12 o'clock to-morrow.

Mr. SMITH of Georgia. It is utterly useless to contemplate finishing the assignment for to-morrow on to-morrow. There are a number of speeches I know that will be made against the measure, and it will take several days. I expect to discuss it very fully.

Mr. STONE. Does the Senator think it will take several days.

Mr. SMITH of Georgia. Yes.

Mr. STONE. Then I suggest that we meet at 12 o'clock each day.

Mr. GALLINGER. I have made the motion for to-morrow—that when we adjourn to-day we adjourn to meet at 12 o'clock to-morrow.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The question is on agreeing to the motion of the Senator from New Hampshire.

Mr. SMITH of Georgia. I hope the Senator will not fix it as a permanent rule that we shall meet at 12 o'clock.

Mr. GALLINGER. The motion is only for to-morrow, I will say to the Senator.

The motion was agreed to.

Mr. CUMMINS. I think the Senator from Missouri has the floor, but I will say to him, while I am on my feet, that all I will do is to ask that the notice I have given be withheld from the calendar hereafter, and when this matter comes again before the Senate I have no doubt the Senator from Missouri and myself will be entirely able to agree as to the order of speaking.

Mr. STONE. There will be no difficulty about that.

I wish to make this observation before the Senate goes into executive session on the motion about to be made by the Senator from Illinois; I can not see that there is very much need or very much benefit to be derived from continuing the general discussion of this tariff bill by any Senator unless the discussion is one in which the Senate as a whole, or at least some reasonable part of the membership, is interested. We have just listened to a very able and unusually instructive address by the Senator from North Carolina [Mr. SIMMONS]. The Senator from Iowa [Mr. CUMMINS], when he takes the floor, I know will deliver an exceedingly interesting and instructive address. I can not understand, sir, why it is that Senators are apparently indifferent about the consideration of this important

measure. Of all questions coming before the Senate and before Congress at this session the tariff question is paramount. The attention of the country is more fixed upon it than upon any other, and it is the question around which, above all others, the great struggle of this year for political supremacy will be waged. I presume by what I have seen here in the last day or two that Senators are so well informed with respect to this particular bill, or so well equipped to pass intelligent judgment upon it, that they do not care to hear anything about it. If that is true, I think we had better take it up by paragraphs and proceed with it.

Mr. BACON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. STONE. Certainly; I yield.

Mr. BACON. I should like to say to the Senator that as the address of the Senator from North Carolina was not entirely agreed to by Senators on the other side and they had evidently a good deal of opposition to the particular propositions which he advocated, it might be well to let some of them do a little of the speaking before the Senator from Missouri and the Senator from Iowa proceed on the same side. It would give the Senators who are opposed to this bill the opportunity to make their speeches consecutively, without having to interject them in a spasmodic manner, as they have been doing to-day.

Mr. STONE. Well, perhaps that is true. The Senator from Georgia always makes pertinent and wise suggestions; but that does not quite touch what I have in mind. Why should we carry on a debate here in the Senate before half a dozen Senators? Why should we not take up the bill by paragraphs, and dispose of it at once? The Senator from Utah, I have no doubt, is prepared to present the ultra-Republican view.

Mr. SMOOT. The true Republican view.

Mr. STONE. The Senator says the true Republican view, which is from his standpoint the ultra-Republican view. It is a mere matter of terms; but I confess a degree of impatience at the things we see here in the Senate.

Mr. President, I have been away a good deal for the last two months. I came back a short time ago and Senators on this side of the Chamber, at least, have been prodding me, as they have been other Democratic members of the Finance Committee, for apparent dilatoriness in bringing the tariff measures before the Senate. They were full of the militant spirit of getting at it and having something done. Now we see what we see; and I think we had just about as well take up the bill by paragraphs and dispose of it, since Senators know all about it, and the general discussion does not interest them.

Mr. GALLINGER. Mr. President, I assume that the Senator from Missouri would not press that upon the Senate in the absence of the chairman of the Committee on Finance.

Mr. STONE. I am not pressing it; I am just saying that unless Senators manifest hereafter more interest in this important work, then I can not see any good in this general discussion, unless the speeches are to be sent out for campaign purposes.

Mr. GALLINGER. I assume that that is what our Democratic friends are intending to do.

Mr. STONE. It will be done, and we can do it with much better reason than it can be done from the other side.

Mr. GALLINGER. That depends.

Mr. CUMMINS. Mr. President, I can hardly join in the request or suggestion of the Senator from Missouri. I do not want to beg for an audience, and I do not intend to do so. I think it would take just as long to discuss this bill paragraph by paragraph as to discuss it from the general standpoint in the first instance. I regret very much that my friend from North Carolina had so small an audience, but possibly the spur that has now been administered by the Senator from Missouri will secure a larger number of Senators hereafter.

So far as I am concerned, I shall not debate the subject for the purpose of informing the country generally. I intend to debate it for the purpose of informing Senators, and a great many of them need the information.

It is one of the queer things in connection with the debate this afternoon that the men who really know a great deal about the subject were the men who were here. I am speaking not of myself, but I have in mind the Senator from Utah [Mr. SMOOT] and others. Those Senators who have given the least study to the subject are the Senators who were not here, and therefore I want to emphasize in that respect what has been said by the Senator from Missouri. I do not take the Democratic view of it, nor do I not take the Republican view of it as entertained by some of my associates, and I want to convince them, as long ago somebody has convinced the country, that these duties ought to be reduced.

Mr. SMOOT. I ask that a comparative statement showing the rates of metals and manufacture of metals under the tariff act of 1909, together with the so-called Underwood bill, being House bill 18642, and the amendment offered by the Senator from Iowa [Mr. CUMMINS] be printed for the use of the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

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 17 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 2, 1912, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate May 1, 1912.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

First Lieut. Fulton Q. C. Gardner, Coast Artillery Corps, to be captain from April 9, 1912, vice Capt. George F. Connolly, detailed as commissary on that date.

Second Lieut. Edward P. Noyes, jr., Coast Artillery Corps, to be first lieutenant from April 9, 1912, vice First Lieut. Fulton Q. C. Gardner, promoted.

Second Lieut. Charles E. Ide, Coast Artillery Corps, to be first lieutenant from April 23, 1912, vice First Lieut. John E. Mort, detached from his proper command.

Second Lieut. William D. Frazer, Coast Artillery Corps, to be first lieutenant from April 27, 1912, vice First Lieut. Henry W. Torney, resigned April 26, 1912.

CAVALRY ARM.

First Lieut. Leonard L. Deitrick, Second Cavalry, to be captain from April 23, 1912, vice Capt. Charles Young, Ninth Cavalry, detached from his proper command.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from April 27, 1912.

Harrie Sheridan Baketel, of New York.
William Morgan Case Bryan, of Missouri.
Harry Silsby Finney, of Colorado.
Joseph Ralston Hollowbush, of Illinois.
Raymond Barnett McLaws, of Florida.
Jerome Morley Lynch, of New York.
Charles Evert Paddock, of Illinois.
William Robertson Watson, of Pennsylvania.

MEDICAL CORPS.

Thomas James Leary, of Pennsylvania, late first lieutenant in the Medical Corps, to be first lieutenant from April 25, 1912.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 12th day of February, 1912, upon the completion of three years' service as ensigns:

Emil A. Lichtenstein and
Charles W. Crosse.

The following-named midshipmen to be ensigns in the Navy from the 7th day of March, 1912, in accordance with the provisions of an act of Congress approved on that date:

Roy C. Smith, jr.,
Francis S. Craven,
Edward B. Lapham,
Carlos A. Bailey, and
Robert P. Mohle.

Boatswain John C. Lindberg to be a chief boatswain in the Navy from the 23d day of February, 1912, upon the completion of six years' service as a boatswain.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 12th day of February, 1912, upon the completion of three years' service as ensigns:

Bruce R. Ware, jr., and
Harry J. Abbett.

Ensign Ralph D. Weyerbacher to be an assistant naval constructor in the Navy from the 23d day of April, 1912, vice Asst. Naval Constructor John C. Sweeney, jr., disappeared, whereabouts unknown.

UNITED STATES MARSHAL.

Guy Murchie, of Massachusetts, to be United States marshal for the district of Massachusetts. (A reappointment, his term having expired.)

PROMOTIONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Dr. Howard Andrew Knox, of Michigan, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States, in place of Taliaferro Clark, promoted.

Dr. Charles Laval Williams, of Massachusetts, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States, in place of Passed Asst. Surg. Thomas D. Berry, deceased.

Asst. Surg. Harry Jackson Warner to be passed assistant surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from April 4, 1912.

POSTMASTERS.

GEORGIA.

John I. Fullwood to be postmaster at Cedartown, Ga., in place of John I. Fullwood. Incumbent's commission expired February 27, 1912.

ILLINOIS.

Alfred Schuler to be postmaster at Mound City, Ill., in place of Alfred Schuler. Incumbent's commission expired March 31, 1912.

INDIANA.

Melville B. Carter to be postmaster at Newport, Ind. Office became presidential January 1, 1912.

Hugh S. Espey to be postmaster at Rising Sun, Ind., in place of Hugh S. Espey. Incumbent's commission expired April 29, 1912.

Charles C. Fesler to be postmaster at Clay City, Ind., in place of Charles C. Fesler. Incumbent's commission expired January 27, 1912.

George H. Griffith to be postmaster at Fremont, Ind., in place of Duane Scott. Incumbent's commission expired January 20, 1912.

William O. Goecker to be postmaster at Crothersville, Ind., in place of Adam G. Ritz. Incumbent's commission expired April 22, 1912.

Charles F. Keck to be postmaster at North Liberty, Ind. Office became presidential January 1, 1912.

Francis H. Manring to be postmaster at Greentown, Ind., in place of Francis H. Manring. Incumbent's commission expired April 22, 1912.

Horace H. Mosier to be postmaster at Bristol, Ind. Office became presidential January 1, 1912.

Will K. Penrod to be postmaster at Loogootee, Ind., in place of Will K. Penrod. Incumbent's commission expired April 22, 1912.

Frank M. Pickerl to be postmaster at Argos, Ind., in place of Frank M. Pickerl. Incumbent's commission expired January 27, 1912.

Preston B. Settlemyre to be postmaster at Roanoke, Ind., in place of Samuel H. Grim, resigned.

Charles Smith to be postmaster at Westfield, Ind., in place of Charles Smith. Incumbent's commission expired January 27, 1912.

IOWA.

Ezra Bradford to be postmaster at Wellman, Iowa, in place of Ezra Bradford. Incumbent's commission expires May 26, 1912.

Stephen M. Brinton to be postmaster at Brighton, Iowa, in place of Stephen M. Brinton. Incumbent's commission expired April 9, 1912.

Alma G. Ott to be postmaster at Riverside, Iowa, in place of Alma G. Ott. Incumbent's commission expired March 25, 1912.

KANSAS.

David D. Wickins to be postmaster at Sabetha, Kans., in place of George W. Hook. Incumbent's commission expired April 24, 1912.

LOUISIANA.

Robert B. Johnson to be postmaster at Lake Arthur, La., in place of Marcus N. Limbocker, resigned.

MINNESOTA.

A. L. Hamilton to be postmaster at Aitkin, Minn., in place of Francis M. Shook. Incumbent's commission expired April 22, 1912.

MISSOURI.

Mary E. Black to be postmaster at Richmond, Mo., in place of Edward R. Williams, resigned.

Frederick B. Rauch to be postmaster at Morehouse, Mo., in place of Frederick B. Rauch. Incumbent's commission expires May 23, 1912.

MONTANA.

William R. Crockett to be postmaster at Red Lodge, Mont., in place of William R. Crockett. Incumbent's commission expired March 10, 1912.

NEW YORK.

Peter G. Hydorn to be postmaster at Lacona, N. Y., in place of John J. Hollis. Incumbent's commission expired April 28, 1912.

James H. Signor to be postmaster at Dannemora, N. Y., in place of Seth Allen, deceased.

OHIO.

Thomas G. Moore to be postmaster at Barnesville, Ohio, in place of Thomas G. Moore. Incumbent's commission expires May 16, 1912.

PENNSYLVANIA.

Harvey E. Brinley to be postmaster at Birdsboro, Pa., in place of Harvey E. Brinley. Incumbent's commission expired April 28, 1912.

William L. Buchanan to be postmaster at Sagamore, Pa. Office became presidential April 1, 1912.

John H. Martin to be postmaster at Clearfield, Pa., in place of John H. Martin. Incumbent's commission expires May 26, 1912.

John J. Mather to be postmaster at Benton, Pa., in place of John J. Mather. Incumbent's commission expires May 26, 1912.

VIRGINIA.

Joseph E. Graham to be postmaster at Jonesville, Va., in place of Joseph E. Graham. Incumbent's commission expires May 20, 1912.

Charles W. Wickes to be postmaster at New Market, Va., in place of Charles W. Wickes. Incumbent's commission expires May 13, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 1, 1912.

UNITED STATES DISTRICT JUDGE.

Edward E. Cushman to be United States district judge for the western district of Washington.

UNITED STATES ATTORNEY.

Joseph E. Morrison to be United States attorney, district of Arizona.

UNITED STATES MARSHAL.

Charles A. Overlock to be United States marshal, district of Arizona.

COMMISSIONER OF EDUCATION FOR PORTO RICO.

Edward M. Bainter to be commissioner of education for Porto Rico.

PROMOTION IN THE ARMY.

CAVALRY ARM.

Second Lieut. Reynold F. Migdalski to be first lieutenant.

POSTMASTERS.

KENTUCKY.

W. B. Buford, Nicholasville.
Clarence Mathews, Maysville.
Frank W. Rice, Wilmore.
Will P. Scott, Dawson Springs.
James W. Thomason, Uniontown.
Miles M. J. Williams, Eminence.

OKLAHOMA.

Ellis J. Baxter, Hooker.
Leonard M. De Ford, Duncan.
Daniel G. Dodds, Beggs.
Clarence W. Early, Durant.
Arthur E. Leap, Collinsville.
James T. Ryan, Bennington.
James E. Sutton, Boynton.
Frank J. Van Buskirk, Seminole.
Charles W. Young, Carnegie.

VIRGINIA.

Edgar B. Beaton, Boykins.
John S. Cecil, Dublin.
Floyd L. Harless, Christiansburg.
Alexander W. Harrison, Lawrenceville.

WEST VIRGINIA.

N. J. Keakle, Williamson.

WISCONSIN.

Mary A. McAskill, Glidden.
John A. McDonald, Arbor Vitae.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 1, 1912.

The House met at 12 o'clock noon and was called to order by the Speaker, who took the chair amid general applause.

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

O Thou Infinite Spirit, source of worlds without end and of beings without number, in whose all-loving embrace we dwell and in whom all our longings, hopes, and aspirations are centered, control our spirits, guide our wandering thoughts to Thee, that by the inspiration of this sacred moment we may be prepared to meet the obligations which Thou hast laid upon us now and evermore, in the spirit of the Lord Jesus Christ. Amen.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3815. An act to amend an act entitled "An act to require apparatus and operators for radiocommunication on certain ocean steamers," approved June 24, 1910; and

S. 3624. An act to authorize the construction of a bridge across San Francisco Bay to connect the cities of Oakland and San Francisco, Cal.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3815. An act to amend an act entitled "An act to require apparatus and operators for radiocommunication on certain ocean steamers," approved June 24, 1910; to the Committee on the Merchant Marine and Fisheries.

S. 3624. An act to authorize the construction of a bridge across San Francisco Bay to connect the cities of Oakland and San Francisco, Cal.; to the Committee on Interstate and Foreign Commerce.

FLOOD SUFFERERS, MISSISSIPPI VALLEY.

Mr. FITZGERALD, by direction of the Committee on Appropriations, reported House joint resolution 312, making appropriations for relief of sufferers from floods in the Mississippi and Ohio Valleys, which was read a first and second time and, together with the accompanying report (No. 631), referred to the Committee of the Whole House on the state of the Union and ordered printed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina, by direction of the Committee on Appropriations, reported 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 was read a first and second time and, together with the accompanying report (No. 633), referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. CANNON. Mr. Speaker, I reserve all points of order, and ask unanimous consent that the minority may have until Friday, if it is so desired, to file their views. (H. Rept. 633, pt. 2.)

The SPEAKER pro tempore (Mr. ANSBERRY). The gentleman from Illinois reserves all points of order on the bill, and asks unanimous consent that the minority may have until Friday to file views. Is there objection?

There was no objection, and it was so ordered.

Mr. JOHNSON of South Carolina. Mr. Speaker, I give notice that to-morrow morning I shall call the bill up for consideration.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday and the unfinished business is the bill H. R. 18033. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from South Carolina [Mr. FINLEY] will take the chair.

AMENDING MINING LAWS IN ALASKA.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 18033) to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes.

Be it enacted, etc., That no association placer-mining claim shall hereafter be located in Alaska in excess of 40 acres, and on every placer-