the reasons which might be urged for certain of the amendments would not apply to the other amendments.

Mr. FALL. Oh, they would be entirely different.

The PRESIDENT pro tempore. The Secretary will state the proposed unanimous-consent agreement.

The SECRETARY. The Senator from Massachusetts asks unanimous consent that on the calendar day of Thursday, October 2, 1919, at 2 o'clock p. m., the Senate will proceed to the consideration of the so-called Fall amendments to the treaty of peace with Germany; that during such consideration no Senator shall speak more than once or for a longer period than five minutes on any one of the said amendments; and that before adjournment on the said calendar day, Thursday, October 2, 1919, the Senate will vote upon the said amendments and dispose of them.

The PRESIDENT pro tempore. Is there objection to the proposed agreement? The Chair hears none, and the agreement is entered into.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Thursday, October 2, 1919, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate October 1, 1919.

UNITED STATES CIRCUIT JUDGE.

Maurice H. Donahue, of Columbus, Ohio, to be United States circuit judge, sixth circuit, vice John W. Warrington, retired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 1, 1919.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

To be colonels.

Lieut. Col. George H. McManus.
Lieut. Col. Edward J. Timberlake.

FIELD ARTILLERY.

To be colonel.

Lieut. Col. Fox Conner.

To be lieutenant colonels.

Maj. Albert U. Faulkner.
Maj. George M. Apple.

To be majors.

Capt. Emery T. Smith.
Capt. Creed F. Cox.
Capt. Robert M. Danford.
Capt. Leo P. Quinn.
Capt. Walter H. Smith.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

INFANTRY.

To be first lieutenants.

Second Lieut. John C. R. Hall.
Second Lieut. Robert A. Case.
Second Lieut. Ray W. Harris.
Second Lieut. Elbert W. Lockwood.
Second Lieut. Charles F. Frizzell, jr.
Second Lieut. William B. Oliver, jr.
Second Lieut. Robinson E. Duff.
Second Lieut. Leon W. Hilliard.
Second Lieut. Walter C. Blalock.
Second Lieut. Hamilton Johnston.
Second Lieut. Raymond G. Lehman.
Second Lieut. Irvine C. Scudder.
Second Lieut. John R. Deane.
Second Lieut. Richard Z. Crane.
Second Lieut. Hilliard V. MacGowan.
Second Lieut. James J. Roach.
Second Lieut. Guy S. Williams.
Second Lieut. William C. Briggs.
Second Lieut. William C. Price, jr.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. David B. Latimer, Infantry, to be second lieutenant in the Coast Artillery Corps.

INFANTRY.

Second Lieut. Ulric L. Fomby, Coast Artillery Corps, to be second lieutenant of Infantry.

POSTMASTER.

MICHIGAN.

Norman E. Weston, Kent City.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *October 1, 1919.*

The House met at 12 o'clock noon.

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

Almighty God, our heavenly Father, from whom cometh all good, to whom the devout of every age turned for strength and guidance; so with faith and confidence we turn to Thee, that we may be inspired with strength, courage, zeal, and be guided to a happy solution of all the problems which confront us, and thus hasten the coming of Thy kingdom and Thy will upon the earth. In Christ Jesus our Lord. Amen.

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

A QUORUM.

Mr. JOHNSON of Washington rose.

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

Mr. JOHNSON of Washington. I desire to make a point of order that a quorum is not present.

The SPEAKER. The gentleman from Washington makes the point of order that a quorum is not present. The Chair is of opinion that no quorum is present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Md.	Gallagher	McCulloch	Reber
Anthony	Gandy	McKenzie	Reed, N. Y.
Bacharach	Garrett	McKeown	Riddick
Bee	Godwin, N. C.	McKinley	Riordan
Bell	Goldfogle	McLaughlin, Mich.	Robinson, N. C.
Britten	Good	McLaughlin, Nebr.	Rowan
Burke	Goodall	McPherson	Rubey
Butler	Goodwin, Ark.	MacGregor	Sabath
Caldwell	Goodykoontz	Maher	Saunders, Va.
Carew	Graham, Ill.	Major	Schall
Casey	Graham, Pa.	Mann	Scully
Clark, Fla.	Greene, Mass.	Mason	Sherwood
Classon	Hamill	Mead	Shreve
Copley	Harrison	Merritt	Siegel
Costello	Haskell	Michener	Sisson
Crago	Haugen	Moore, Va.	Small
Crowther	Heflin	Moores, Ind.	Smith, Idaho
Currie, Mich.	Howard	Morin	Smith, Ill.
Curry, Calif.	Hull, Iowa	Mudd	Smith, N. Y.
Davey	Humphreys	Murphy	Snell
Dempsey	Husted	Newton, Minn.	Stephens, Ohio
Donovan	Hutchinson	Newton, Mo.	Stiness
Dooling	Ireland	Nicholls, S. C.	Sullivan
Dupré	Jacoway	Nichols, Mich.	Sumners, Tex.
Dyer	Jefferis	Nolan	Taylor, Ark.
Echols	Johnson, S. Dak.	O'Connell	Taylor, Colo.
Ellsworth	Johnston, N. Y.	Olney	Tilson
Emerson	Jones, Pa.	Paige	Treadway
Ferris	Kennedy, Iowa	Parker	Valle
Fields	Kettner	Peters	Vare
Fisher	Kreider	Phelan	Ward
Fitzgerald	LaGuardia	Porter	Watson, Pa.
Flood	Longworth	Rainey, H. T.	Whaley
Frear	Lufkin	Randall, Calif.	White, Me.
Fuller, Ill.	McAndrews	Rayburn	Woodyard
Fuller, Mass.	McArthur	Reavis	Zihlman

The SPEAKER. Two hundred and eighty-six Members have answered to their names. A quorum is present.

Mr. HAWLEY rose.

Mr. ESCH. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wisconsin moves that further proceedings under the call be dispensed with. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the Committee on Interstate and Foreign Commerce.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

PANAMA CANAL TOLLS.

Mr. ESCH. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce I call up the bill (H. R. 7015) governing the tolls to be paid at the Panama Canal.

Mr. HAWLEY. Mr. Speaker, under Rule XVI, paragraph 3, I raise the question of consideration.

The SPEAKER. The Chair is disposed to think that this bill belongs on the Union Calendar.

Mr. ESCH. I think it belongs on the Union Calendar, because it affects the revenue.

The SPEAKER. The Chair will transfer it from the House Calendar to the Union Calendar, and then automatically the House resolves itself into Committee of the Whole House on the state of the Union. The gentleman from Oregon [Mr. HAWLEY] can raise the question of consideration in committee.

Mr. JOHNSON of Washington. To that I want to object on the ground that opportunity was not given for the transfer of this bill to the Union Calendar in committee.

The SPEAKER. The Chair does not understand the gentleman's point. Does the gentleman mean before the Committee on Interstate and Foreign Commerce?

Mr. JOHNSON of Washington. Yes.

The SPEAKER. The Chair does not think that that is binding.

Mr. JOHNSON of Washington. Mr. Speaker, I think there should have been given opportunity to object to the transfer of the bill from one calendar to another.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Does the Chair hold that after the question of consideration has been raised on a bill that is on the House Calendar the Chair can transfer the bill to the Union Calendar and require the party raising the question of consideration to raise it anew in Committee of the Whole? The question was raised on the bill when it was on the House Calendar.

The SPEAKER. That did not occur to the Chair. The Chair does not think he recognized the gentleman from Oregon to raise the question of consideration. The intent of the Chair was to transfer the bill to the Union Calendar as soon as this bill was called up. The gentleman did raise the question of consideration, but the Chair does not think the Chair recognized him for that purpose.

Mr. WALSH. But the Chair recognized the gentleman, and the Chair can not decline to recognize the gentleman.

The SPEAKER. The Chair would say at first blush that the gentleman's right to recognition was not of such privilege as to prevent the Chair from correcting an error of reference. The Chair is disposed to think that the first duty of the Chair before recognizing anybody, if there was a reference to the wrong calendar, was to change the reference, and of course that does not destroy anybody's rights. The question of consideration can be raised in committee as it has been raised here by the gentleman from Washington. Of course the committee had its right to give hearings or not as it pleased, and the fact that the committee did or did not give hearings does not seem to the Chair to affect the validity of the committee's report.

Mr. HAWLEY. The manual says a Member may demand the question of consideration, although the Member in charge of the bill may claim the floor for debate. That is, if I understand it, it is a right that the Member has to raise the question of consideration irrespective of recognition by the Chair for that purpose.

The SPEAKER. Certainly.

Mr. HAWLEY. And I raised the question of consideration as soon as the bill was called up.

The SPEAKER. Yes; but the Chair thinks the first thing in order and the first duty of the Chair was to see that the bill was upon the proper calendar. The Chair thinks that it was by mistake put upon the wrong calendar, and that as soon as it was called up the first duty of the Chair was to transfer it to the proper calendar. As the Chair suggested, nobody will lose any rights at all.

Mr. JOHNSON of Washington. But, if the Speaker will permit, the House is not yet in Committee of the Whole.

The SPEAKER. No.

Mr. JOHNSON of Washington. The gentleman from Oregon [Mr. HAWLEY] was recognized.

The SPEAKER. No; the Chair thinks he was not recognized.

Mr. JOHNSON of Washington. But he did make the request for the raising of the question of consideration.

The SPEAKER. Certainly, he did; but the Chair did not recognize him for that purpose. The first duty of the Chair was to transfer the bill to the right calendar.

Mr. HAWLEY. May I make a further suggestion?

The SPEAKER. Certainly.

Mr. HAWLEY. That under the rule it is not necessary for the Chair to recognize a Member to raise the question of consideration. The Member has an absolute right to make the demand.

The SPEAKER. He has the right to recognition, but the Chair thinks that the first right is the right of the Chair to see that the bill is on the proper calendar. It seems to the Chair that that was the most important question of procedure to be settled first.

Mr. HAWLEY. If the question of consideration can be raised only after we go into Committee of the Whole, will that bring a roll call on the question of consideration?

The SPEAKER. Yes; as the Chair recollects, there would be a roll call.

Mr. WALSH. Not in Committee of the Whole, Mr. Speaker.

The SPEAKER. No; there could not be a roll call in the committee.

Mr. HAWLEY. I insist, then, with all due deference, on my right to raise the question of consideration now, so that we may have a roll call.

The SPEAKER. The Chair thinks the gentleman has not that right. The Chair thinks that the bill is now upon the Union Calendar and that the gentleman can not raise the question of consideration in the House on a bill that is on the Union Calendar, on Calendar Wednesday, because as soon as the bill is called up the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Georgia.

Mr. CRISP. Mr. Speaker, I would like to ask the opinion of the Chair as to this question: I know that it has been ruled in the House that on Calendar Wednesday, when a bill is on the Union Calendar and is called up, the House automatically goes into Committee of the Whole to consider it, and that the question of consideration should be raised in the Committee of the Whole House on the state of the Union. I know that has been ruled several times, but I want to ask the opinion of the Chair if the Chair does not think it would be better practice for the question of consideration to be raised in the House before we go into the Committee of the Whole, for this reason: The Committee of the Whole House on the state of the Union is an agent or creature of the House, and if the House goes into the Committee of the Whole House on the state of the Union, directing the committee to consider a bill, may the question of consideration then be raised in the committee, as to whether the committee will consider it, when the House has gone into Committee of the Whole directing that committee to consider it? I just want to present that proposition to the Speaker. I will say to the Speaker very frankly that the rulings have been that the question of consideration is not raised until we get into the Committee of the Whole, when we go automatically into the Committee of the Whole; but it seems to me that the logic of it is that the better practice would be to determine in those cases whether we would consider it before taking up the time of the House to go into the Committee of the Whole.

The SPEAKER. The Chair is not disposed to express his opinion offhand without careful study of the question as to which would be the better practice; but, as the gentleman from Georgia suggests, the ruling has been—and it was a very carefully considered ruling by the last Speaker of the House when this question came up—that the question of consideration should be raised in the committee and not in the House; and although to raise the question of consideration in the committee is an anomaly, the Chair would not feel disposed to overrule that without a very thorough study and consideration of the question.

Mr. WALSH. Mr. Speaker, if the Chair will permit, I think that ruling was made upon the ground that when the motion was made to go into the Committee of the Whole the House had the right to refuse to go into Committee of the Whole if it so preferred, and therefore could decide not to consider the question by declining to go into the Committee of the Whole. Now, under the Calendar Wednesday rule the House goes automatically into Committee of the Whole, and, of course, the House has no opportunity, as the House itself, to say whether it will consider the bill or not.

The SPEAKER. The Chair thinks the gentleman is mistaken in stating that that was the reason. The Chair thinks that the ruling was made on the Calendar Wednesday rule.

The Chair rules that the House now automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of this bill, and the gentleman from New York [Mr. HICKS] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7015, governing the tolls to be paid at the Panama Canal, with Mr. HICKS in the chair.

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

The Clerk read the title of the bill.

Mr. HAWLEY. Mr. Chairman, I raise the question of consideration under Rule XVI, paragraph 3, and under Rule XXIV, paragraph 7.

The CHAIRMAN. The gentleman from Oregon raises the question of consideration on this bill.

The question was taken; and on a division (demanded by Mr. HAWLEY) there were—ayes 129, noes 15.

Accordingly the House determined to consider the bill.

The CHAIRMAN. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That in measuring vessels and determining the tolls to be paid thereon at the Panama Canal the measurement shall be made and tonnage determined in all cases by the Panama Canal rules as they now exist or as they may be changed from time to time, and the tonnage arrived at by those rules shall be the tonnage to which shall be applied the rate fixed by the President for the purpose of determining the tolls to be collected, and shall be the tonnage to which shall be applied the maximum and minimum rates now fixed by law or hereafter to be fixed for the purpose of determining the maximum and minimum tolls which may be charged.

SEC. 2. That all laws and parts of laws, rules, and regulations in conflict with this act be, and the same are hereby, repealed.

The CHAIRMAN. The gentleman from Wisconsin is recognized for one hour.

Mr. ESCH. Mr. Chairman——

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. JOHNSON of Washington. Will the gentleman say how the time is to be controlled?

Mr. ESCH. Under the rules there is one hour on a side.

Mr. JOHNSON of Washington. Can it be arranged so that the opposition will be recognized to control one hour? I want one hour's time in opposition to the bill.

Mr. CLARK of Missouri. Will gentlemen please speak louder?

Mr. JOHNSON of Washington. I am trying to get time in opposition to the bill.

Mr. CLARK of Missouri. That is just what I was trying to find out.

Mr. JOHNSON of Washington. I am very glad that the former Speaker is interested in the bill. [Laughter.]

Mr. ESCH. It has been customary, Mr. Chairman, on Calendar Wednesday to allot one hour on a side. The allotment of time has been divided between the chairman and the ranking minority member of the committee, and I assume that that practice will obtain. I have no doubt that time will be yielded to those opposed to the bill.

Mr. WALSH. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. WALSH. Does the gentleman contend that if the ranking minority member is in favor of the bill, that he is entitled to control the hour?

Mr. ESCH. I did not say that. I have no objection, provided the gentleman from Tennessee [Mr. SIMS] has no objection, to permit the gentleman from Washington to control the time in opposition to the bill.

Mr. SIMS. If the gentleman will permit, I expect to yield time to those opposed to the bill on this side. I do not know how many there will be.

Mr. WALSH. Is the gentleman from Tennessee opposed to the bill?

Mr. SIMS. No; I am strongly in favor of the bill.

Mr. WALSH. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. Under the Calendar Wednesday rule, whereby two hours of debate are allowed, I desire to ask if it is not proper for the chairman of the committee reporting the bill to be entitled to one hour and some gentleman on the committee opposed to the bill be given recognition for one hour? If no member of the committee is opposed to the bill, then some Member who is opposed to it is entitled to the hour.

The CHAIRMAN. The Chair will state that the rule on Calendar Wednesday, as the present occupant of the chair understands it, is that one hour shall be given to those in favor of the bill and one hour to those in opposition; that the chairman of the committee shall have the hour on the affirmative side, and if a member of the committee is opposed to the bill, that member will have the hour in opposition. But if no member of the committee opposes the bill, then the Chair will recognize some one who is opposed to the bill for one hour.

Mr. SIMS. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. SIMS. Under the ruling the Chair has just made, the chairman of the committee will control one hour in favor of the bill. I would like to have him yield one-half to me, to be used on this side in behalf of the bill, and that will be cutting down one-half of the usual time.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. ESCH. I will.

Mr. JOHNSON of Washington. The minority member on the Democratic side, under the ruling of the Chair, has no time to yield.

Mr. SIMS. I do not ask for it in my own right.

Mr. ESCH. Mr. Chairman, it was intimated by the gentleman from Washington [Mr. JOHNSON] that there were no hearings had on this bill. There were no hearings had at this session of Congress on the bill. There were hearings had in a prior Congress, during the months of January and February, 1916. There were hearings had prior to that. There were hearings had before the Committee on Appropriations last year on the sundry civil bill. This bill is not a new matter, it takes no Member by surprise, and for that reason the members of the Committee on Interstate and Foreign Commerce reported the bill out without further hearings.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. JOHNSON of Washington. I would like to ask the distinguished chairman of the Interstate and Foreign Commerce Committee if the printed reports of the 1916 hearings are available either for the new Members of Congress or the public?

Mr. ESCH. Every member of the committee has a bound edition of the hearings before our committee in the Sixty-fifth Congress. There are bound hearings on this bill in the committee room, and I have taken pleasure in permitting their use by the membership of the House.

This bill, Mr. Chairman, has been urged for the last four years. The reason for its being urged was because of the unsatisfactory condition in which the matter of tolls on the Isthmus has been placed since the ruling of the Attorney General in March, 1915.

The Panama Canal act, as amended in 1914, contained this provision:

SEC. 5. That the President is hereby authorized to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal. * * * Tolls may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce. The rate of tolls may be lower upon vessels in ballast than upon vessels carrying passengers or cargo. When based upon net registered tonnage for ships of commerce the tolls shall not exceed $1.25 per net registered ton. * * *

Prior to the approval of the original act in August, 1912, there was appointed a commissioner to investigate the entire matter of the measurement of vessels at Panama and, based upon such measurement, the preparation of rules for determining the tolls to be charged. The commissioner was Dr. E. R. Johnson, of Philadelphia, a very eminent expert in this line. His recommendations were submitted in two separate reports to the President. As a result of these reports President Taft, by proclamation of November 13, 1912, issued the rules for the fixing of rates of toll on the Isthmus.

On November 21, 1913, President Wilson issued a proclamation prescribing the rules governing the measurement of vessels. Under these proclamations vessels were measured and tolls collected for a certain period of time. The rules of measurement of vessels fixed the rate of toll on merchant vessels—loaded—at "$1.20 per net vessel ton—each 100 cubic feet—of actual earning capacity," while the rules for measurement of vessels prescribed the method of calculating tonnage in terms of net vessel tons of actual earning capacity. It was at once observed that the rate of tolls established at $1.20 per net vessel ton of actual earning capacity, as determined by Panama Canal rules of measurement was higher than a rate of $1.25 per ton of net capacity as determined by United States national rules of measurement.

The lumber interests of the Pacific coast at once protested against article 7 of the Panama Canal rules of measurement, which provides as follows:

If any ship carries stores, timber, cattle, or other cargo in any space upon an open deck not permanently covered or in spaces exempted, * * * all tolls and other charges payable on the vessel's net tonnage shall be payable on the vessel's net tonnage * * * increased by the tonnage of the space occupied (at the time at which tolls or other charges become payable) by the goods carried upon deck and not permanently covered or closed in.

Thereupon the President submitted the matter in dispute to the Attorney General, February 15, 1915, who decided that the term "net registered tonnage," as used in the Panama Canal act, "must be interpreted to mean the net tonnage of a vessel as measured under the rules prescribed by the statutes of the

United States" and not registered tonnage as measured under the special rules provided for the Panama Canal. He further held—

that if the toll rate established at $1.20 per net registered ton, when multiplied by the tonnage, as ascertained by the Panama Canal rules, exceeds the amount produced by multiplying the net registered tonnage as measured by the rules prescribed in the United States statutes, by $1.25 (the amount named in the statute), the excess thus produced is uncollectible. It therefore follows that in so far as the present proclamations and rules, either as to deck loads or otherwise, would result in collecting at the rate of $1.20 per net registered ton more than would be produced by multiplying by $1.25 the net registered tonnage as measured by the United States rules, they lay down a course of conduct unwarranted by the Panama Canal act.

The President thereupon issued supplementary instructions in accordance with the decision of the Attorney General above quoted.

The effect of this decision was practically to destroy the Panama Canal rules of measurement and substituting therefor the rules of measurement prescribed by the United States statutes. There also resulted a discrimination between vessels of different nationalities and a reduction in the revenues. I wish to state as one of those who helped to frame the Panama Canal act that we thought we were framing legislation which would enable the Panama Commission to fix tolls under the rules prescribed by the proclamations of the Presidents. It was not our purpose that the tollage should be determined by the United States rules of measurement based upon net tonnage, but the decision of the Attorney General stands to this day, and it is to relieve the operations on the Isthmus of the decision of the Attorney General that this bill has been introduced.

Mr. DEWALT. Will the gentleman allow an interruption?

Mr. ESCH. Yes.

Mr. DEWALT. Will the chairman of the committee be kind enough to state to the Committee of the Whole just how that decision effected to work a discrimination in favor of the shipping of England as compared with the shipping of the United States at the Panama Canal, particularly of England, because that is a very concrete instance? Explain the difference in measurement, and then the discrimination as shown in the tonnage.

Mr. ESCH. I have quite a number of illustrations furnished by Gen. Goethals showing such discriminations, and I might as well call attention to them at this time. Take the case of the *Minnesotan*, an American vessel, with a length of 408 feet, beam 54 feet, draft 28 feet, with a corrected register under United States rules of measurement of 4,109 tons. Now, the maximum amount of tolls that can be collected under the present regulation—that is, under the regulation necessitated by the Attorney General's decision—amounts to $5,136.25. If the Panama Canal measurements were applied to that vessel, her tonnage would have been 4,610 tons, a difference of over 500 tons, and she would have paid canal tolls under the Panama Canal rules of measurement of $5,532.

Mr. MOORE of Pennsylvania. What is the name of the vessel?

Mr. ESCH. The *Minnesotan*, an American vessel. Take the case of the *Berwick Law*, a British vessel of 404 feet in length, only 4 feet shorter than the American vessel, 53 feet beam, 26 feet draft, which had a corrected tonnage under United States rules of only 2,939 tons, and her tollage under this ruling of the Attorney General amounted to only $3,673.75, whereas if the Panama Canal rules of tollage and measurement had been prescribed that British vessel would have been reckoned at 4,630 tons and she would have had to pay $5,556 in tonnage dues. In other words, there is a discrimination against the American vessel, of practically the same capacity as the British vessel, of $1,462.50. I have a whole list of vessels showing the same discrimination, not merely as in favor of British vessels, but Norwegian, Japanese, Greek, and other vessels.

Mr. MOORE of Pennsylvania. Will the gentleman put in the list?

Mr. ESCH. Yes; I will insert the list as part of my remarks.

Mr. DEWALT. Will the chairman be kind enough to explain to the Committee of the Whole as to the difference in the deck loads as prescribed by one rule and the other and show how that discrimination works in favor of foreign vessels?

Mr. ESCH. Tonnage, as determined by United States rules of measurement for the purpose of paying tonnage, lighterage, and light dues, is made in such way as to favor American ships when they go into foreign ports, the foreign port accepting the registered tonnage of the American ship. It is done to favor American shipping; but a few days after the Attorney General filed his ruling the Commissioner of Navigation, on March 15, 1915, removed the open space or deck-load space of American vessels from being included in this registered tonnage, thus further decreasing the tonnage and lessening the cost of the American vessel when it was in a foreign port; but the officers on the Panama Canal Zone, after the decision of the Attorney General, had to abide by the rules of the Commissioner of Navigation of the United States; so that when a vessel went through the Panama Canal the authorities there could not add to the tonnage the open-deck or deck-load spaces, even though they might be filled with cargo. This further diminished the revenue. Moreover, other vessels of other nations so devised their ships that they avoided a certain amount of tonnage. It was because of freak construction of their vessels. They make what are known as freak ships, ships designed to carry the heavy deck loads, a load in the open spaces on the decks which are not included in the net tonnage upon which the tonnage taxes are payable. From this you can readily understand how, as the result of the ruling of the Attorney General and this more recent modification by the Commissioner of Navigation of the United States removing the open spaces and the deck load from being considered as a part of net tonnage, a large reduction in the revenues resulted.

Foreign vessels are more guilty in this respect than American vessels. We have not learned the tricks of the foreign shipbuilders; we have not had a large enough merchant marine to study devices by which other nations can lessen the tolls thus passing through our canal. At Suez they had the same devices to escape Suez Canal rates until the authorities there made a rule that every vessel going through it should pay the tonnage dues on the open-deck spaces of the ships. And we should apply a like rule on the Isthmus, and we will apply it if this bill becomes a law. For if this bill becomes a law the Panama Canal authorities, under the Panama Canal rules of fixing tolls and measuring vessels, will charge a vessel upon its earning capacity, the only fair and just standard.

Mr. HULINGS. Will the gentleman yield for a question?

Mr. ESCH. I yield.

Mr. HULINGS. Could not all these complications be avoided if they would just adopt a plan of charging according to the displacement?

Mr. ESCH. No. Displacement tonnage is applied, by all nations on the earth, only to vessels of war. It has not been found applicable to merchant ships. The unit of measuring tolls for a merchant ship is the net registered ton, which consists of 100 cubic feet of space.

Mr. HULINGS. Why do you not measure just the depth it sinks into the water, and then you will know whether it is a whole load or a half load or open-deck load?

Mr. ESCH. That ignores this principle which is carried in the Panama Canal rules of measurements. You should charge a vessel upon its earning capacity. Displacement tonnage would not do that.

Mr. HULINGS. Would it not be a pretty good scheme just to make American commerce free in the canal, as it ought to be, and go back to what the original idea was in having built this canal as to coastwise vessels? [Applause.]

Mr. ESCH. That was a question which was determined years ago.

Mr. HULINGS. It was determined at that time because there were some very delicate circumstances that had arisen. After every party in the United States had declared for free tolls and the Congress had passed it, then it was repealed because of some very delicate circumstances that arose, and nobody yet knows what they were.

Mr. ESCH. That has been passed upon by Congress and is not an issue in this bill.

Mr. CLEARY. Will the gentleman yield briefly?

Mr. ESCH. I will.

Mr. CLEARY. The gentleman from Pennsylvania just mentioned that it might be well to figure on displacements. Being in the transportation business myself, it comes to my mind that if you have a heavy boat she carries weight of structure instead of weight of cargo, and yet you would have the displacement just the same. If you had a heavy ship, built much heavier than some other ships, she might draw 20 feet of water and yet would not carry anything like the tonnage that a light-built ship would carry, because one would be carrying a cargo and the other the weight of structure.

Mr. ESCH. I can not yield further.

Mr. MONTAGUE. May I ask the gentleman, in addition to what the gentleman from New York [Mr. CLEARY] has said, if this is not also true, that a very valuable cargo might make a slight displacement as compared with a less valuable cargo of great displacement?

Mr. ESCH. Yes.

Mr. KAHN. Is it not a fact that in the Suez Canal the rate is on the tonnage of the ship, irrespective of the fact of whether she carries a deck-load cargo or not?

Mr. ESCH. At Suez, I think, they have incorporated the Danube rule of measurement.

Mr. KAHN. They do not charge specially for cargo space; they charge for tonnage.

Mr. ESCH. Yes; they charge on tonnage.

Mr. KAHN. And that is all.

Mr. ESCH. They follow the Danube rule of measurement with reference to the exclusion of space used by engines, coal bunkers, and so on.

Mr. KAHN. I have a letter from one of the leading shippers in the West, who states the rule just as I have stated it to the chairman.

Mr. ESCH. Mr. Chairman, I have printed as a part of my report the financial operations of the canal for the year ending June 30, 1918, which I think is very pertinent to this inquiry. In the report of L. R. Sargent, the marine superintendent of the Panama Canal, and chairman of the board of measurements, dated May 27, 1919, he makes the following statement:

For the year ending June 30, 1918, the auditor for the Panama Canal gives the following figures:

Tolls collected July 1, 1917, to June 30, 1918---------- $6,454,198.35
Tolls collectible under Panama Canal rules---------- 7,522,195.68

In other words, the amount uncollected through operation maximum limitation based on United States rules was $1,083,111.69. Because we did not have the rules of measurement as originally proclaimed by the President, this Government has lost $1,083,000.

Mr. MONTAGUE. For one year?

Mr. ESCH. For one single year. And the total loss up to the present time, resulting from this decision of the Attorney General, amounts to the great sum of $2,797,000.

Oh, I know it may be said that the canal was not built as a financial or profit-making scheme. I am not urging this bill to make it a profit-making scheme. I am asking simply that there may be enough revenue derived from the operation of the canal under the old rules of measurement to meet the increased cost of operating the canal owing to the increased cost of wages and materials. That certainly is a legitimate object.

Mr. MONTAGUE. And I understand the gentleman also urges it for the very great reason that our ships may be put upon terms of equality with foreign ships?

Mr. ESCH. Yes. And that raises the question of discrimination.

Mr. MONTAGUE. As I understand it, foreign ships paid 20 per cent less than we paid.

Mr. ESCH. I have here a statement showing that 50 foreign ships, taken at random, as compared with 50 vessels carrying tonnage of the United States, going through the canal, would pay 20 per cent less tonnage dues than American vessels, because of this opinion of the Attorney General, and the necessity for adjusting the tolls there under the United States rules of measurement.

Examples of discrimination against American vessels because of the decision of the Attorney General.

[Net tonnage.]

Name of ship.	Nationality.	Length.	Beam.	Draft.	From register.	Corrected.[1]	Maximum tolls collectible under present regulations.	If Panama Canal rules alone applied.	
								Tons.	Tolls.
Case I:									
Minnesotan	American	408	54	28	4,068	4,109	$5,136.25	4,610	$5,532.00
Berwick Law	British	404	53	26	2,939	2,929	3,673.75	4,630	5,556.00
Difference							1,462.50		24.00
Case II:									
I. K. Thurlow	American	313	46	23	2,500	2,523	2,932.80	2,444	2,932.80
Bintang	Danish	310	44	25	1,813	1,834	2,292.50	2,109	2,530.80
Difference							640.30		402.00
Case III:									
Santa Catalina	American	404	54	26	4,026	4,325	5,290.80	4,409	5,290.80
Lowther Castle	British	400	52	25	2,740	2,740	3,425.00	4,367	5,240.40
Difference							1,865.80		50.40
Case IV:									
Santa Cruz	American	384	50	27	3,284	3,506	4,382.50	3,751	4,501.20
Strathesk	British	376	52	26	2,802	2,802	3,502.50	3,565	4,278.00
Difference							880.00		223.20
Case V:									
Santa Clara	American	405	54	26	4,026	4,325	5,390.40	4,492	5,390.40
Strinda	Norwegian	439	57	26	3,485	3,485	4,356.25	5,052	6,062.40
Difference							1,034.15		672.00
Case VI:									
Dakotan	American	408	54		4,069	4,757	5,701.20	4,751	5,701.20
Port Curtis	British	401	53		2,998	3,040	3,800.00	4,204	5,044.80
Difference							1,901.20		656.40
Case VII:									
Montanan	American	408	54		4,063	4,746	5,647.20	4,706	5,647.20
Challister	British	425	54		3,369	3,397	4,246.25	5,354	6,424.80
Difference							1,400.95		777.60
Case VIII:									
Montanan	American	408	54		4,063	4,746	5,647.20	4,706	5,647.20
Curaca	British	403	52		4,067	4,112	5,140.00	4,611	5,533.20
Difference							507.20		114.00
Case IX:									
Isthmian	American	383	50		3,464	4,215	4,770.00	3,975	4,770.00
Copenhagen	British	385	52		2,910	3,248	4,060.00	3,735	4,482.00
Difference							710.00		288.00
Case X:									
Isthmian	American	383	50		3,464	4,215	4,770.00	3,975	4,770.00
Hesperos	Norwegian	390	52		2,723	2,723	3,403.75	4,214	5,056.80
Difference							1,366.25		286.80

[1] In accordance with United States rules for measurement.

The Suez Canal authorities found it necessary to increase the toll rates on that great waterway since the war began. When the Panama Canal tolls were fixed at $1.20 per net registered ton, they were almost exactly the tolls charged at the Suez Canal. What are they to-day? To-day the Suez Canal charges are $1.60 per ton, and we keep the $1.20 rate. If this bill becomes a law, there will be sufficient increase of revenue to meet the increased cost of operation and the cost of supplies down there at the Isthmus.

The chief opponents of this bill are really the lumber interests of the Northwest. They naturally desire to have open-deck spaces upon which to put their dimension timbers. They want to have, in a way, a special privilege.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. ESCH. And thus not to be subjected to charge for full tollage.

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Washington?

Mr. ESCH. Yes.

Mr. JOHNSON of Washington. Does the gentleman think that is the contention of the Northwest lumber shippers?

Mr. ESCH. I think, in effect, that is what they want.

Mr. JOHNSON of Washington. Is not the gentleman willing to concede that if the net tonnage of a vessel can not be used to full capacity it should not pay for an empty hold and lumber on the deck also?

Mr. ESCH. If that contention can be made by the lumber interests, it can be made by other interests.

Mr. JOHNSON of Washington. And it puts a penalty upon lumber interests.

Mr. ESCH. And if you except lumber, it makes a discrimination.

Mr. JOHNSON of Washington. They speak of British ships coming in there with sheltered decks and inclosures. Does the gentleman contend that they shall not have the best of it?

Mr. ESCH. No. Under the Panama Canal rules of measurement the earning capacity of any vessel is charged, no matter where the cargo is put, whether in the hold or put on open deck with sheltered spaces. Every bit of freight-earning capacity is charged for under the original Panama Canal rules. We want to get back to them.

Mr. JOHNSON of Washington. The lumber-carrying business going through the canal has not only to pay the net earning-capacity space, but also what it carries on the deck, and that is to the detriment of what little American coastwise traffic we have.

Mr. ESCH. Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used 25 minutes.

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

Mr. ESCH. Yes; I yield.

Mr. MILLER. I would like to ask the chairman of the committee this question: Take two vessels, sister ships, built on exactly the same mold, one of them having a load of paving brick in her hold and the other having a load of lumber, a partial load, on the upper deck. How would the toll of those two ships compare? Would not the lumber pay for going through the canal?

Mr. ESCH. Under the Panama Canal rules of measurements she would pay more because she is using greater cargo space.

Mr. MILLER. Now, may I ask another question?

Mr. ESCH. Yes.

Mr. MILLER. In other words, you are putting up to this Congress this proposition of two vessels of the same tonnage, carrying the same tonnage, one of them loaded with paving brick and one with lumber on the deck, paying different rates.

Mr. ESCH. That exists in all transportation. You can not avoid it in railroad transportation by any rule that I know of.

Another thing that I wish to call attention to is the difficulty of administering two sets of rules on the Isthmus, as must be done since the decision of the Attorney General. They admeasure the vessels according to the Panama Canal rules. They measure according to the registered tonnage under United States rules, and if the admeasurement by Panama Canal rules exceeds the maximum of $1.25 per ton, the Panama Canal rules can not be applied. We also use the United States rules of measurement, so that we have two systems that we have got to administer on the Panama Canal Zone, and this has caused confusion and caused dissatisfaction among all shippers that use the canal.

Another thing: Under the present method of administration the officials of the Panama Canal Zone can not make any changes. All changes are submitted to the Commissioner of Navigation, here in Washington, and his word governs on the Isthmus. If we had the Panama Canal rules in operation, decisions would be made on the Isthmus, on the spot, and without delay.

Why, on the 1st day of July, 1917, the Commissioner of Navigation changed certain rules of admeasurement of vessels. Notice of the change did not get down to the Isthmus until early in August. For a whole month officials on the Isthmus charged rates as they existed prior to July 1. What was the result? We had to pay claims for overcharge because of this conflict of jurisdiction, not to say anything about the delay in administering the law.

It does seem to me, gentlemen, that from the point of view of administration alone we are justified in asking you to vote for this measure. But that is not all. I have talked about the amount of expense and the amount by which we would increase our revenues if these original Panama Canal rules were put into operation. I wish to read a conclusion in one of the official reports on this matter:

DISCRIMINATION AGAINST AMERICAN VESSELS AND VIOLATION OF TREATIES.

Under present conditions particular classes of vessels may optionally take advantage of certain privileges in the classification and exemption of space, which gives them a decided advantage over others less favored. This is particularly true in the case of foreign vessels. Such discrimination is a clear violation of the Hay-Pauncefote treaty, which stipulates that there should be no discrimination in favor of the vessels of any nation, and operates to the disadvantage of American ships of commerce. It is also in violation of the cardinal principle, which was adopted by the Panama Canal authorities in the preparation of their rules, to the effect that all vessels should be required to pay tolls on their actual earning capacity. The unrestricted application of the Panama Canal rules will avoid any question of discrimination and violation of treaties.

What more just principle can be adopted than to charge an actual earning capacity of a vessel?

Mr. Chairman, this bill comes before this Congress with the indorsement of the Secretary of War. It comes here with the indorsement of Col. Harding, Governor of the Panama Canal Zone. It comes here with the indorsement of Gen. Goethals, who knows more about the canal and its administration than any other living man. It comes here with the indorsement of the Commissioner of Navigation, who stated that the Panama Canal rules of tollage and measurement were the most scientific rules in any nation in the world. For these reasons we ask that this bill be passed. [Applause.]

Mr. MONTAGUE. May I ask the gentleman if the bill does not also come with the indorsement of a former unanimous report of his committee?

Mr. ESCH. Yes.

Mr. MONTAGUE. And also of a Senate committee upon the same subject?

Mr. ESCH. Yes; it has been favorably reported to Congress three times.

I reserve the remainder of my time.

The CHAIRMAN. The gentleman has used 32 minutes.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to be recognized in opposition to this measure.

The CHAIRMAN. Before recognizing the gentleman from Washington the Chair will ask if there is any member of the committee opposed to the bill?

Mr. ESCH. I know of no member of the committee who is opposed to it.

The CHAIRMAN. Then the Chair will recognize the gentleman from Washington [Mr. JOHNSON] for one hour.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to say to the members of the committee that at the right time in the consideration of this bill I shall move to strike out all after the enacting clause and insert in lieu thereof—

That all vessels enrolled, registered, or documented under the laws of the United States shall not be liable to the payment of any tolls in passing through the Panama Canal.

[Applause.]

And that, in my opinion, is not subject to a point of order.

Mr. SANDERS of Indiana. I reserve a point of order on the amendment.

Mr. JOHNSON of Washington. I am not offering it now. I shall offer the amendment at the proper time in the exact language of the law that gave to our coastwise ships some rights in the Panama Canal.

I desire now to yield to the gentleman from California [Mr. KAHN] such time as he desires. [Applause.]

Mr. KAHN. Mr. Chairman, the legislation that has been proposed by the Committee on Interstate and Foreign Commerce is not a new matter. It has been pending before Congress quite a good many years.

It is true that the owners of vessels on the Pacific coast, and particularly those vessels that carry lumber, protest against this legislation. Many of those vessels carry deck loads of lumber. Some of them carry lumber in the hold as well as on the deck. In some of the vessels, I understand, it is very difficult to load lumber in the hold, and so practically the whole lumber cargo has to go on the deck.

Now, the Suez Canal rates are predicated on the net tonnage of the vessel, without regard to whether she carries her cargo on the deck or in the hold, and that is all that is asked by the people who are opposed to this bill.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. JOHNSON of Washington. And also without regard to whether the vessel is a quarter full, half full, or carrying a full load?

Mr. KAHN. Precisely. After the net tonnage has been once ascertained by the officers at the Suez Canal charged with the duty of ascertaining what the net-tonnage capacity of the vessel is, the vessel must pay that price regardless of whether she has any cargo aboard or not.

Mr. SIMS. May I ask the gentleman a question?

Mr. KAHN. Certainly.

Mr. SIMS. Does the gentleman say that at the Suez Canal an empty vessel having no cargo goes through free?

Mr. KAHN. No; I say just the opposite of that. She pays on her net-tonnage capacity.

Mr. SIMS. But without a cargo she would have no tonnage.

Mr. JOHNSON of Washington. She pays on the full net tonnage, whether it is water ballast or what.

Mr. ESCH. The rule is that she pays on her net registered tonnage, which means the space, whether used or not.

Mr. KAHN. I understand; but the conditions at the Suez Canal enable every vessel to be treated alike, whether she carries cargo on the deck or not. I will read from the report of the committee:

Suez rates have increased to $1.60 per ton on all vessels, whether loaded or in ballast, an increase of 33⅓ per cent. Meanwhile Panama Canal rates have been in effect reduced 13 per cent.

It seems to me there ought to be some way of reaching a condition of that kind at Panama without penalizing a ship that happens to be carrying lumber, because lumber is essentially a deck cargo.

Now, the Panama Canal, as has been truly said by the gentleman from Pennsylvania [Mr. HULINGS], when originally built by the Government of the United States, was intended to afford some advantage to American shipping in the coastwise trade. The Congress passed a law originally giving vessels of that character this special privilege. The Democratic platform advocated it. The then Democratic candidate for President, Woodrow Wilson, advocated it. Subsequently, when a change of administration took place, the President of the United States came to Congress and asked that that provision be repealed. We were led to believe that grave and serious international complications existed that required, for the sake of our national honor, that that law be repealed. Nobody has ever found out to this day what the great international question or complication was, but the law was repealed. As a consequence of the repeal, thousands of tons of shipping that would have been built for the coastwise trade between the west coast and the east coast of this country were not constructed. Then we found ourselves in a Great War without a fraction of the tonnage that we would have had if the Panama coastwise-trade provision had been allowed to stand as the law.

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

Mr. KAHN. Yes.

Mr. DENISON. I desire to call the attention of the gentleman from California to the fact that I think he has inadvertently made a statement with regard to the Suez Canal which is not correct. Gen. Goethals testified before the committee that under the rule in force at Suez they charge for all earning capacity, deck space as well as under-deck space.

Mr. JOHNSON of Washington. When was that?

Mr. DENISON. Gen. Goethals's testimony is in the hearings.

Mr. KAHN. What was the date of those hearings?

Mr. DENISON. 1916.

Mr. KAHN. I have here a letter from Capt. Robert Dollar, one of the best-known shipping men in the United States, a man who sails ships on the seven seas. I do not think there is a better-posted shipping man in this country than Robert Dollar. On July 31, 1919, this year, he states:

The tolls should be levied on the tonnage of the ship, irrespective of whether she carries a deck load or not. This is the Suez Canal regulation.

Mr. DENISON. That is exactly what Gen. Goethals testifies—with the actual capacity put on the deck.

Mr. KAHN. I will read Capt. Dollar's letter. It is as follows:

Answering the questions of the War Department, under date of July 23:

Question No. 1: I do not think that it is right to penalize lumber by making it pay a higher rate through the canal than any other commodity.

Question No. 2: The tolls should be levied on the tonnage of the ship, irrespective of whether she carries a deck load or not. This is the Suez Canal regulation.

I call attention to the fact that Capt. Dollar says it is irrespective of whether she carries a deck load or not. So there is no additional pay if she carries tonnage on deck. As I understand it, she pays on her tonnage capacity, whether she carries cargo or not.

Question No. 3: In this connection, would say that there should be no tolls charged on any deck load of any kind or description. It is sufficient that a ship pay the full tariff, the same as charged for passage through the Suez Canal, as stated above.

Question No. 4. By no process of reasoning is it fair to penalize lumber more than coal, iron, or any commodity that is carried on deck, and no commodity carried on deck should pay tolls. Charity begins at home, and why should lumber be so penalized as to pay a tax that no other foreign commodity is asked to pay?

This letter is signed "Robert Dollar." I take it that Capt. Dollar knows what he is talking about; he knows the shipping conditions in the Suez Canal, and knows the shipping conditions in the Panama Canal.

Mr. DEWALT. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. DEWALT. Will the gentleman state, if he knows, how a vessel sailing under the British flag is measured, and how her tonnage is calculated, and how the rate of her tolls is fixed when she passes through the Panama Canal?

Mr. KAHN. I will say frankly to the gentleman that I am not a shipping man. I wish I knew more about it than I do, but I have to depend on other gentlemen to supply me with information.

Mr. DEWALT. That is the very meat of what the gentleman is arguing.

Mr. JOHNSON of Washington. Will the gentleman from California yield?

Mr. KAHN. Yes.

Mr. JOHNSON of Washington. They are measured by the Panama rules, as modified by the Bureau of Navigation regulations as to deck space.

Mr. DEWALT. I am asking the gentleman from California the question.

Mr. JOHNSON of Washington. Well, I state that, and when I put the complete Panama rules in, the gentleman will have the Panama rules and the American rules.

Mr. DEWALT. The gentleman from California gives it up.

Mr. KAHN. No; there are two kinds of measurements.

Mr. DEWALT. Does the gentleman give up the conundrum?

Mr. KAHN. No.

Mr. DEWALT. Does the gentleman from Washington give it up?

Mr. JOHNSON of Washington. I do not give it up, because I have here Prof. Johnson's book, but it would take from now until night to read it.

Mr. DEWALT. Here is the categorical question: A vessel sails through the Panama Canal under the British flag. How is she measured as to tonnage, and how is the rate of toll calculated?

Mr. JOHNSON of Washington. She is measured on the net tonnage basis.

Mr. DEWALT. If that is so, where is she measured, in Panama or in the port from which she loads?

Mr. JOHNSON of Washington. I do not know; I think at Panama. Where is she measured?

Mr. DEWALT. According to the English rule; she is built according to English construction, and by that very fact when she passes through the Panama Canal she gets a discriminatory rate under that tonnage; that is what this bill is attempting to prevent. When you gentlemen confess that you do not know how she is measured, and do not know how she is built, and do not know how tolls are calculated, you are arguing about something you do not understand.

Mr. KAHN. That statement is not correct and it is not entirely fair. I have read from the letter of Capt. Dollar, who does know and is a gentleman of the highest authority. I have absolute confidence in any statement he may make on the subject.

Mr. DEWALT. But that does not touch this subject.

Mr. KAHN. It touches enough of the subject to show that you penalize lumber when you attempt to do what this bill is trying to do, and that is what we object to.

Mr. DEWALT. Will the gentleman permit another question?

Mr. KAHN. No; I can not now. The statement has been made that to meet these conditions peculiarly shaped vessels, or "freak" vessels, will be built for the purpose of carrying lumber cargoes. That is absurd, absolutely absurd. You could not profitably build a vessel that will carry cargoes only one way. You have got to carry a return cargo. If you carry

lumber to the eastern seaboard, you must have a cargo of some kind to take back to the western seaboard, and you could not use a "freak" ship to carry a general cargo.

The situation in the West is very serious. Our market is limited. The railroad rates are high. It is a distinct advantage to the eastern seaboard to allow lumber to come through the Panama Canal, because it comes to the eastern seaboard at a lower rate, and the consumer gets the benefit of that.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. REED of West Virginia. In the beginning the gentleman referred to the original purpose of the Government when it constructed the Panama Canal with reference to tolls—free tolls.

Mr. KAHN. In the coastwise trade.

Mr. REED of West Virginia. Does my colleague understand that any foreign government reimburses its citizens for tolls paid in passing through the Panama Canal?

Mr. KAHN. I have heard it stated that rebates were made to the owners of shipping by some Government other than our own.

Mr. REED of West Virginia. Placing our ship at a disadvantage?

Mr. KAHN. Exactly; our ship is always put at a disadvantage. It is an unfortunate thing that the American flag on the masthead of vessels is seldom protected by the Congress of the United States or anybody else. I, for one, feel that the time has arrived when the American flag should be nailed to the mastheads of American ships. [Applause.] And the only way you can do that is to refuse to pass laws that will put our American ships at a distinct disadvantage. I yield back the remainder of my time. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, how much time did the gentleman from California use?

The CHAIRMAN. The gentleman used 19 minutes.

Mr. JOHNSON of Washington. Mr. Chairman, a query concerning ship measurements was asked a few minutes ago and some surprise expressed because a couple of Pacific coast Members could not answer in detail. Here is a book, with large-sized pages, 600 of them, and numerous maps, endeavoring to explain the measurements of vessels for the Panama Canal, a book by Dr. Emory R. Johnson, a valuable book by a learned man, and here are the hearings of the committee in the Sixty-fourth Congress on this subject, now out of print and available only in these bulky volumes for such Members of Congress as desire to acquire some knowledge of this effort to put American coastwise shipping, carrying certain commodities that are the product of this country, clear out of a fair chance through this canal. I have looked into these hearings. I made a statement here a few minutes ago in an effort to have the question of consideration on this measure voted upon; that the hearings upon this particular bill are not sufficient to inform the Members. I was referred then to the hearings held in 1916 by the Committee on Interstate and Foreign Commerce, and I find that committee was made up as follows: William C. Adamson, of Georgia, chairman; Mr. Sims, Mr. Cullop, Mr. Doremus, Mr. O'Shaunessy, Mr. Stephens, Mr. Barkley, Mr. Rayburn, Mr. Montague, Mr. Decker, Mr. Coady, Mr. Carew, Mr. Dewalt on the then majority side; and on the then minority side, Mr. Esch, Mr. Hamilton, Mr. Parker, Mr. Sterling, Mr. Winslow, Mr. J. S. Parker, Mr. Sutherland, and Mr. Dillon, so that the membership present here to-day can see that that committee is almost entirely changed, a great number of the then majority having gone hence. There are 33 or 34 pages of that hearing in this bound volume devoted to this scheme developed in the War Department and has been kept alive by the everlasting hammering of the War Department officials who did not like it when the Attorney General rendered his decision contrary to their views. They have kept it up, and I defy any Member of this House, not a member of this Interstate and Foreign Commerce Committee, to read these hearings in 1916 and find out what they were all about. So much for the hearings. This year they have railroaded out this bill on short notice because the War Department wants it put over now at a time when, in the words of the distinguished gentleman from Tennessee [Mr. SIMS] himself, such bills as these were chicken feed. That is the way we get them, on short notice and with little information. Now I wonder——

Mr. SIMS. I beg the gentleman's pardon. It was the distinguished gentelman from Illinois [Mr. MANN] who referred to certain bills as chicken feed.

Mr. JOHNSON of Washington. The suggestion was made by the distinguished ex-Speaker of the House [Mr. CLARK] to the distinguished former chairman of this committee that when he, the gentleman from Tennessee, referred to them as chicken feed he should put it in parentheses as being ironical, and I think he should. Now, in reference to the contention, let me say, to make it clear, I am not a shipping man, nor do I have much knowledge of the lumber-shipping business—that the gross tonnage of a vessel includes its entire closed-in capacity; the net tonnage is, approximately, a vessel's capacity available for cargo and passengers. The gross tonnage is obtained by measuring the contents of the closed-in spaces above and below the upper deck and by dividing the contents thus obtained by 100, if in cubic feet, or by 2.83 if in cubic meters. The net tonnage is ascertained by deducting from the spaces included within the gross tonnage the spaces required for the crew, for the navigation of the ship, and for propelling power. A vessel ton, net or gross, is 100 cubic feet, or 2.83 cubic meters. A vessel's net tonnage is its earning capacity in units of 100 cubic feet or 2,83 cubic meters.

There you have it. Now, then, lumber is a bulky commodity. It is not possible for us in the Pacific Northwest to ship lumber through the Panama Canal in the hold to the capacity of that vessel, upon which we will pay the full capacity charges. Remember, the vessel with any cargo at all, even two sticks of cargo, pays the toll on its full tonnage capacity. When we load the vessel the best we can, say an 8,000-ton vessel, we can put, for instance, only 5,000 tons of railroad ties in the hold, bulky, cumbersome material. We are then forced to pay full rates on the full carrying capacity of that vessel. So we put some heavy lumber on the deck. Now comes this bill, and the committee and the War Department go out of their way to assault one particular industry in the far-away part of these United States; they come along and propose the law that because we have not been able to load our commodity to the capacity of the ship that we shall pay for what is on deck. But we have already paid. In other words, we will pay the full capacity charge plus what we had to put on the deck, and that will include ship timbers, bridge timbers, sometimes 4 feet through, 80 or 90 feet long, which are not conveniently put in the holds of small vessels.

Mr. BARKLEY. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. BARKLEY. Suppose there is no freight whatever put in the hold of the ship and it is all put out on the deck. What would the ship pay for going through the canal?

Mr. JOHNSON of Washington. They do not load ships in such a way.

Mr. BARKLEY. But suppose they did?

Mr. MADDEN. Suppose they build barges and do not have any hold?

Mr. JOHNSON of Washington. Oh, well, suppose it was a heavy raft of logs.

Mr. BARKLEY. Does not the gentleman know that they are now building ships that have practically no holds, but most of the cargo is put out on the open deck?

Mr. JOHNSON of Washington. Here is the Government, that got into the shipbuilding business, building wooden ships. They said they needed them, and said they were going to make them spot the oceans as thickly as blackbirds in the sky. So they ordered the Ferris type of ship. And as a result we have got right now the finest lot of neat little packet boats you ever saw, 400 of them, 70 years behind the times—pretty little 5,000-ton boats, with nice little hatchways in them, 7 or 8 feet square, for the purpose of going on the sea and doing a big business. It would be impossible to load a cargo of big timbers in one of them in two months.

Our western shipbuilders persuaded the Government that we could do a lot better, and finally the Government let us build a few of the Ballin type of ship, where there could be a little more deck space provided. We managed to build for the Government 17 or 18 of those ships. Then we persuaded the Government to let us build a few of the Grays Harbor type, which is more like the ship we have out in the coast carrying business to-day, and which they send through the canal. Our lumber carriers are ships low cut, with crew's quarters at each end and space on the deck for carrying heavy cargo.

Now, you take this space-measurement plan, and when we get a bulky cargo we are absolutely discriminated against, just as the gentleman from California [Mr. KAHN] said. You take one of those ships going east, and if it were loaded, say, with railroad iron on the deck, there would be a very trifling deck charge, because those 100 cubic feet spaces are not filled up very fast with that sort of commodity. They talk as if we might build some freak ships. Do you suppose that ships that come from the Pacific coast and pass through the canal to the ports of Norfolk and Boston and New York are going back without any cargo? On the contrary, they carry acceptable cargoes back and pay canal tolls both ways. I am just as satisfied as

can be that this thing has been built up and worked up by continual charges, such as some printed here, which I think are undignified and improper to be in a report of a committee of the House of Representatives. The Secretary of War sends up here a letter——

Mr. OSBORNE. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. OSBORNE. In reply to the question of the gentleman from Kentucky, whom I notice has just stepped out, as to the charging of tolls on the inside capacity of the ship, is it not a fact that under this arrangement they do pay tolls on capacity inside whether they have got anything or not, and then pay the extra tolls for deck load?

Mr. JOHNSON of Washington. Provided they started with a cargo toll.

Mr. OSBORNE. And then you pay extra for the space you actually use for cargo?

Mr. JOHNSON of Washington. Certainly. The Secretary of War sends up here on July 3 a letter advising the passage of this bill and inclosing a suggested copy of the bill. On July 12, one week later, the bill is reported out, and in the Secretary of War's letter is inclosed a copy of a letter from Gen. Harding, governor of the canal, in which he says:

> The matter has been covered heretofore in hearings before the congressional committees and by written communications that have formed parts of the records of the hearings. In the last Congress the bill reached the stage of having been favorably reported by the House Committee on Interstate and Foreign Commerce and of having been placed on the House Calendar—

That was in the Sixty-fifth Congress—

> In the Senate the Committee on Interoceanic Canals favorably reported the bill, but on account of the opposition of the lumber interests of the Pacific coast the bill was rereferred to the committee for further hearings and was never again reported.

I presume that under the rules of this House I am barred from discussing procedure in the other body, but I can reply to this letter of Gen. Harding, and say that that is not a fair statement of the case. This toll bill, which only got as far as the calendar in the last House, got out on the floor of the Senate and had to go back, because the letter and reports and statements as to measurements, such as have been referred to in the opening statements made here this afternoon, did not bear examination.

Now, you want to remember when you come to discuss the ships of the world, that these other great nations have been in the shipping business a long, long time, and they have driven the United States out until these little coastwisers are about all the ships we have. And they have in their measurements about every kind of device for beating the game that there is—shell decks, awning decks, and every other kind. I have not any doubt that the statement made to the effect that they get the best of it in going through the canal is correct. And I would be glad to see plans perfected by which they can be controlled, but at the same time I think, in doing that, this Congress, without further hearings and more complete knowledge or study, is going a long, long way against the American ship and American flag, and the lumber business of the Pacific Northwest, in putting on us a double price to go through that canal.

Gentleman, I reserve the balance of my time. [Applause.]

Mr. SANDERS of Indiana. Mr. Chairman, by direction of the gentleman from Wisconsin [Mr. ESCH] I yield 10 minutes to the gentleman from Tennessee [Mr. SIMS].

The CHAIRMAN. The gentleman from Tennessee is recognized for 10 minutes.

Mr. SIMS. Mr. Chairman, the people of the Northwest States—Oregon and Washington—have more lumber in the tree than any other 2 States in the United States, perhaps than any 10 States. They have a great lumber industry, and before the Panama Canal was built they either had to pay railroad rates to the East, if they sold lumber here, or they had to go around South America. They had to do it then, and they can do so now.

Now, if they pay for lumber loaded on the deck through the Panama Canal, will they not still have a great benefit in the canal? But, in effect, they do not want to pay any charge upon lumber going through the canal. They want to load it all on the deck, and therefore have it go absolutely free of toll. It will pay nothing with which to reimburse the taxpayers of the United States, who spent $400,000,000 that they might not have to go around Cape Horn. Does that look like a broad, patriotic, generous spirit? It is of great benefit to them to use the canal rather than to go around the Cape. They have the privilege now of going around if they want to do so, but it is to their commercial interest to use the canal. However, they want to use it free, because they can load on the deck practically all of their lumber.

Mr. CANNON. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. SIMS. Certainly.

Mr. CANNON. I do not know anything about the facts in the matter, not being a seaman. As I understood somebody to state here, the capacity to carry in that hold is charged for; that is, the capacity under the deck and the deck capacity also, for any ship that went through was charged for.

Mr. SIMS. That will have to be paid for.

Mr. CANNON. Whether it was loaded or not?

Mr. SIMS. Yes. That is absolutely true, Mr. Chairman. If they load lumber on top of the vessel and do not load any in the hold, or load anything else in the hold, they have to pay for that lumber what the space measured under the rules of the United States would amount to.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. JOHNSON of Washington. But no lumber-carrying vessel was ever loaded entirely on the deck, with nothing inside. No vessel could be loaded that way.

Mr. SIMS. But the gentleman will know that, so far as space in the hold of the vessel is concerned, that is measured either by the Panama Canal rules or the United States rules. It can be loaded with traffic other than lumber, and lumber can be loaded on top, and if enough such vessels are used the whole Oregon and Washington output of lumber can be transported absolutely free, because the traffic put in the hold would pay the toll, and it would not come out of the lumber at all.

Mr. JOHNSON of Washington. What cargo, for instance, from the Pacific coast could be shipped that way? Does the gentleman think that sugar from Hawaii could be shipped in combination with rough lumber?

Mr. SIMS. Something that could be loaded and carried in the hold while the lumber is placed on deck, and the tolls cost of transportation could be charged on the goods in the hold, while the lumber would go free. But the fact is that under the present rules lumber loaded on top of a vessel, or anything else loaded on top, would go absolutely free.

Now, is it fair to the taxpayers of the United States to have a profitable traffic go through the canal free—a traffic that is not limited to the canal, but which can go around the Horn by sailing or steam vessels—all the way around—and not pay anything?

Now, we are not even paying operating expenses on the canal; not paying them even if the Panama Canal rules are adopted. I ask gentlemen to look at this thing in a broad and generous way. The port charges and other charges made against vessels under United States rules are for a general service that applies to every port of the United States, and by courtesy we accept the measurements of other vessels in their country for like purposes. Now, the Panama Canal is a special tax-paid-for facility. The Isthmus was cut in two by the taxpayers and that special facility furnished. Therefore the rules for the Panama Canal may justly differ from the rules of port measurement for collection of port dues and all that sort of thing.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. SIMS. Yes.

Mr. JONES of Texas. Does the revenue from the Panama Canal pay the operating expenses?

Mr. SIMS. It does not, so far.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. REED of West Virginia. Do the Ohio River locks and dams charge tolls?

Mr. SIMS. No. Those are free.

Mr. REED of West Virginia. Is not the Panama Canal one of our great rivers in a sense?

Mr. SIMS. Our rivers do not charge foreign vessels if they use them.

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

Mr. SIMS. Yes.

Mr. FAIRFIELD. I will say that I asked Gov. Harding about that matter when I was down there, and he said the traffic would have to increase to three times what it is now in order that the canal might pay operating expenses.

Mr. SANDERS of Indiana. In that event the operating expenses would also include interest on the bonds?

Mr. SIMS. If he referred to interest, yes. But I am speaking of actual operating expenses.

Let me say reference was made several times to the act repealing the free-toll provision on American coastwise vessels. The point is this, that if we had that free-toll provision unre-

pealed, if the repealing provision had not been enacted, every American coastwise vessel would go through free. The bill ought to be changed as to foreign vessels if nothing else, because foreign vessels can do the very same sort of business that the Pacific coast gentlemen are doing now.

Mr. JOHNSON of Washington. Let us make the change this afternoon. Here are the exact words in which that bill was written. Think about it. We can fix this Panama Canal system of tolls, and all except coastwise can pay on the Panama measurement plan. Then we can put in the following provision, which must be the gentleman's own words used some years ago:

Provided, That from and after the passage of this act no tolls shall be levied upon vessels in the coastwise trade of the United States going through the Panama Canal, and all acts and parts of acts inconsistent herewith are hereby repealed.

Why not make that an American canal? Give the American cargo a chance. Let our coastwise vessels under our flag go through free.

Mr. SIMS. That is a very generous proposition, exceedingly so. But the world went to war because one nation regarded a treaty as a mere "scrap of paper." The gentleman knows that the Hay-Pauncefote treaty provided for equal and fair charges to all nations using the canal on the same basis.

Mr. JOHNSON of Washington. We can fix this whole thing up this afternoon.

Mr. SIMS. Here is what has been done: Under the ruling of the Attorney General applying the United States rules to the Panama Canal instead of the Panama Canal rules, which Congress made and against which no Republican or Democrat in this House voted, we have lost $2,797,260.26 since the operation of the canal began. A large portion of this sum was lost as to foreign vessels.

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

Mr. SIMS. Mr. Chairman, can I have three minutes more?

Mr. ESCH. Mr. Chairman, I yield to the gentleman two additional minutes.

The CHAIRMAN. The gentleman from Tennessee is recognized for two minutes more.

Mr. SIMS. We had better to-day appropriate out of the Treasury of the United States a bonus, a subsidy, on Oregon and Washington lumber for the extra amount they have to pay rather than not pass this bill, and let the foreigners use the canal the same way these gentlemen are using it, because on the Pacific coast ships are being built with practically no space except deck-load space for carrying full loads on deck, and foreigners can do the same thing. Pay what you have to pay on deck loads rather than fail to pass this bill, if that is what it takes to get the bill passed. I hope the bill will be passed. It is nothing but justice and right.

Mr. Chairman, I believe my time has about expired. I hope the bill will be passed. It is nothing but just and right. It is not a Republican measure or a Democratic measure. It is a measure of absolute justice, and nothing else, as against the foreigner and not alone against the people of the Northwest.

Mr. JONES of Texas. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. JONES of Texas. Would not the granting of a subsidy be practically the same as free tolls?

Mr. SIMS. Of course it would to that extent. I say it is better to do that than not to pass this bill.

The CHAIRMAN. The time now stands that the gentleman from Wisconsin [Mr. ESCH] has 16 minutes remaining, and the gentleman from Washington [Mr. JOHNSON] has 27 minutes remaining.

Mr. JOHNSON of Washington. I desire to yield 10 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER. Mr. Chairman and gentlemen of the committee, everyone, whether he be a Member of Congress or not, or has ever been in Congress, knows that the Panama Canal was not built as a commercial enterprise; that its commercial use is incidental; that it was built for the strategic purpose of bringing the two coasts together. But as long as it is built for its strategic value, throwing the two coasts together under the naval program, it is susceptible of use along commercial lines. The income, from a commercial point of view, was not even considered as a factor in its construction, and such income now should not be considered of primary importance.

Now, I submit this proposition to the House, that if two sister ships, built on exactly the same molds, costing the same number of dollars, and carrying the same number of tons, are loaded, one of them with paving brick or railroad iron going from Seattle to New York, and the other loaded with lumber going from Seattle to New York, the lumber ship would have to pay $1,000 more to go through the Panama Canal than the ship loaded with brick would have to pay. Gentlemen, is that fair or honest? Is it a form of commercial honesty that should receive the approval of Congress?

Of course, a system of tolls is proper, but the question of tolls is not the entire or governing question. The canal was built, as I have said, to throw the two coasts together in our plan of naval and military operations, but whatever system of commercial tolls we make for its use by commercial vessels let us not in these tolls discriminate as between vessels carrying various American commodities or between cargoes part of which is in the hold of the vessel and part on deck or all in the hold. The tonnage is the same in either event.

Mr. MONTAGUE. Will the gentleman allow me to ask him a question?

Mr. MILLER. I have but three minutes.

Mr. BROOKS of Pennsylvania. How are you going to frame the law so as to make that right?

Mr. MILLER. The same analogy would make it cost you more to take 2 tons of hay across a toll bridge than 2 tons of iron or brick, simply because of its bulk. Everybody who knows anything about shipping lumber knows that you can not load a ship to its capacity with lumber in its hold. Out in our country we have large-dimension lumber that can not be put into the hold of a ship at all. You can take a 3,000-ton ship, and you can not load it to its capacity in its hold if you load it with lumber, but you can if you load it with brick, or iron ore, or railroad iron. In order to load that ship to its capacity, according to the Lloyd measurements, we fill the hold of the vessel and then put part of that load upon the deck. When we put it upon the deck we are penalized for it in going through the Panama Canal. If anybody can show me why it should cost more to take a ton of hay across a bridge than it costs to take a ton of brick across that bridge, he will show me something that I have never heard before. That is what you are doing in the Panama Canal if you pass this bill.

We of the Pacific Northwest are lumber producers. Do you want to help us, gentlemen? If you do you will decrease the charges on lumber going through the Panama Canal and put us on the same basis as you put everything else. We make a great many paving bricks out there in my country and ship them all over the country. We ship them east to the Atlantic seaboard; and we have the anomalous condition that, taking two of our products, it will cost us far less to deliver 5,000 tons of brick through the Panama Canal than to deliver 5,000 tons of lumber through the Panama Canal. All we ask is a system of measurement by which, if a vessel is carrying 5,000 tons of American merchandise, whether it be brick or iron ore, whether it be lumber or hay, it shall go through the Panama Canal at the same rate and the same price. It costs no more to put a lumber ship through the Panama Canal than it costs to put a ship of equal tonnage laden with iron ore, so far as the mechanism of the canal is concerned. But because we put some of that lumber on the deck, because it is a bulky commodity and we can not get it in the hold of the vessel, they charge us a greater rate of tollage than if it was a heavy commodity that could be put in the hold of the ship.

Mr. WELLING. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. WELLING. Would you not be subject to exactly the same penalty in the increase of rates on your lumber, if you shipped it east by rail, as against a commodity that was more compact and heavier in its nature?

Mr. MILLER. We never ship any lumber by rail to the East. We only ship it as far as Missouri River points. Nobody ever ships any lumber from the Pacific coast to the eastern market by rail. The farthest it goes is to Missouri River points.

Mr. WELLING. The point I want to bring out is this, that the situation would be exactly the same if you did ship by rail as it now is if you shipped by water. The rate would be increased according to the bulk of the material you ship.

Mr. MILLER. When we do ship lumber by rail, we do not ship it in closed or box cars. We ship it on open cars, and pile it up in order to get as nearly as we can the capacity of the car. If we should ship it in closed or box cars, it would correspond with a vessel, and we could not ship lumber in box cars even as far as Kalispel, Mont. We ship it in open cars, corresponding to the deck load of the vessel. There is just simply that point, gentlemen, and it seems to me it is a good one. I know you gentlemen do not want to injure the lumber interests of the Pacific coast. We want to help you and we want your help; all we ask is that 5,000 tons of lumber shall go through the Panama Canal and not cost more than 5,000 tons of brick. You give us that kind of a law and we will be

all right. I will ask you if that is not fair between man and man and one coast and another.

Mr. DENISON. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. DENISON. Does the gentleman think that 5,000 tons of hay ought to be the same as 5,000 tons of lumber?

Mr. MILLER. Yes; if only one vessel is used.

Mr. DENISON. Five thousand tons of hay might take several vessels.

Mr. MILLER. Oh, no.

Mr. MONTAGUE. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. MONTAGUE. I understood the gentleman's question to be if he did not think that 5,000 tons of any commodity should pay the same?

Mr. MILLER. A vessel loaded with 5,000 tons; yes.

Mr. MONTAGUE. Five thousand tons of different commodities would bear the same rate?

Mr. MILLER. Yes.

Mr. MONTAGUE. Does the gentleman think that one commodity should bear a less rate than another commodity? Your contention is that lumber is paying a less rate. The bill bases the tonnage on the earning capacity of the ship irrespective of the commodity that constitutes the cargo.

Mr. MILLER. I would say that two ships of identical tonnage, sister ships, one loaded with iron ore or brick will go through the canal at $1,380 less than a ship with the same capacity loaded with lumber.

Mr. MONTAGUE. The shipload of lumber desires to go through at a less rate, as determined by existing law.

Mr. MILLER. Not a bit per ton. I can not follow that sort of argument.

Mr. JOHNSON of Washington. Mr. Chairman, I reserve the balance of my time.

Mr. ESCH. Mr. Chairman, I yield eight minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman, in the arguments made by Members from the Pacific coast they assert that this bill is aimed at the lumber interests of their States. They are taking a very narrow view of the situation. This bill is intended to provide for the canal tolls to apply to all vessels and all commodities alike, in order to correct a mistake that was made or grew out of the Panama Canal act. There is no one else who comes here and objects to the bill except the lumber interests of the Pacific coast, and so these gentlemen assume that the bill is aimed alone at them.

Mr. AYRES. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. AYRES. Is it not the contention of these gentlemen opposed to the bill that the bill provides a higher rate on lumber than any other commodity?

Mr. DENISON. No; I do not so understand it. What the Panama Canal rules would do is to treat all the vessels alike, to charge every vessel that goes through the canal on its net earning capacity, and make no difference as to what it is loaded with.

Here is what gentlemen from the Pacific coast are seeking: They want a preference on account of a particular commodity. They want a commodity preference. If they want to do that they can get it in other ways. In order to get a commodity preference for lumber they are willing for the canal to be run at a great financial loss and are willing for the same preference to go to a lot of other commodities than their own. All they want is a preference for the lumber business, and let me show you where the lumber interests are very shortsighted and quite selfish, as I view the question.

The records show that the first year or the first few months that the canal was open for traffic before the slides occurred the canal government collected tolls according to the Panama Canal rules of measurement before the decision of the Attorney General was made known. As a result of that decision the Government had to pay back or refund over $300,000 in tolls already collected. Since that time the total loss by reason of applying the United States measurement rules instead of the Panama Canal measurement rules amounts to $2,797,260. That is the total loss in tolls during the last two and a half years.

Now, what part of that loss in tolls has gone to the American port-to-port ships that these gentlemen from Washington are talking so much about? The pitiable sum of $145,288. That is their total part of that $2,797,000 that the Government has lost, or about 5 per cent. So that those interests who have saved 5 per cent of the total tolls lost by the Government are willing for the Government to lose a great amount of money in order that the owners of ships that carry lumber can save 5 per cent of the amount and let the rest of it go to the foreign shipowners. That is a selfish view, in my judgment.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. JOHNSON of Washington. That is a very nice point the gentleman makes. But here are the exact facts: We undertook to have hearings, so that we could make a showing for the exemption of the coastwise trade, so that we might have a chance to do business with the canal and not cost the Government 95 per cent. We wanted to be fair about the matter.

Mr. DENISON. If we should adopt the gentleman's amendment and exempt coastwise vessels entirely from the payment of tolls we would still lose the tolls that are being given now to foreign ships by reason of having to use the United States rules of measurement. It would not remedy the unfortunate situation at all, except that it would exempt the American coastwise shipping from all tolls. That question is not involved in this bill. We can not go back and thrash that out now. If we should adopt the gentleman's amendment we know the President would veto the bill, because we know the President's attitude. We can not go into that question now. What we are trying to do now is to provide uniform rules of measurement for the collection of such tolls as are collected at the canal.

Mr. JOHNSON of Washington. If he would not favor an amendment I have offered he would not favor an amendment exempting coastwise vessels, and we thought that they should be measured by the American measurement, the same as they are going through the Suez Canal.

Mr. DENISON. No; we ought to follow the Panama Canal rules of measurements for all vessels, American or foreign, so that there will be no discrimination against the vessels of any nation, and especially none against those of our own country, in the collection of tolls. Moreover, if we provide for applying the Panama Canal rules of measurement it will simplify the administration of the regulations and add materially to the Government's revenues. The present rules of measurement of vessels at Panama are now under the supervision of the Commissioner of Navigation, here in Washington, instead of being under the Panama Canal government. It ought not to be under his jurisdiction. It ought to be under the jurisdiction of the Panama Canal government.

Mr. JOHNSON of Washington. It says here that it must be determined by the Panama Canal rules.

Mr. DENISON. At Panama.

Mr. JOHNSON of Washington. "As they now exist or as they may be changed from time to time." Is that the way the gentleman——

Mr. DENISON. That is the Panama Canal act.

Mr. JOHNSON of Washington. This is in the proposed act: "As they now exist or as they may be changed from time to time." Who knows what kind of rules or rates they are going to give there?

Mr. DENISON. I will say that the Panama Canal act was passed by Congress long ago and has gone into history, giving the President the power——

Mr. JOHNSON of Washington. But in order to make the rule fit, in other words, when they found they could not square the $1.20 with $1.25 they have been three solid years trying to sneak this thing through.

Mr. DENISON. The Panama Canal act uses the words "net registered tonnage" in estimating tonnage for the purpose of determining tolls, whereas the Panama Canal rules do not use the words "net registered tonnage," but "net vessel tonnage," estimated from the actual earning capacity of the vessel. So the legal question arose as to what the words "net registered tonnage" as used in the Panama Canal act meant; and the Attorney General, in delivering his opinion, said that those terms meant "net registered tonnage" under the rules of measurement of the United States Government, and not "net vessel tonnage" under the Panama Canal rules of measurement. Well, that being true, it upset the whole system of collecting tolls at the Panama Canal, and this bill is intended to remove that error in the Panama Canal act, so as to make the Panama Canal rules of measurement apply instead of United States rules.

Mr. BARKLEY. Will the gentleman yield?

Mr. DENISON. I will.

Mr. BARKLEY. This bill simply carries out what the original intention was before the Attorney General's opinion was rendered.

Mr. DENISON. That is the whole thing in a nutshell. It simply carries out the intention of Congress in passing the original Panama Canal act. Now, every nation has its own rules of measurement. When a vessel is completed it is measured by the authorities of the Government under their own rules

of measurement and given a certificate of gross and net tonnage capacity. The tonnage is duly registered and the certificate of registered tonnage is usually carried with the ship's papers.

Some governments follow one rule of measurement and others follow other rules. Some exempt more cargo space from the net tonnage than do others. So that ships of exactly the same size and capacity belonging to different governments may have quite different net registered tonnage. And, in fact, American ships, measured under the United States rules, are allowed less exemptions of space than are those of England and other countries.

But by treaties or common agreements each nation accepts in its own ports the certificates of registered tonnage of the ships of other nations. So that so long as the United States rules of measurement are used at the Panama Canal the canal authorities have to accept the net registered tonnage of the vessels of all nations as found under their varying rules of measurement, and thereby the Panama Canal loses tolls on all goods that are shipped on open decks or other parts of the ships that, under the rules of the respective governments, are not included in the measurements of their ships' registered tonnage. As I have said, other governments are more liberal than the United States in exempting space from ship measurements. Therefore as long as the United States rules of measurement apply to the canal, American vessels will have to pay higher tolls than English or other foreign ships of exactly the same size and carrying the same cargo. This is a discrimination against our own ships and in favor of foreign ships that is unfair, besides depriving the Government of a large amount of tolls. If we pass this bill and apply the Panama Canal rules of measurement to all vessels transiting the canal, all vessels will receive the same treatment and pay tolls on their total actual earning capacity, and the Government will save over a million dollars a year in tolls.

The CHAIRMAN. The gentleman from Wisconsin has 8 minutes remaining and the gentleman from Washington has 17 minutes remaining.

Mr. ESCH. We have only one more speech.

Mr. JOHNSON of Washington. Mr. Chairman, I shall use but a few minutes. I am sorry it is not possible to bring before this House in one hour all the letters, papers, and appeals that have come from Army officials in the last three years in an effort to get this thing passed. I do not believe that this is a discrimination at all in favor of the Pacific coast northwest lumber shippers, the so-called discrimination that he gets now, if he gets any, by putting on the top of the deck that which he can not put in the space for which he pays the full rate, so that he will pay not only for the entire space, or net tonnage, in the hold of the ship, whether it was 2 sticks or 10,000 sticks, but for the other lumber on top of the deck. You will make it extremely hard for him to do business through the canal. The lumber business through the canal has been nothing like what people thought it would be. I think some lumber ships are still using the Tehuantepec Railroad instead of using the canal. They are building lumber-carrying vessels, and, as I said before, they are about the only kind of American coastwise ships which we have, which is a low, wooden ship practically without superstructure that stands the storms at sea. They load these ships, carry them down the Pacific coast, and put the cargo on the railroad and haul it across, and then the cargo is reloaded on another ship. The Panama Canal has not made the money that it was thought it was going to make. It was thought it was going to do a great thing for the coastwise trade. But what is it doing? Not much. Judge Adamson was down there a few years ago, and afterwards stated in the hearings that he saw 20 or 30 ships, all foreigners, equipped with every kind of deck-load-defeating device—tricks they learned in the Suez. At some point, or at the conclusion of this debate, I shall offer an amendment, which I am satisfied ought to go in this bill, to govern the tolls to be paid at the canal. I understand that is the object of the bill, and that being the case I can not see why we should not now, in the Committee of the Whole, in consideration of this bill from the Committee on Interstate and Foreign Commerce, place on it an amendment to the effect that there shall be no tolls on coastwise vessels. That will not interfere with the commerce of the world. It will not be a discrimination against the British ship or anything else, because the ship in the world's commerce will pay tolls through that canal. If that amendment does not prevail, we shall offer another in an effort to keep American ships flying the American flag going through that canal from a Pacific port to an Altantic port under American measurements, so that no matter what they carry from one port in the United States to another they shall not be discriminated against. Railroad iron and railroad ties can not be fairly treated in the same 100-cubic-feet measurement for each. I think that is as simple and as plain as can be. Speaking for the people of the north Pacific coast in the lumber industry—a great industry in the district I represent—I desire to resent these charges in some of these reports against that industry. It has been one of the big and important industries in the United States.

Now, Mr. Chairman, I yield such time as remains to me to the gentleman from California [Mr. OSBORNE].

The CHAIRMAN. The gentleman from California is recognized for 12 minutes.

Mr. OSBORNE. Mr. Chairman, considerable has been said here on the floor about the cost of running the Panama Canal and the inadequate revenues; that is, to pay expenses. I want to call the attention of the members of the committee to this fact: The canal was finished only a few years before the Great War, and with the commencement of the war the ships running through the canal and paying toll were very largely taken off. At my own port of Los Angeles there were several lines running, some around to New York, others to Europe, that were all taken off at about the same time. The American-Hawaiian Line was one of these; the German Hamburg-American Line had run some ships from there, and a large quantity of commerce was taken off the canal. That is one reason why the books show up as poorly as I know they do.

However, the canal was not built primarily, as has been stated here, as a money-making proposition. It was built to facilitate the trade of the world, and particularly that of America. In the first instance, it was proposed that the canal should be, so far as American coastwise trade is concerned, free of tolls, and, indeed, I think that was good policy. And I have as authority for that belief the opinion of one of the great men of this country, delivered at Washington Park, N. J., August 16, 1912. The great man to whom I refer was then governor of the State of New Jersey. He is to-day President of the United States. [Applause on the Democratic side.] With the permission of the House I will ask the Clerk to read a portion of the speech that he made on that occasion, showing his idea of the province of the Panama Canal, which fully agrees with my own.

The Clerk read as follows:

Gov. Wilson said, in part:

"Now, there is another matter you know—we are digging a tremendous ditch across the Isthmus of Panama. It is predicted by the engineers in charge of that colossal enterprise that we shall be able to open it to the ships of the world by the year 1915. What interest have you in opening it to the ships of the world? We do not own the ships of the world. By a very ingenious process, which I would not keep you standing in the hot sun long enough to outline, the legislation of the United States has destroyed the merchant marine of the United States. The chief road by which your crops travel to the Orient is through the Suez Canal. They do not go around by the Pacific. Most of your maps do not show you the short road to the Orient, because they are spread out flat.

"If you will get a globe and draw a circle around the globe you will see your short road is through the Suez Canal, not across the Pacific, and that the western farmer, therefore, has to ship his crops across the continent in order to reach the ships that are to take that road. And when his crops reach the port, do they find American ships waiting for them? Not at all. In most years not a single ship carrying the American flag goes through that canal carrying freight.

"Some ships carry the American flag through that canal, but they are mostly private yachts. A friend of mine who has just traveled around the world told me that he did not see the American flag once between New York and Hongkong, going by the way of the canal, until he reached the Island of Ceylon, and then saw the flag of Mr. James Gordon Bennett's yacht. If the shipowners of the nations carry your grain and cargoes they are going to carry them by routes and to markets which suit them, not the routes and the markets which are chosen by you.

"One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports, to allow all the farmers on what I may, standing here, call this part of the continent, to find an outlet at ports of the Gulf or the ports of the Atlantic seaboard, and then have coastwise steamers carry their products down around through the canal and up the Pacific coast or down the coast of South America.

"Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free toll for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

"The farmers of this country are, in my judgment, just as much concerned in the policy of the United States with regard to that canal as any other class of citizens of the United States. Probably they are more concerned than any other one class, and what I am most desirous to see is the farmers of the country coming forward as partners in the great national undertakings and take a wide national, nay, international, view of these great matters, feeling all the pulses of the world that beat in the great arteries of their own life and prosperity. Everything that is done in the interest of cheap transportation is done directly for the farmer as well as for other men. So that you ought not to grudge the millions poured out for the deepening and opening of old and new waterways. * * *

"Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

"They know the American people are now taking notice in a way in which they never took notice before, and gentlemen who talk one way and vote another are going to be retired to very quiet and private fetreat."

Mr. OSBORNE. Mr. Chairman, this statement in regard to the object of the Panama Canal is in the clear, concise, lucid language which the President is so capable of using. I agree with it entirely; and, for my own part, I hope to see this House, I hope to see the Congress, pass a bill in accordance with the sentiments expressed by the President with such characteristic clearness in this address. I shall vote for such a measure when it comes before the House, and I shall certainly vote against any proposition that continues these tolls on American products that are carried through an American waterway. I consider the Panama Canal precisely as an American river, on which there ought not to be any tolls charged to American shipping. I take it that that was the view of the President when he made that speech in 1912. Instead of relieving the coastwise trade that we are trying to build up we are, by this bill, putting new taxes on it, and especially on one of the principal products of the Pacific coast, namely, that of lumber. By this bill you are making a discriminating tax and toll. It is unworthy of this House; it is wrong; and, for my own part, I hope that the amendment about to be proposed by the gentleman from Washington [Mr. JOHNSON] to relieve American shipping from tolls through the Panama Canal will be adopted by this committee and by the House. [Applause.]

I yield the balance of my time to the gentleman from Michigan [Mr. FORDNEY].

The CHAIRMAN. The gentleman from Michigan [Mr. FORDNEY] is recognized for three minutes.

Mr. FORDNEY. Gentlemen, I have given but a little study to this bill, but during the administration of President Taft Congress passed a bill relieving all vessels in the coastwise trade from the payment of tolls through the Panama Canal. In the Democratic platform that our President was elected upon for his first term it declared for free tolls for American ships through the Panama Canal engaged in the coastwise trade. Later on the President came before the Congress and recommended the repeal of that act, but gave no reasons why he asked for its repeal. In fact, he used this language, in substance: "I can not tell you why I am asking for the repeal of this law; but if you do not grant to me this request, I will not know what to do."

What information should the President of the United States have on a subject of as much importance as that that the Congress of the United States should not have? It seems—or at least the information so went abroad—that there was some objection on the part of the Government of Great Britain, and that our President yielded to the request of that Government, claiming that it was a discrimination, according to the Hay-Pauncefote treaty, against English ships. No English ships engaged in the coastwise trade in this country, and neither did any other vessel under any other flag of the world, except the United States, up to the time we entered the European war. That trade was preserved by a law, enacted, I think, about 1814, reserving for vessels flying the flag of the United States all coastwise business, both freight and passenger.

The Government of the United States built the Panama Canal and paid for it with our money. The coastwise trade of this country is not in competition with any other ships of any other country in the world, and ought to be free to American vessels, and when this war is over we hope to go back to conditions that existed before the war and reinstate the coastwise laws that were then upon our statute books. Our ships engaged to-day in the coastwise trade ought to be free from tolls in going through the canal.

Mr. ESCH. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana [Mr. SANDERS].

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Indiana yields back two minutes. Does the gentleman from Wisconsin [Mr. ESCH] desire to use those two minutes?

Mr. ESCH. If the gentleman from Pennsylvania desires to use it, I will yield it to him.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for two minutes.

Mr. SANDERS of Indiana. Mr. Chairman and gentlemen, this bill proposes merely to cure what was an inadvertence when the Panama Canal act was passed. When that act was passed there was a provision to the effect that the tolls charged by the Panama Canal should not exceed $1.25 per net registered ton. The President of the United States was given authority to prescribe rule and regulations. He did so, and for a long period of time after the Panama Canal rules were put into effect the tolls were paid in accordance with those Panama Canal rules, and no complaint was made. Those rules were uniform and required the same sort of tolls to be paid by every ship that passed through the canal.

A question arose about carrying a cargo of lumber, and the matter was submitted to the Attorney General of the United States, and he decided that because of the peculiar language of the act the Panama Canal rules did not govern so far as this restriction was concerned with reference to $1.25 per net registered ton, but that the United States rules govern. From that time on we have used the United States rules, which are different from the Panama Canal rules. A peculiar thing about the United States rules is this, that certain foreign vessels are measured in accordance with the foreign standards under those rules, as stated by Gov. Harding:

It also discriminates against our own ships for the reason that according to the rules of the Commissioner of Navigation ships of certain nations are admitted to the United States registry on the same rules of measurement of net tonnage as obtain in their own country, and while these discriminations are insignificant for the usual purposes for which tonnage is measured, harbor fees and things of that character, when the differences are to be multiplied by $1.25 a ton, there is a considerable discrimination in dollars and cents in favor of such foreign vessels whenever they transit the canal. (Hearings, Sixty-fourth Congress, p. 1.)

The foreign countries take advantage of this situation and make rules governing such foreign shipments which are liberally in their favor. This is disclosed in the following colloquy:

The CHAIRMAN. Does each nation apply the same rules to a ship at home as abroad?

Col. HARDING. I understand they do not. The marine superintendent on the Isthmus; the former marine superintendent, Capt. Rodman, and his successor, Capt. Cone, both told me that certain rules of Great Britain, for example, which are applicable to foreign ports are not applicable to home ports.

The CHAIRMAN. Do they make a larger result in measurement at home than abroad?

Col. HARDING. They do; yes, sir.

The CHAIRMAN. And a larger charge?

Col. HARDING. And a larger charge.

(Hearings, Sixty-fourth Congress, p. 5.)

Hence when the English ships pass through the Panama Canal, although they are measured under what are known as United States rules, as a part of these rules those English ships pass through in accordance with the English rule, and this is the result: American ships, of course, go under the standard American rule, but a British ship pays $1,462 less tolls than an American ship of the same size, when under the Panama Canal rule she would have paid $24 more, thus making a discrimination in favor of the foreign ship of $1,486 on a single passage. In another instance, taking an American and a like British ship of the same size, we find a discrimination in favor of the British ship of $2,878. Again, in the case of an American ship and a like Norwegian ship, there is a discrimination in favor of the foreign ship of $1,063. Thus the effect of these rules is to give a discrimination in favor of foreign ships.

It was never intended by this Congress that it should be done, and this question whether it will incidentally affect the shipment of lumber from the Pacific coast is a mere trifling incident compared with the great proposition as to whether we are going to have a uniform standard rule for the measurement of the tonnage of these ships. This is the question that is presented to you. If we pass this law to-day there is nothing in the world to prevent—if there is some special reason on account of the peculiar construction of the ships and the length of lumber, why, there should be some distinction made—there is nothing to prevent these gentlemen who ship lumber from appearing and getting the rules changed, because this law does not prevent it. This merely establishes a standard rule for all shipping, so that when they undertake to make the measurements they will have one standard and the foreign ships will not have an advantage over the American ships.

Mr. DEWALT. Mr. Chairman, I only desire, in the few minutes I have, to try to show the unreasonableness of the position taken by the gentlemen from Oregon and Washington in regard to the lumber industry. I am willing to grant for purposes of the argument, although I do not grant it as a fact, that they have reason for complaint, and that they are in their view discriminated against by reason of this deck-load charge. But I ask this committee, and I ask the gentlemen from Oregon and Washington who make this complaint, even if it be true, which is the larger problem for this committee to consider? Is the discrimination against them, which in dollars and cents, according to the figures in the last year, amounted to only $145,000, greater than the discrimination against all the shipping of the United States which must pass through the Panama Canal from the Atlantic to the Pacific Ocean? In other words, which is the larger problem we have to deal with, the preservation of the rights of the shipping of the United States under the American flag which passes through the Panama Canal, or

the right of this one particular industry, which, admittedly, according to their statement, is discriminated against in the pitiable sum of $145,000 in regard to tolls during the year, whereas the loss to the Government amounts to $2,797,260 in the last few years?

Therefore you have this great problem presented to you: Admitting, for the sake of the argument, that there be something in the argument of the gentlemen from the Western States in regard to the lumber industry, are you to consider their complaint and legislate for that industry alone, or will you legislate for the entire commerce of the United States and the vessels that sail through the Panama Canal? [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That in measuring vessels and determining the tolls to be paid thereon at the Panama Canal the measurement shall be made and tonnage determined in all cases by the Panama Canal rules as they now exist or as they may be changed from time to time, and the tonnage arrived at by those rules shall be the tonnage to which shall be applied the rate fixed by the President for the purpose of determining the tolls to be collected, and shall be the tonnage to which shall be applied the maximum and minimum rates now fixed by law or hereafter to be fixed for the purpose of determining the maximum and minimum tolls which may be charged.

Mr. JOHNSON of Washington. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 1, line 13, insert the following:

"*Provided*, That from and after the date of approval of this act no tolls shall be levied upon vessels engaged in the coastwise trade of the United States for the use of the Panama Canal, and all acts or parts of acts inconsistent herewith are hereby repealed."

Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order that the amendment is not germane to the bill.

The CHAIRMAN. Does the gentleman make it or reserve it?

Mr. SANDERS of Indiana. I make it.

Mr. JOHNSON of Washington. Mr. Chairman, I would like to be heard on that. What is the gentleman's point of order?

The CHAIRMAN. Will the gentleman from Indiana please give the Chair the benefit of his views on the point of order?

Mr. SANDERS of Indiana. Mr. Chairman, this bill is very short, and reads as follows:

Be it enacted, etc., That in measuring vessels and determining the tolls to be paid thereon at the Panama Canal the measurement shall be made and tonnage determined in all cases by the Panama Canal rules as they now exist or as they may be changed from time to time, and the tonnage arrived at by those rules shall be the tonnage to which shall be applied the rate fixed by the President for the purpose of determining the tolls to be collected, and shall be the tonnage to which shall be applied the maximum and minimum rates now fixed by law or hereafter to be fixed for the purpose of determining the maximum and minimum tolls which may be charged.

SEC. 2. That all laws and parts of laws, rules, and regulations in conflict with this act be, and the same are hereby, repealed.

It will thus be seen, Mr. Chairman, that this act deals with one single, solitary thing, and that is the restoration of the Panama Canal rules in the measurement of the tonnage of vessels. It deals with that subject, and that alone. There is nothing in it that provides for tolls. There is nothing in it on the subject of tolls. The only subject matter dealt with is the subject of the measurement of the tonnage of vessels.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Washington?

Mr. SANDERS of Indiana. Yes.

Mr. JOHNSON of Washington. What does the gentleman say as to this title, "A bill governing the tolls to be paid at the Panama Canal"? And every few lines "tolls" are mentioned, and the concluding line, "of determining the maximum and minimum tolls." What can it amount to? It is all about tolls.

Mr. SANDERS of Indiana. Of course, the title does not, under the rules, enter into the question, and the use of the word "tolls" in the bill at all is incidental. This bill relates to the standard measurement of ships, and nothing else. Of course, if the gentleman were correct in his suggestion that it does relate to the payment of tolls and fixes the payment of tolls—which it does not—even then an amendment would not be proper in Committee of the Whole which proposes to relieve it entirely from tolls. That would be clear under the decision which was recently had when we had the Bureau of War Risk Insurance case before us.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. WOOD of Indiana. What is the purpose of this bill?

Mr. SANDERS of Indiana. The purpose of this bill is to provide that in measuring ships at the Panama Canal——

Mr. JOHNSON of Washington. And what else? "And in determining the tolls." How can you get away from that?

Mr. SANDERS of Indiana. That in measuring ships at the Panama Canal the Panama Canal rules shall be used.

Mr. WOOD of Indiana. Unfortunately the language of the bill does not sustain the proposition of the gentleman. To my mind, it declares the purpose of the bill. It says that all of this machinery is for the purpose of determining the tolls to be collected.

Mr. SANDERS of Indiana. Certainly.

Mr. WOOD of Indiana. It is for the purpose of determining the tolls to be collected.

Mr. SANDERS of Indiana. The bill is not enacted for determining the tolls, but it is for the measurement of the ships.

Mr. JOHNSON of Washington. Yes; but what does line 3 say?—

That in measuring vessels and determining the tolls to be paid thereon.

Mr. WOOD of Indiana. It is for the purpose of determining the tolls to be collected.

Mr. BARKLEY. But not the rate of tolls.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Kentucky?

Mr. SANDERS of Indiana. Yes.

Mr. BARKLEY. I was just spontaneously replying to the gentleman's suggestion that this bill does not attempt to regulate the rate of tolls at all; but in determining the aggregate amount of tolls to be paid the question of measurement is all that is considered in this bill, and the rate is not authorized or fixed at any rate of toll, but only in arriving at the aggregate of tolls the measurement is fixed.

Mr. MONTAGUE. May I suggest that the language alluded to is the language of the existing law, and changes no law at all.

Mr. WOOD of Indiana. But is it not a fact that this bill is amendatory of existing law?

Mr. SANDERS of Indiana. Of course it changes existing law to some extent, but it is not the amendment of any specific section of the law. It is a separate and independent act, specifically providing that the Panama Canal rules shall be the standard for measuring the tonnage of ships.

Mr. WOOD of Indiana. It is amendatory of the act which does fix the tolls.

Mr. SANDERS of Indiana. Of course, indirectly.

Mr. WOOD of Indiana. Being amendatory of the act which does fix the tolls, any provision which does fix the tolls would be germane.

Mr. SANDERS of Indiana. The gentleman is in error. The gentleman must be familiar with the rule that even if it were an amendment of a specific section or an amendment of a specific part of a section you could not bring in other sections. It comes clearly within the rule that when there is one definite subject matter you can not bring in another entirely foreign subject matter.

But I want to make my point clear that I was undertaking to make when the gentleman from Indiana asked the question. Assuming that this law dealt with the question of collecting tolls, it is clear under all the precedents of the House and all the rulings of the chairmen of Committees of the Whole that an amendment proposing that there should be no charge would not be germane. That was held recently when the question came up in the consideration of a bill from this committee, and the chairman of the Committee of the Whole, the gentleman from Connecticut [Mr. TILSON] rendered the decision.

Mr. CLEARY. It is to determine the tonnage and not the tolls.

Mr. SANDERS of Indiana. Yes; that is more correct. It is to determine the tonnage and not the tolls.

The CHAIRMAN. The gentleman from Indiana [Mr. SANDERS] still has the floor.

Mr. SANDERS of Indiana. If gentlemen will pardon me just a moment, then I will yield. In the case to which I refer the gentleman from Connecticut [Mr. TILSON], who was in the chair, made this statement:

What is the subject of the proposed amendment?

It was an amendment proposing to give free insurance for two years—

"The term insurance in force shall be continued in force for two years without the payment of premiums." The object of this amendment, when stripped of all verbiage and reduced to its last analysis, is to give to the insured two years' free insurance.

In other words, the present law, as well as the bill under consideration, provides for insurance upon the payment of premiums, while the McCullough-Dowell amendment provides for insurance without the payment of premiums. Surely such a radical change of the policy of the Government presents a different subject within the inhibition of the rule.

In Hinds' Precedents (sec. 5877) is cited a case in point——

The CHAIRMAN. Will the gentleman give that reference again?

Mr. SANDERS of Indiana. Hinds' Precedents, Volume V, section 5877:

"To a bill relating to the sale of the public lands an amendment proposing to give them to settlers was held not to be germane."

Clearly the two propositions are related, but "two subjects are not necessarily germane because they are related."

The following have been held not to be germane (Hinds' Precedents, sec. 5882):

"To a proposition relating to the terms of Senators, an amendment changing the manner of their election; to a general tariff bill, an amendment providing for the creation of a tariff board."

And then numerous other instances were cited by the chairman, Mr. TILSON, who held that the amendment proposing to give two years' insurance free was not germane to certain sections of the bill then under consideration, which fixed the amount of premium to be paid. Here it is the same thing, assuming, as the gentleman suggests, that this deals with the payment of tolls. It is proposed to offer an amendment which would absolutely let the ships pass through without paying any tolls, which is precisely in line with the precedents cited.

The CHAIRMAN. Has the gentleman from Indiana concluded his argument?

Mr. SANDERS of Indiana. No; Mr. Chairman, there is just one thing more. A very similar question arose on June 19 of this year in the House, and the present Speaker, in discussing the same rule, said:

The rule on germaneness is very simple. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Later on in the discussion he said:

But the question here is broader than that. The question here is, When an amendment orders the Secretary to build a hospital, is it germane to that to repeal the whole law under which the Secretary previously had the power to build that hospital and others?

And the Chair held that it was not germane.

In other words, merely because this proposed bill in dealing with the question of the standard incidentally refers to tolls, does not permit any amendment that might be thought of relative to the question of tolls. I think it is clearly not germane.

Mr. SUMMERS of Washington. Mr. Chairman, I want to know if this is not all predicated upon the collection of tolls, if that is not the underlying object of this bill, if it is not meant to change the amount of tolls to be collected?

Mr. SANDERS of Indiana. No.

Mr. SUMMERS of Washington. If it is not, then what is the object of this bill? What does anybody care about the measurement of any vessel passing through the Panama Canal, if it does not concern tolls?

Mr. FOCHT. Absolutely.

Mr. SANDERS of Indiana. This bill merely establishes a uniform standard of measurement for determining tonnage.

Mr. SUMMERS of Washington. Upon which to collect tolls, and that is the thing we are concerned with. We are not concerned with the tonnage of vessels except as it pertains to tolls; we would not be debating this bill to-day on account of the measurements if upon that was not based the collection of tolls and the amount of tolls. And so it seems to me that whether we collect high tolls or low tolls or no tolls at all, it is wholly germane.

Mr. SANDERS of Indiana. There is nothing in this bill relative to the amount of tolls, and the only thing that the bill deals with is the single question of a standard for the measurement of tonnage.

Mr. TOWNER. Mr. Chairman, I am very strongly in favor of free tolls for American coastwise shipping. I would gladly vote for this amendment if it were germane. But I think this case illustrates the great wisdom of the rule we have established in the House that no question that is not germane to the bill, or the item, or the paragraph under consideration, shall be considered by the House. The House has not met here to-day to discuss the question of free tolls for American shipping. Neither is the question involved in this bill.

This bill is exclusively a bill to determine the standard of tonnage for American vessels. Because it says upon that shall be based the rate of tolls has not anything to do with the fixing of tolls, because we are not establishing the tolls but the basis upon which they may be established. It is not germane to establish tolls upon a proposition to establish a basis for tolls. The two questions are entirely distinct from each other. It could not possibly be made germane to the proposition. Because upon the tonnage the tolls are fixed is no reason why we have a right to fix the rates of tolls in this bill.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. SUMMERS of Washington. What will the gentleman say in regard to the title, which says that this is a bill to govern tolls to be paid through the Panama Canal. It does not say anything about tonnage or measurements.

Mr. TOWNER. The title is entirely misleading. It is not a correct statement of the contents of the bill, and the title ought to be amended. If the gentleman will follow the language, he will see how that is true:

That in measuring vessels and determining the tolls to be paid thereon at the Panama Canal the measurement shall be made and tonnage determined in all cases by the Panama Canal rules as they now exist or as they may be changed from time to time.

There is nothing here with regard to fixing the rate of tolls. Gentlemen should be able to make the discrimination, and I have no doubt they will make it, between the basis for tolls and the fixing of tolls, especially in a case of this kind.

I do not like to take the time to go over the matter, but we all understand there are different methods of fixing tonnage—one by the weight method and another by measurement and another by a different measurement—all these are methods of determining the tonnage of vessels and upon some of these methods of fixing tonnage tolls may be fixed. This bill says that there shall be only one standard for the measurement of the tonnage of vessels upon which rates are to be fixed. Gentlemen should distinguish between the fixing of tonnage and fixing the rate of tolls, and that is the reason that there is no germaneness in the amendment offered.

Mr. MONTAGUE. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. MONTAGUE. I wish to ask the gentleman to consider this analogy: Suppose that this committee had brought in a bill providing that there should be no tolls at all. What relevancy would there be in an amendment on the subject of measurements?

Mr. TOWNER. That is what the amendment proposes—that on such vessels there should be no rate of tolls.

Mr. MONTAGUE. I think perhaps the gentleman did not understand my suggestion. I was trying to reinforce the gentleman's argument. If the committee had dealt with the subject matter of charging tolls and a bill had been brought in to abolish tolls, then an amendment prescribing the rate by which tolls should be fixed would be totally irrelevant? The converse likewise demonstrates the gentleman's contention.

Mr. TOWNER. I think the gentleman is very well justified in making that analogy.

Mr. HULINGS. Mr. Chairman, I would like to call the attention of the gentleman to a possible amendment that would not be subject to the objection that is made in this case.

Mr. TOWNER. I do not want to discuss any possible amendment.

The CHAIRMAN. The Chair is ready to rule.

Mr. HULINGS. Mr. Chairman, I desire to speak against the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HULINGS. On line 5, after the word "cases," where it says "measurement shall be made of the tonnage and the tonnage determined in all cases"—suppose you amend by saying "except in the case of vessels engaged in the coastwise traffic." It seems to me that that would relieve it from the objection that is made, and it certainly would be germane.

Mr. BARKLEY. Will the gentleman yield for a suggestion?

Mr. HULINGS. Yes.

Mr. BARKLEY. The result would be that on all vessels except coastwise vessels the Panama Canal rules would apply, and on coastwise vessels the rules now in force would apply.

Mr. HULINGS. No; in such case there would be no measurement whatever.

Mr. BARKLEY. Yes; there would.

Mr. HULINGS. Not at all, by my amendment.

Mr. BARKLEY. There would be measurements according to the rules now in existence.

Mr. HULINGS. In all cases except the coastwise trade.

The CHAIRMAN. The Chair will state that this may be very interesting, but we are discussing a particular amendment now offered and not an amendment which might be offered.

Mr. HULINGS. The point I make is that my amendment would be germane and would have the effect of reducing the tolls on vessels in the coastwise trade, and therefore by analogy the amendment of the gentleman from Washington is germane.

The CHAIRMAN. The Chair is ready to rule. The Chair, in deciding points of order, is called upon to express neither his opinion upon the merits of the legislation proposed nor his sympathy with or his feeling against the measure advocated.

There have been several arguments advanced in relation to the point of order under consideration, and while the Chair, after consulting precedents, feels that there are several counts on which the point of order can be sustained will consider only one, that of germaneness. The matter of germaneness, of course, is one that is filled at times with some uncertainty. There are frequently twilight zones, but in this case the matter seems clearly defined. There is one point the Chair wants to speak about, however, before considering the main question. It was advanced by the gentleman from Washington [Mr. JOHNSON] with reference to the title to this bill. In the opinion of the Chair the title has comparatively little to do with the body of the bill in this case. In Hinds' Precedents, volume 5, page 411, that point is very thoroughly brought out. The Chair will read that part of the decision which pertains to the title of a bill. It states that the title itself does not affect the essence of the bill. Regarding the interpretation of the title, Speaker Henderson said:

> The question as to whether these sections are germane can not be determined by the title alone, as has been suggested, because an act amending an act will always describe the title amended, although it may only touch one feature or part of the law; but the whole resolution has to be considered and the amendments to the resolution. If this was not clear, possibly the title would be brought into consideration.

Now, as to germaneness: It seems to the Chair that this is a matter of whether or not this particular amendment is properly related to the bill itself. The bill provides certain rules for the measurement of vessels using the Panama Canal, but it does not provide for the payment of tolls. It merely establishes a standard of measurement for ships going through and does not prescribe the amount of money which shall be paid by the ships themselves. From rule 16, paragraph 7, it is very clear, "That no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment." Therefore it seems to the Chair that the two subjects, the subject matter of the bill and the subject matter of the amendment, are not related and the Chair sustains the point of order.

Mr. HADLEY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. HADLEY: Page 1, line 13, after the word "charged," insert "*Provided*, That in determining the measurement of vessels engaged in the coastwise trade of the United States and the tolls to be paid by them the present United States rules of measurement shall apply and govern."

Mr. HADLEY. Mr. Chairman, this amendment meets every objection which has been made, so far as the point of order is concerned, although I need not discuss that, no point having been made against it. It also meets a number of objections which have been made in argument against the prevailing system of measurement. It takes care of the contention that we are discriminating against ourselves in the case of foreign vessels, since under the operation of this amendment foreign vessels would pay in accordance with the new system provided in this bill. Under the operation of the amendment vessels engaged in the coastwise trade of the United States would pay on the basis of the measurement in accordance with the United States rules, being the rules which now govern in the case of deck loads. It would prevent the discrimination against deck loads. It would not contravene any system of tonnage measurement now in force against those commodities or cargoes carried under deck, and it would coordinate all of the objections and remove all discriminations which have been complained of on both sides of the question here to-day. This is no time to increase the burdens now borne by American commerce and American shippers. It may be very well to speak of referring this matter to departmental sources to determine the question of an appropriate rule to govern in the case. That suggestion was made by the gentleman from Pennsylvania [Mr. DEWALT]. But it is my view that the Congress should determine the policy which should control in a matter of this magnitude and importance, and that that should not be delegated as a departmental function to departmental sources to determine the appropriate rules to be applied to a case of this magnitude. The question which is presented by this agreement, tersely stated, is this: Whether the Congress will favor our own American shipping and our own American shippers engaged in the coastwise trade of the United States to the extent of relieving at least the deckload from an additional imposition which is not charged in the case of any other cargo. You may say that this is a matter of earning capacity, and you should charge according to the earning capacity. But in the last analysis there is no question but the fact remains that in the case of lumber the charge is an additional burden upon the commodity, and it is just as great a charge upon southern pine going westward through the Panama Canal to carry a cargo to western South America as it is upon a cargo coming from the Northwest eastward, carrying a cargo to the Atlantic coast. No vessel carrying a cargo of lumber through the canal to the South American coast can escape the imposition of a greater burden than the same vessel, both vessels loaded to capacity, returning with ore from South America. I submit to you, gentlemen, who are interested in the carrying trade, the South American trade of the western coast, that you are alike interested with those of us in the Northwest and on the Pacific coast in shipping to the eastern coast through the canal, and under the operation of this amendment, if we have any faith in our position we have always stood for in favor of American shipping engaged in the coastwise trade, this amendment ought to prevail. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. Mr. Chairman, as I gather from a hasty reading of the amendment, it seeks to give to the coastwise traffic of the United States the benefit of the United States rules of measurement and eliminates the Panama Canal rules of measurement as to such coastwise traffic. To my mind that would create a discrimination in the application of tolls which would be just as violative of the Hay-Pauncefote treaty as was the provision which we took out of the original Panama Canal act, allowing free tollage for our coastwise ships. It does not seem to me that the amendment offered by the gentleman from Washington will relieve the situation. It would still create a discrimination which the bill we are standing for now would obviate.

Mr. BARKLEY. Mr. Chairman, I desire to speak in opposition to the amendment. It strikes me that the amendment certainly ought not to be adopted. The object of this bill is to create a uniform standard of measurement for all ships that come through the canal.

The fight is being made by the gentleman from Washington to secure an exemption from the operation of these standard rules in so far as they apply to the shipment of lumber, but in order to secure that discrimination in his behalf he offers an amendment applicable to all coastwise trade without regard to its character or the kind of boats that go through the canal. If his amendment is adopted, his discrimination becomes more extensive than that which we are seeking to correct by the bill under consideration now. We might take two ships of the same type and tonnage, leaving New York Harbor at a given time, both loaded with the same cargo, but one of them destined for San Francisco and the other destined for the western coast of South America, and one of them—the one going to San Francisco—would be entitled to measurements according to the United States rules of measurement, but the other cargo, going from the same port, by an American ship, would be compelled to undergo the measurements in operation under the Panama Canal rules. And there is the discrimination in behalf of one American shipment as against another, the same cargo, the same ship, and the same service.

Mr. JOHNSON of Washington. Will the gentleman yield? Is there anything wrong with that?

Mr. BARKLEY. Certainly there is something wrong with it. We corrected that discrimination when we, as the gentleman from Wisconsin [Mr. ESCH] has suggested, repealed that part of the original act giving free tolls to the coastwise trade. The object in this amendment is not to give free tolls to coastwise trade, but to give coastwise vessels the benefit of a measurement which permits them to pay smaller tolls than other American ships destined to other ports.

Mr. JOHNSON of Washington. That is designed to prevent overcharging of tolls on deck-load business in coastwise ships.

Mr. BARKLEY. It is not designed to prevent the overcharge for deck loads. It is designed to prevent the payment of tolls on deck loads, notwithstanding the hold of the ship as measured by capacity is entirely loaded and pays its own proportion of the freight. The object of the amendment is to prevent paying any tolls for shipment of lumber or other commodities out on deck and not covered by permanent shelter. It seems to me that if this amendment is adopted it not only does not remove the discrimination we are seeking to eliminate, but doubles it.

Mr. FORDNEY. Mr. Chairman, in the illustration the gentleman has just given of two ships going from New York Harbor through the Panama Canal, one destined to San Francisco or Pacific ports in the United States and the other to South America, there is no discrimination so far as the Hay-Pauncefote treaty is concerned in such an arrangement, for the reason that no ship under a foreign flag can carry goods from New York to San Francisco, while all the ships in the world can engage in trade from New York to South America.

Mr. BARKLEY. Will the gentleman yield?

Mr. FORDNEY. Yes, sir.

Mr. BARKLEY. My illustration was based upon the assumption that both these ships were American ships flying the American flag, one of them destined for San Francisco and the other destined for South America, both of the same character and with the same kind of cargo.

Mr. FORDNEY. That is exactly what I am talking about. One is engaged in the foreign trade and the other is not.

Mr. BARKLEY. And both carry American products.

Mr. FORDNEY. The ship engaged in foreign trade does come in competition with foreign ships, but the ship engaged in domestic trade does not come in competition with foreign ships.

Mr. BARKLEY. It has a monopoly.

Mr. FORDNEY. Monopoly? What are you talking about? Does this amendment violate our treaty? Unless our ships are engaged in competition with foreign ships, there is no discrimination, is there?

Mr. BARKLEY. Let me answer that.

Mr. FORDNEY. Yes; answer it. I do not think you can.

Mr. BARKLEY. I will make a very desperate effort.

Mr. FORDNEY. Well, try it.

Mr. BARKLEY. The fact that one is in domestic trade and the other in foreign trade does not change the character or ownership. Both of them belong to Americans.

Mr. FORDNEY. You are talking about the treaty between this country and foreign countries and violations of the same.

Mr. BARKLEY. My opposition to this amendment is not based upon the treaty but upon the fact that the coastwise trade already has a monopoly. I never mentioned the treaty at all.

Mr. FORDNEY. It was your argument that it was a discrimination, because both are American ships, one engaged in the foreign trade and the other in domestic trade. I say, my good friend, there is no discrimination. If we do give free tolls to an American ship engaged in the coastwise trade, we are not discriminating so long as we charge the same rate of tolls in the American Panama Canal on an American ship engaged in foreign shipping that is charged to a ship under any other flag when engaged in foreign trade.

Mr. BARKLEY. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. BARKLEY. In the first place, I want to say that I did not mention the Hay-Pauncefote treaty and did not base my argument upon it.

Mr. FORDNEY. The gentleman is talking about discrimination.

Mr. BARKLEY. Does not the gentleman think the fact that the coastwise-trade vessel has a monopoly and can not have the competition that foreign vessels have——

Mr. FORDNEY. A monopoly? It was intended to give a monopoly to our own ships when Congress passed the law reserving coastwise trade to American ships. What other construction can you put upon that act than that it was intended for a monopoly for American ships? Foreign ships have and will again drive American ships from the seas, because they can operate their ships cheaper than we can operate ours. I want our coastwise trade reserved for American ships. You are sent here to Congress, and so am I, to legislate for our own people first of all, sir, before we legislate for foreigners. [Applause.]

Mr. BARKLEY. Does not the gentleman think——

Mr. FORDNEY. The Republican Party is not at all alarmed but that in the next general election we can elect one President of the United States, but we do doubt that we can elect two, one for the United States and the other for Europe and the rest of the world.

Mr. BARKLEY. Would the gentleman permit——

Mr. FORDNEY. That is what you are trying to follow right now, the suggestion of our President that we dictate to the whole world.

Mr. BARKLEY. If the gentleman is not alarmed at the present Republican prospects, he is hard to alarm. Does not the gentleman think that the fact that these ships do have a monopoly is a sufficient discrimination without permitting them to have their vessels measured according to a standard that gives them less tonnage?

Mr. FORDNEY. No. I am a protectionist and you are a free trader.

Mr. BARKLEY. Oh, no. That has nothing to do with the measure, anyway.

Mr. FORDNEY. There is as much difference between your opinion and mine as between night and day.

Mr. BARKLEY. I am very proud of that difference.

Mr. FORDNEY. So am I.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. FORDNEY] has expired.

Mr. SIMS. Mr. Chairman, the gentleman from Wisconsin [Mr. ESCH] referred to that which ought to settle this matter beyond any question whatever. The provisions of the Hay-Pauncefote treaty and of the Clayton-Bulwer treaty both cover this question, and there is no difference in the treaty provisions between giving them entire free tolls in the coastwise trade and giving any other discriminating favor, because these treaties both refer to full equality in charges and everything else. They provide that they shall be equal and alike, and just to all nations using the canal.

Now, you say that we are to have a measurement which gives in part free tolls to the American vessels in coastwise trade, a provision which would not apply to vessels of other countries, and that is, as a matter of course, a violation of the letter and spirit of the treaties.

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

Mr. SIMS. No; not now. I will yield in a minute. Canada and the British possessions have territory on both the Pacific and the Atlantic Oceans, and they have a coastwise trade on both coasts, provided they can pass through the canal from one of their possessions to another.

Mr. JOHNSON of Washington. They have a coastwise trade on our coast.

Mr. SIMS. Oh, well, we do not cling to our own coast at all. If we did we could not get to the canal. We go through the waters of several foreign countries before we reach the canal.

Now, that is absolutely a discrimination against the people of Canada and the other British Provinces, because they would have to have one form of measurement on lumber, and Oregon and Washington another form, which discriminates in favor of the American shipper and is in violation of the treaty.

Mr. JOHNSON of Washington. And the gentleman knows that the British Columbian shippers use it now for all it is worth. For example, take two ships and start them from Galveston, one going to San Francisco and the other going to New York, and then put on the new measurements, and tell where your ships get off. One is discriminated against as surely as can be.

Mr. SIMS. It is a discrimination, as the gentleman from Wisconsin [Mr. ESCH] has said. If you want to beat the bill, vote against it. Do not bring in something that may seem to be popular, but which will prevent the passage of the bill. That is what this amendment is intended to do.

Mr. TINCHER. Mr. Chairman, will the gentleman yield now?

Mr. SIMS. Yes.

Mr. TINCHER. The gentleman has spoken of several treaties. Under the league of nations will the United States be allowed to use the Panama Canal at all? [Laughter on the Republican side.]

Mr. SIMS. The gentleman from Kansas is a very able man, and I envy him his mental powers, but his question would justify an inquiry as to his mental condition. But we fat men have an unwritten treaty between us which permits us to have all the fun with each other that we can. [Laughter.]

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

Mr. SIMS. Yes.

Mr. HADLEY. I want to say to the gentleman from Tennessee that this amendment is not offered in any desire to kill the bill, but for the purpose of improving the bill in such a way that everybody can vote for it.

Mr. SIMS. Everybody can not and will not.

Mr. HADLEY. It will gain friends who will support it, who otherwise can not support it in its present condition.

Mr. SIMS. The fight over free tolls was not a party fight. Some of the ablest Republicans were in favor of the repeal, and some of the ablest Democrats were opposed to it.

Mr. HADLEY. This amendment does not raise the question of the free-tolls fight, but it does raise the question of taking care of a specific discrimination in our coastwise trade and to prevent advantage being taken by foreign shippers of the provisions of our laws.

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

Mr. DENISON. Mr. Chairman, I rise in opposition to the motion to strike out the last word.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. DENISON. Mr. Chairman and gentlemen, I sympathize with my friend Mr. HADLEY and my friend Mr. JOHNSON from Washington in their views. But I know what their purpose is, and that of the other gentlemen who represent the lumber districts, and who are trying to prevent the enactment of this legislation in the interest of the lumber shippers. But I appeal especially to the Republican Members of the House not to allow the resurrection of this free-tolls question to becloud the issue that is presented here. Do not let that mislead you, gentlemen, to vote against this bill or to vote an amendment to it which will kill it. We are trying to enact very important legislation.

The Panama Canal is at present not paying operating expenses, and we are trying to equalize and correct the situation down there.

Mr. MILLER. Mr. Chairman, will the gentleman yield for a question?

Mr. DENISON. I am very sorry I can not. I would yield to my friend from Washington as soon as I would to any other Member of the House, but I have only five minutes.

Now, then, this discrimination in the amount of the tolls in favor of the American coastwise vessels, as proposed by the amendment, is exactly the same question in principle as that of allowing coastwise vessels to use the canal entirely free of tolls. It is the same in principle. We all know what the attitude of the President is without regard to the merits of the question or the terms of the Hay-Pauncefote treaty. We know what his attitude is; and if the amendment of the gentleman from Washington [Mr. HADLEY] is adopted and this bill passes in that form, we know just what will become of it. The President will veto it, and we will get no legislation at all on this subject, which is something that we ought to have now.

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

Mr. DENISON. I am sorry I can not.

Mr. WASON. I was going to ask the gentleman where he got his information about the President's views?

Mr. DENISON. Let us not go into that question of free tolls. Let us pass this necessary legislation now; and when the proper time comes—when we get a President who entertains the same view we do on the subject of free tolls for American coastwise vessels—we can then bring in legislation here and repeal the present law if we think it ought to be repealed. But let us not mutilate this meritorious bill here by tacking onto it an amendment which will have the effect of doing what these gentlemen from the Pacific coast want to do—defeat the bill. That is the question. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. HADLEY].

The question was taken; and on a division (suggested by the Chair) there were—ayes 30, noes 64.

So the amendment was rejected.

Mr. REED of West Virginia. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REED of West Virginia: Page 1, lines 3 and 4, after the word "the," in line 3, strike out the words "tolls to be paid" and insert in lieu thereof the word "tonnage."

Mr. REED of West Virginia. Mr. Chairman, this amendment is merely to make the language of the bill conform to the purpose of the law, as explained by members of the committee in the debate on the recent point of order. It is insisted that the purpose of the law is to set up a method to measure vessels, to determine tonnage, and not tolls. I do not contend that my amendment will in any way change the meaning of the section, but it will make plain the fact that this is a law for measuring vessels and not for fixing or assessing tolls. In line 12 a proper reference is made to tolls, and in my opinion that is the only place in the section where reference need be made to tolls.

Mr. SWEET. Will the gentleman yield?

Mr. REED of West Virginia. Yes.

Mr. SWEET. If I understand the gentleman's amendment correctly, it will read "in measuring vessels to determine the tonnage to be paid." It is the tolls that are to be paid.

Mr. REED of West Virginia. No; the language as amended will be "in measuring vessels to determine the tonnage thereon at the Panama Canal." The words "to be paid" are stricken out. The first part of the bill relates to measuring of vessels and determining tonnage. Near the end of the bill the purpose of the measuring and determining of tonnage is explained to be necessary for determining the tolls.

Mr. SWEET. Yes; but in line 5 the tonnage is in there.

Mr. REED of West Virginia. Yes; that is correct; and the word in line 3 should also be "tonnage" instead of "tolls." As I have already stated, the first part of the bill relates to measuring to determine tonnage, but not measuring to determine tolls.

Mr. MONDELL. Mr. Chairman, the question is, Shall we have a rule of measurement for the computation of the tolls of the Panama Canal which fairly measures the carrying capacity of the vessel, or shall we have a rule which tempts men to build ships in such a way as to enable them to carry cargo and dodge the payment of tolls—a rule under which certain classes of cargo go through the canal without the payment of the tolls other classes of cargo pay? In other words, shall we have an honest rule based on the carrying capacity of the ship, or shall we have a dishonest rule under which certain ships and certain classes of cargo will enjoy a certain exemption from tolls, while all other ships and all other cargoes pay full tolls?

It is true that under the modification of the Panama Canal rules which we are endeavoring to remedy some of our fellow citizens on the north Pacific coast were able to get their cargoes through the canal more cheaply than they otherwise would be able to do. But the question is——

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MONDELL. In just a moment. Let me state the case. But the question is, Is it fair that they shall ask that a part, at least, of certain classes of cargo shall go through without the payment of tolls? Is it fair that we shall thus discriminate in favor of certain ships and certain classes of cargoes? If these gentlemen pass on to the American consumer on the Atlantic and Gulf coasts the benefit which they obtain by the present arrangement of tolls, then there is no advantage to them in the arrangement. On the other hand, if they do not pass on to the American consumer on the Atlantic and Gulf coasts the benefits they secure under the present arrangement, then there is no justification for the remission or lowering or the exemption from tolls on their behalf. Now I yield to the gentleman from Washington.

Mr. JOHNSON of Washington. The gentleman does not want to have the committee believe that any ship from the north Pacific coast has gone through the canal paying less than its proper toll charges on its net tonnage as indicated? In other words, any ship loaded with lumber to its base capacity is charged its full tonnage capacity if it have only half a cargo.

Mr. MONDELL. Mr. Chairman, my friend from Washington juggles with terms. The gentleman is correct in his statement, but he is making a statement that, while it is correct, relates to a condition that ought to be remedied and which we are proposing to remedy. It is true that certain interested parties were enabled to secure a modification of the Panama rules whereby certain cargo placed on the open deck does not pay full tolls for passage through the canal.

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

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. MONDELL. Mr. Chairman, this modification was made whereby classes of cargo carried on open decks are not required to pay full toll. If they are to continue to have that exemption, there must be some good reason for it bottomed on sound public policy. We can not afford to give certain shippers in any part of the country an advantage over other shippers unless it be in the public interest to do it. As I said a moment ago, if those who buy lumber on the Gulf coast or on the Atlantic coast brought through the canal are to receive the benefit of these lower rates in the aggregate, then there is no advantage to the shipper who receives the exemption.

On the other hand, if he obtains it and keeps it, we are giving him an individual and special benefit which we are not justified in doing. I am one of those who do not believe that the good folks on the north Pacific coast want any special advantage. It is true that at one time we exempted American coastwise shippers altogether from the payment of tolls through the canal and many believed that wise. Most people did until the President changed his mind, and at least the Democratic side of Congress changed its mind with the President overnight. But that is all behind us.

We have now provided for the payment of tolls by everybody alike. That is, we assumed we had, but the fact is that regarding lumber shipped in open spaces on the deck the rule has been modified so that considerable lumber goes through without any payment whatever.

Mr. JOHNSON of Washington. Oh, Mr. Chairman, I protest that that is not correct.

Mr. MONDELL. It is true that a part of it goes through without the payment of tolls; or, to put it another way, the cargo as a whole passes through the canal at a lower rate than the average paid per ton of cargo. If that is not so, what are gentlemen protesting for?

Mr. JOHNSON of Washington. For this reason: It is impossible to load a bulky cargo in the hold of a ship which is charged full tonnage tolls.

Mr. MONDELL. Oh, that is begging the question. If gentlemen will prove that lumber is a commodity that should be made cheaper when brought through the Panama Canal by the remission of tolls, or have a special rate of tolls, then we might

consider the matter with a view of charging the loss of tolls to the Public Treasury and let the people pay it. I submit we should at least understand what the proposition is. I am of the opinion that when the matter is fully understood the good people of the Pacific Northwest will be content to pay a fair rate of tolls under the Panama rules on the basis of its net earning and carrying capacity. It is the fair, reasonable, sensible, honest rule, and it can injure no man. [Applause.] I voted against the repeal of the provision in the Panama act exempting American coastwise trade from the payment of tolls, but the repeal was accomplished. Now let us carry out the rule of measurement fairly and equitably. We would be inclined to continue the slight benefits that some north Pacific shipping receives if it were not for the fact that in doing so we confer vastly greater benefit on foreign shipping. We can not afford to lose a million dollars annually in tolls in order that a benefit amounting to a few thousands may be enjoyed by a few north Pacific shippers.

Mr. WOOD of Indiana. Mr. Chairman, I move to strike out the last five words. Mr. Chairman and gentlemen of the committee, I think it very important that this bill should become a law. It is important for the purpose of saving millions of dollars to the United States each year because of the action of the British maritime nation. Gov. Harding informed the committee visiting in Panama last spring—and he has repeatedly urged the same matter in his report with reference to this subject matter—that while the rule for measurement is practically the same between the United States and Great Britain, by reason of Great Britain's interpretation of the rule and their manipulation and subterfuges to which they resort, it results in a loss to the United States climbing into the millions each year. It may be possible that the law now proposed will work incidental hardship to the northwestern shippers. Whether it does or not I am not prepared to say, but this I do know that if it does work a hardship, it is so infinitesimally small compared with the great loss that the United States is sustaining constantly by the application of the law and through the manipulation and subterfuges and interpretation of Great Britain that they can well afford to suffer the same.

I wish to call attention to the fact that the example set in the interpretation of the cargo-measurement rule by Great Britain to the loss and detriment of the United States is just a sample of the interpretation that will be made in reference to the league of nations when we submit ourselves to that magnificent instrument. [Laughter and applause.]

The English language to Great Britain means one thing; it means to us quite a different thing. She has already announced what her interpretations of certain parts of this league of nations will be in the event it is put to the test, and from this announcement we know it would be inimical to the United States Government. It might be interesting to know what the people of Panama think with reference to the change concerning the passage of coastwise vessels through the Panama Canal. It has been a matter of mystery ever since the President overnight changed front with reference to the passage of American coastwise vessels toll free as to the reason that prompted that change. Various conjectures and suppositions have been made. There is a very concrete one now existing in Panama to the effect that Japan had made a little bit of demonstration against the United States at a time when the President had not assumed the martial spirit that he now professes. He was fearful that we might become embroiled with Japan. England at that time had entered into partnership with Japan. She had one of the many secret treaties that she has now in her pocket. She knew the attitude of Japan toward the United States and the feeling entertained by the President of the United States regarding Japan, and, taking advantage of that feeling, she proposed that if the United States would change her law with reference to the passage of American coastwise vessels toll free through the canal that she would keep Japan off of our backs. The President of the United States, according to this idea advanced in Panama, yielded to the siren voice of Great Britain, as he yielded upon many another occasion to that same voice. The law was changed so that an American vessel was prohibited from going through the Panama Canal without the payment of toll. In the light of recent events this explanation has many of the earmarks of plausibility. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!"] The question is on agreeing to the amendment offered by the gentleman from West Virginia.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 2. That all laws and parts of laws, rules, and regulations in conflict with this act be, and the same are hereby, repealed.

Mr. ESCH. Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 7015, had directed him to report the same back without amendment with the recommendation that the bill do pass.

Mr. ESCH. Mr. Speaker, I wish to offer an amendment to the title of the bill at the proper time.

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

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

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

Mr. RAKER. Division, Mr. Speaker.

The House divided; and there were—ayes 97.

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

The SPEAKER. The gentleman from California makes the point of order that there is no quorum present, and obviously there is no quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 265, nays 14, answered "present" 4, not voting 146, as follows:

YEAS—265.

Alexander	Doughton	Kinkaid	Romjue
Almon	Dowell	Kitchin	Rose
Anderson	Drane	Kleczka	Rouse
Andrews, Md.	Dunbar	Kraus	Rowe
Andrews, Nebr.	Dunn	Lampert	Rucker
Ashbrook	Dupré	Langley	Sanders, Ind.
Aswell	Eagan	Lanham	Sanders, La.
Ayres	Eagle	Lankford	Sanders, N. Y.
Babka	Edmonds	Larsen	Saunders, Va.
Bankhead	Elliott	Layton	Schall
Barbour	Esch	Lee, Ga.	Sells
Barkley	Evans, Mont.	Lehlbach	Siegel
Begg	Evans, Nebr.	Lesher	Sims
Benson	Evans, Nev.	Linthicum	Slemp
Black	Fairfield	Little	Smith, Idaho
Blackmon	Fess	Lonergan	Smith, Mich.
Bland, Ind.	Fitzgerald	Luce	Smithwick
Bland, Va.	Focht	McDuffie	Snyder
Blanton	Fordney	McFadden	Steagall
Boies	Foster	McGlennon	Stedman
Bowers	Freeman	McKinley	Steele
Box	French	McLane	Steenerson
Briggs	Gallivan	MacCrate	Stephens, Miss.
Brinson	Gandy	Madden	Stevenson
Brooks, Ill.	Ganly	Magee	Strong, Kans.
Brooks, Pa.	Gard	Mansfield	Strong, Pa.
Browne	Garland	Mapes	Sweet
Browning	Garner	Martin	Swope
Buchanan	Garrett	Mays	Taylor, Tenn.
Burdick	Glynn	Michener	Temple
Burroughs	Good	Minahan, N. J.	Thomas
Byrnes, S. C.	Goodall	Monahan, Wis.	Timberlake
Byrns, Tenn.	Gould	Mondell	Tincher
Campbell, Kans.	Graham, Ill.	Montague	Tinkham
Campbell, Pa.	Green, Iowa	Mooney	Towner
Candler	Greene, Mass.	Moore, Ohio	Upshaw
Cannon	Griest	Moore, Pa.	Venable
Cantrill	Griffin	Morgan	Vestal
Caraway	Hamilton	Mott	Vinson
Carss	Hardy, Colo.	Nelson, Mo.	Volstead
Carter	Hardy, Tex.	Nelson, Wis.	Walsh
Chindblom	Hastings	Newton, Minn.	Walters
Christopherson	Hayden	O'Connor	Wason
Clark, Mo.	Hernandez	Ogden	Watkins
Cleary	Hersey	Oldfield	Weaver
Coady	Hersman	Oliver	Webb
Cole	Hickey	Overstreet	Webster
Collier	Hicks	Padgett	Welling
Connally	Hill	Park	Welty
Cooper	Hoch	Parrish	Whaley
Copley	Holland	Pell	White, Kans.
Crisp	Houghton	Phelan	White, Me.
Crowther	Huddleston	Platt	Williams
Cullen	Hudspeth	Purnell	Wilson, La.
Dale	Hulings	Quin	Wilson, Pa.
Dallinger	Humphreys	Radcliffe	Wingo
Darrow	Igoe	Rainey, J. W.	Winslow
Davey	Johnson, Ky.	Ramseyer	Wise
Davis, Minn.	Johnson, Miss.	Randall, Wis.	Wood, Ind.
Davis, Tenn.	Jones, Pa.	Rayburn	Woods, Va.
Denison	Juul	Reber	Wright
Dent	Keller	Reed, N. Y.	Yates
Dewalt	Kelley, Mich.	Reed, W. Va.	Young, N. Dak.
Dickinson, Mo.	Kendall	Rhodes	Young, Tex.
Dickinson, Iowa.	Kiess	Ricketts	
Dominick	Kincheloe	Robsion, Ky.	
Doremus	King	Rogers	

NAYS—14.

Curry, Calif.	James	Miller	Sinnott
Elston	Johnson, Wash.	Osborne	Summers, Wash.
Hadley	Kahn	Raker	
Hawley	Lea, Calif.	Rodenberg	

ANSWERED "PRESENT"—4.

Booher	Hull, Tenn.	Knutson	Major

NOT VOTING—146.

Ackerman	Godwin, N. C.	McKenzie	Rowan
Anthony	Goldfogle	McKeown	Rubey
Bacharach	Goodwin, Ark.	McKinley	Sabath
Barr	Goodykoontz	McLaughlin, Mich.	Sanford
Bee	Graham, Pa.	McLaughlin, Nebr.	Scott
Bell	Greene, Vt.	McPherson	Scully
Benham	Hamill	MacGregor	Sears
Bland, Mo.	Harrison	Maher	Sherwood
Brand	Haskell	Mann	Shreve
Britten	Haugen	Mason	Sinclair
Brumbaugh	Hays	Mead	Sisson
Burke	Heflin	Merritt	Small
Butler	Howard	Moon	Smith, Ill.
Caldwell	Hull, Iowa	Moore, Va.	Smith, N. Y.
Carew	Husted	Moores, Ind.	Snell
Casey	Hutchinson	Morin	Stephens, Ohio
Clark, Fla.	Ireland	Mudd	Stiness
Classon	Jacoway	Murphy	Sullivan
Costello	Jefferis	Neely	Sumners, Tex.
Crago	Johnson, S. Dak.	Newton, Mo.	Taylor, Ark.
Cramton	Johnston, N. Y.	Nicholls, S. C.	Taylor, Colo.
Currie, Mich.	Jones, Tex.	Nichols, Mich.	Thompson
Dempsey	Kearns	Nolan	Tillman
Donovan	Kelly, Pa.	O'Connell	Tilson
Dooling	Kennedy, Iowa	Olney	Treadway
Dyer	Kennedy, R. I.	Paige	Vaile
Echols	Kettner	Parker	Vare
Ellsworth	Kreider	Peters	Voigt
Emerson	LaGuardia	Porter	Ward
Ferris	Lazaro	Pou	Watson, Pa.
Fields	Longworth	Rainey, H. T.	Watson, Va.
Fisher	Lufkin	Ramsey	Wheeler
Flood	Luhring	Randall, Calif.	Wilson, Ill.
Frear	McAndrews	Reavis	Woodyard
Fuller, Ill.	McArthur	Riddick	Zihlman
Fuller, Mass.	McClintic	Riordan	
Gallagher	McCulloch	Robinson, N. C.	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. SHREVE with Mr. MCANDREWS.

Mr. MCARTHUR with Mr. SISSON.

Mr. MCPHERSON with Mr. MAJOR.

Mr. TREADWAY with Mr. BOOHER.

Mr. HUTCHINSON with Mr. ROBINSON of North Carolina.

Mr. LONGWORTH with Mr. HULL of Tennessee.

Mr. PAIGE with Mr. CALDWELL.

Mr. HAUGEN with Mr. RUBEY.

Mr. HASKELL with Mr. HENRY T. RAINEY.

Mr. KENNEDY of Rhode Island with Mr. JACOWAY.

Mr. CRAGO with Mr. SMITH of New York.

Mr. MCKENZIE with Mr. HEFLIN.

Mr. ACKERMAN with Mr. WATSON of Virginia.

Mr. BACHARACH with Mr. TAYLOR of Colorado.

Mr. DEMPSEY with Mr. SHERWOOD.

Mr. FREAR with Mr. SCULLY.

Mr. KELLY of Pennsylvania with Mr. JONES of Texas.

Mr. ANTHONY with Mr. TILLMAN.

Mr. DYER with Mr. SEARS.

Mr. BUTLER with Mr. SUMNERS of Texas.

Mr. FULLER of Massachusetts with Mr. ROWAN.

Mr. CURRIE of Michigan with Mr. SMALL.

Mr. IRELAND with Mr. LAZARO.

Mr. COSTELLO with Mr. SULLIVAN.

Mr. JOHNSON of South Dakota with Mr. KETTNER.

Mr. BURKE with Mr. TAYLOR of Arkansas.

Mr. HULL of Iowa with Mr. MCCLINTIC.

Mr. GREENE of Vermont with Mr. RANDALL of California.

Mr. GRAHAM of Pennsylvania with Mr. RIORDAN.

Mr. KENNEDY of Iowa with Mr. JOHNSTON of New York.

Mr. MCKINLEY with Mr. HARRISON.

Mr. WILSON of Illinois with Mr. BLAND of Missouri.

Mr. VARE with Mr. CASEY.

Mr. SMITH of Illinois with Mr. MCKEOWN.

Mr. RAMSEY with Mr. MOORE of Virginia.

Mr. NICHOLS of Michigan with Mr. OLNEY.

Mr. MORAN with Mr. GALLAGHER.

Mr. NEWTON of Missouri with Mr. POU.

Mr. MUDD with Mr. FLOOD.

Mr. SANFORD with Mr. MEAD.

Mr. THOMPSON with Mr. CLARK of Florida.

Mr. KREIDER with Mr. HOWARD.

Mr. PETERS with Mr. NICHOLLS of South Carolina.

Mr. STEPHENS of Ohio with Mr. FERRIS.

Mr. MCLAUGHLIN of Nebraska with Mr. GOODWIN of Arkansas.

Mr. MCLAUGHLIN of Michigan with Mr. HAMILL.

Mr. FULLER of Illinois with Mr. SABATH.

Mr. MANN with Mr. GOLDFOGLE.

Mr. MURPHY with Mr. FISHER.

Mr. SCOTT with Mr. MAHER.

Mr. NOLAN with Mr. O'CONNELL.

Mr. STINESS with Mr. DOOLING.

Mr. MOORES of Indiana with Mr. GODWIN of North Carolina.

Mr. TILSON with Mr. DONOVAN.

Mr. WATSON of Pennsylvania with Mr. BRUMBAUGH.

Mr. PORTER with Mr. NEELY.

Mr. REAVIS with Mr. MOON.

Mr. SNELL with Mr. FIELDS.

Mr. WARD with Mr. CAREW.

Mr. WOODYARD with Mr. BEE.

Mr. MCCULLOCH with Mr. BRAND.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. ESCH. Mr. Speaker, I offer an amendment to the title of the bill.

The SPEAKER. The gentleman from Wisconsin offers an amendment to the title of the bill, which the Clerk will report.

The Clerk read as follows:

Amend the title so as to read: "A bill providing that the Panama Canal rule shall govern in the measurement of vessels for imposing tolls."

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

The amendment was agreed to.

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

WOMAN SUFFRAGE.

The SPEAKER laid before the House a communication from the secretary of state of the State of Alabama, announcing the rejection by the legislature of that State of the proposed amendment to the Constitution of the United States granting the right of suffrage to women.

EXTENSION OF REMARKS.

Mr. KAHN and Mr. SANDERS of Indiana, by unanimous consent, were granted leave to revise and extend their remarks in the RECORD on the bill H. R. 7015.

INVESTIGATION OF SUGAR SUPPLY AND PRICES.

Mr. ESCH. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up House resolution 150, a resolution offered by the gentleman from Massachusetts [Mr. TINKHAM], directing the Federal Trade Commission to make an investigation as to sugar shortage. This resolution was on the Unanimous Consent Calendar and was objected to, but through some misapprehension. I think the matter can be disposed of in a very few minutes, for I do not know of any objection to the resolution. If there is no objection, I ask that the resolution be laid before the House and read for action.

The SPEAKER. The gentleman from Wisconsin calls up the resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 150.

Resolved, That the Federal Trade Commission is hereby directed to make an immediate investigation and report to the House of Representatives its findings on the subject of sugar used for domestic and manufacturing purposes, both as to its market price, wholesale and retail, and whether these prices are reasonable; and the amount of sugar now in the United States, both raw and refined, in the possession of sugar refiners, wholesale dealers, or in storage; said investigation to involve a report of supplies in the possessions of the United States, raw and refined, and the causes of the present sugar scarcity.

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

The resolution was agreed to.

On motion of Mr. ESCH, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

OPERATION OF TRANSPORTATION BUSINESS.

Mr. ESCH. Mr. Speaker, I ask unanimous consent to withdraw the conference report on the bill S. 641, the bill amending section 10 of the Federal control act, due to the fact that the statement through some inadvertence was not published with the report.

The SPEAKER. The gentleman asks unanimous consent to withdraw the conference report on the bill S. 641. Is there objection? [After a pause.] The Chair hears none.

Mr. ESCH. Mr. Speaker, I would like unanimous consent, if possible, to refile it before midnight to-night.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that, if possible, he may file for printing before midnight to-night the same conference report, so that it may appear in the RECORD to-morrow. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. ESCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until Thursday, October 2, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of Commerce, transmitting request that the commissioned personnel of the Coast and Geodetic Survey be included in House bill 9204, which is now before Congress (H. Doc. No. 253); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Lorain Harbor, Ohio, with a view to the extension of the east breakwater and enlarging and deepening the harbor area (H. Doc. No. 254); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GOULD, from the Committee on the Library, to which was referred the bill (H. R. 8032) to provide for the erection of memorials and the entombment of bodies in the Arlington memorial amphitheater, in Arlington National Cemetery, Virginia, reported the same without amendment, accompanied by a report (No. 344), which said bill and report were referred to the House Calendar.

Mr. GREENE of Massachusetts, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 633) extending the provisions for the regulation of steam vessels to vessels owned or operated by the United States Shipping Board, and for other purposes, reported the same without amendment, accompanied by a report (No. 345), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9328) granting an increase of pension to Samuel J. McDonald, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. OSBORNE: A bill (H. R. 9641) to authorize the Secretary of Commerce to lease Santa Barbara Island, Calif., and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: A bill (H. R. 9642) authorizing the establishment of a light vessel to mark the entrance to Grays Harbor, Wash.; to the Committee on Appropriations.

By Mr. ROBSION of Kentucky: A bill (H. R. 9643) granting additional pay to soldiers, sailors, and marines who served in the late war; to the Committee on Ways and Means.

By Mr. OVERSTREET: Joint resolution (H. J. Res. 220) providing for the free use of surplus motor trucks, motor-propelled vehicles, rollers, and other surplus equipment of the War Department by the several States of the Union for permanent road building; to the Committee on Military Affairs.

By Mr. BROWNE: Joint resolution (H. J. Res. 221) providing for the distribution of motor-propelled vehicles and motor equipment; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9644) granting an increase of pension to Henry Athey; to the Committee on Invalid Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 9645) granting an increase of pension to John Russell; to the Committee on Invalid Pensions.

By Mr. CLEARY: A bill (H. R. 9646) for the relief of the owner of the derrick *Capitol;* to the Committee on Claims.

By Mr. FULLER of Massachusetts: A bill (H. R. 9647) to authorize the appointment of Rafael A. Segarra as captain of Infantry or Quartermaster Corps in the United States Army; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 9648) for the relief of Sam Tilden; to the Committee on Claims.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 9649) granting a pension to Elizabeth Dorothy Canavey and Mary Canavey; to the Committee on Pensions.

Also, a bill (H. R. 9650) granting a pension to Elsie Gardner; to the Committee on Pensions.

Also, a bill (H. R. 9651) granting an increase of pension to Patrick Devlin; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 9652) granting a pension to Sarah Virginia Pollard; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 9653) granting a pension to John Minahan, alias John Bagley; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 9654) for the relief of the High Clothing Co. (Inc.); to the Committee on Claims.

By Mr. LESHER: A bill (H. R. 9655) granting a pension to Sarah E. Dieffenbacher; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 9656) for the relief of Second Lieut. Rollin Lester Dixon; to the Committee on Claims.

By Mr. NELSON of Missouri: A bill (H. R. 9657) granting an increase of pension to W. P. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9658) granting an increase of pension to Clara J. Sitton; to the Committee on Pensions.

Also, a bill (H. R. 9659) granting a pension to Sarah J. Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9660) granting a pension to Joseph R. Lawson; to the Committee on Invalid Pensions.

By Mr. REBER: A bill (H. R. 9661) granting a pension to Sarah E. Pugh; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 9662) granting an increase of pension to William W. McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9663) granting an increase of pension to Chalmers Canan; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 9664) granting a pension to Sylvia Hitchcock; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 9665) granting a pension to Murray Pierce; to the Committee on Pensions.

By Mr. WEAVER: A bill (H. R. 9666) granting a pension to Leatha Chambers; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Newport Branch, No. 7, National Association of United States Civil Service Employees of Navy Yards and Stations, requesting an increase in salaries of at least 40 per cent; to the Committee on Naval Affairs.

Also, petition of commander in chief Sons of Veterans, asking Congress to provide necessary laws for the deportation of all unregenerate aliens and those who do not in good faith seek to become citizens; to the Committee on Immigration and Naturalization.

By Mr. CULLEN: Petition of R. D. Magill, of New York City, protesting against the repeal of the zone postal law; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Petition of R. Keith Compton, of Baltimore, Md., favoring the passage of House bill 9412; to the Committee on Military Affairs.

Also, petition of W. H. Dec. Wright, of Baltimore, Md., protesting against certain provisions of the Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. M. Bellamy, of Baltimore, Md., favoring the passage of House bill 8078; to the Committee on Ways and Means.

Also, petition of F. A. Savage, of Baltimore, Md., favoring the passage of House bill 9204; to the Committee on Military Affairs.

By Mr. MADDEN: Petition of sundry citizens of Chicago, Ill., to impeach Woodrow Wilson, President of the United States, on the ground that without the consent of Congress he has unlawfully commanded our troops to wage war in Russia and Siberia; to the Committee on the Judiciary.

By Mr. O'CONNELL: Petition of the executive committee of the Lithuanian National Council, appealing to the American

Government and people to put a stop to the unlawful aggressions of Poland against Lithuania; to the Committee on Foreign Affairs.

By Mr. RAKER: Letter from Robert Bedgood and the Tightner Gold Mining Co., San Francisco, Calif., protesting against the return to the war-time practice of licensing miners who have the handling of powder; to the Committee on Ways and Means.

Also, letter from the Newport Branch, No. 7, National Association of United States Civil Service Employees of Navy Yards and Stations, inclosing a copy of petition sent to the Secretary of the Navy, requesting an increase of 40 per cent in the salary of the clerical employees; to the Committee on Naval Affairs.

By Mr. ROWAN: Petition of the Strauss Market (Inc.) and others, of New York City, favoring the cold-storage bill; to the Committee on Agriculture.

Also, petition of MacArthur Bros. Co., of New York, protesting against the passage of Senate bill 2896; to the Committee on the Judiciary.

Also, petition of P. A. Garraby, of New York, favoring the passage of House bill 2; to the Committee on Pensions.

SENATE.

THURSDAY, *October 2, 1919.*

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

Almighty God, in our great interest for the welfare of the people of this country, we are not so much disturbed by honest differences of opinion as we are anxious that every leader of men and every force that goes to make public opinion is right with Thee. For Thou art the judge of mankind. Our welfare and our destiny are in Thy hands. Keep us safely from every evil way. Guide us in the way of truth. We ask it for Christ's sake. Amen.

The Vice President being absent, the President pro tempore (Mr. CUMMINS) took the chair.

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

LANDING OF MARINES IN DALMATIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Navy, which will lie on the table and be printed in the RECORD.

The communication is as follows:

THE SECRETARY OF THE NAVY,
Washington, October 1, 1919.

MY DEAR SIR: Responding to a resolution of the Senate, "requesting information as to whether American marines were landed from a torpedo-boat destroyer or any other naval vessel to compel Italians to evacuate Trau, Dalmatia, as reported in a dispatch by the Associated Press published in the Washington Post of September 26, 1919," I have the honor to transmit the following cable from Rear Admiral Harry S. Knapp, commanding United States naval forces operating in European waters, giving the information desired:

"LONDON, *September 30.*

"To the SECRETARY OF THE NAVY,
"*Washington, D. C.:*

"The armistice line extends from Cape Planka inland, north and west of this line Italian troops in occupation, south and east of the line garrisoned by Serbian troops. This latter section Dalmatian coast headquarters American naval forces, in which by agreement after armistice American naval forces took charge of all one-time Austrian-Hungarian vessels found there, and which has since been generally called American zone. Americans have no troops on shore, but have extended a strong moral influence for the preservation of order and avoidance of clash between Italian and Jugo-Slavs. There has been considerable friction along armistice line between Serbians and Italians, but by the tactful firmness of American admiral there it has been kept from causing serious results. On September 23 three truck loads of Italian soldiers in command of an Italian Army captain crossed armistice line from Italian zone and surprised and captured the small Serbian garrison at Trau. The Italian authorities informed the senior American officer present, Capt. Boyd, that the move was unwarranted and asked that the raiders be turned back. Boyd sent a destroyer and two chasers to Trau at once, then saw the Serbian commander and got him to agree not to order an advance until he had an opportunity to get Italians to withdraw. He sent Lieut. Commander R. S. Fields and Commander Marony, of the Italian ship *Puglia*, by automobile to Trau, and himself went in U. S. S. *Olympia* to Trau. On arrival he found that Italians had been induced to return, leaving, however, Italian Army captain and three soldiers owing to breakdown of a truck. He landed a small guard from U. S. S. *Cowell* and U. S. S. *Olympia* to see no harm done Italians and preserve order pending arrival of Serbian troops. He put the Italian Army captain and three soldiers on an Italian motor boat and turned them over in charge an Italian naval officer. Upon arrival of the Serbian troops he withdrew blue jackets after first receiving assurance that no violence would be offered to civilians.

"Italian Admiral Milo in command of ships and troops in Italian zone of occupation sent senior Italian officer present at Spalato to U. S. S. *Olympia* with thanks for sending Trau raiders back. He has brought the officer commander of the raiding force to trial by court-martial. The whole affair was most creditably handled, and the prompt action of Capt. Boyd, in my opinion, undoubtedly prevented a very serious incident which might have resulted in open warfare between Italians and Serbians. The landing was the protection of the offending Italians left in Trau until adequate Serbian forces could arrive to preserve order.

"The fact that Italian authority requested action of Capt. Boyd and that he was thanked by Admiral Milo for his action, and that Admiral Milo has brought offending Italian officer to trial by court-martial all go to show that the raid was an isolated act of hotheads done in defiance of Italian authority, and that America acted in co-operation with Italians to restore situation. That no serious result happened is due to the prompt and efficient action of American forces. Had they not so acted there would almost inevitably have been bloodshed, which would perhaps have resulted in a state of actual war between Italy and Jugo-Slavia owing to the intensity of feeling existing over the Dalmatian question."

I have the honor to be,
Sincerely, yours,

JOSEPHUS DANIELS.

The PRESIDENT OF THE UNITED STATES SENATE.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7015. An act providing that the Panama Canal rules shall govern in the measurement of vessels for imposing tolls; and

H. R. 9521. An act to prevent hoarding and deterioration of, and deception with respect to, cold-storage foods; to regulate shipments of cold-storage foods in interstate commerce; and for other purposes.

HOUSE BILLS REFERRED.

H. R. 7015. An act providing that the Panama Canal rules shall govern in the measurement of vessels for imposing tolls was read twice by its title and referred to the Committee on Interoceanic Canals.

H. R. 9521. An act to prevent hoarding and deterioration of, and deception with respect to, cold-storage foods; to regulate shipments of cold-storage foods in interstate commerce; and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS.

Mr. BECKHAM. I present a telegram in the nature of a petition from sundry bankers of Lebanon, Ky., with reference to the peace treaty and league of nations, which I ask to have printed in the RECORD.

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

LEBANON, KY., *October 1, 1919.*

Hon. J. C. W. BECKHAM,
United States Senate, Washington, D. C.:

We earnestly request the Senate to approve the peace treaty and the league of nations without reservation or amendment.

W. C. Rogers (president), O. D. Thomas (cashier), Marion National Bank; R. E. Young (president), J. A. Kelly (cashier), Citizens' National Bank; R. C. McChord (president), F. L. Daut (cashier), Farmers' National Bank.

Mr. NELSON presented a petition of the Engineers' Club of Duluth, Minn., praying for the reorganization and enlargement of the United States Patent Office and for its separation from the Department of the Interior, which was referred to the Committee on Patents.

He also presented a petition of the Engineers' Club of Duluth, Minn., praying for the passage of the pending water-power bill, which was referred to the Committee on Commerce.

Mr. ROBINSON presented a petition of sundry button workers of Newport, Ark., and a petition of sundry button workers of Devall Bluff, Ark., praying for the placing of a tax on foreign-made buttons, which were referred to the Committee on Finance.

Mr. NEWBERRY presented a petition of Croswell Grange, No. 1006, Patrons of Husbandry, of Sanilac County, Mich., and a petition of sundry citizens of Boyne City, Mich., praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

Mr. LODGE presented a petition of the International Y. M. C. A., of Springfield, Mass., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. McLEAN presented a petition of the Bible Class of the Church of Christ, of Windsor, Conn., praying that immediate and adequate steps be taken to help Armenia, which was referred to the Committee on Foreign Relations.

He also presented a petition of Elm Lodge, No. 420, International Association of Machinists, of New Haven, Conn., praying that the State Department urge that Great Britain extend to Americans in England the same protection to their person