

SENATE.

MONDAY, February 17, 1913.

(Legislative day of Tuesday, February 11, 1913.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. GALLINGER took the chair as President pro tempore under the order of the Senate of December 16, 1912.

CREDENTIALS.

Mr. BROWN. Mr. President, I have the honor to present the credentials of my successor, and I ask to have them read.

The PRESIDENT pro tempore. The credentials will be read. The Secretary read the credentials of GEORGE W. NORRIS, chosen by the Legislature of the State of Nebraska a Senator from that State for the term beginning March 4, 1913, and they were ordered to be filed.

Mr. CATRON. Mr. President, I present the credentials of my colleague [Mr. FALL] and ask that they be read.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of ALBERT BACON FALL, chosen by the Legislature of the State of New Mexico a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

Mr. CURTIS. Mr. President, I present the credentials of my successor.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of WILLIAM H. THOMPSON, chosen by the Legislature of the State of Kansas a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

Mr. SMITH of Georgia presented the credentials of AUGUSTUS O. BACON, appointed by the governor of the State of Georgia a Senator from that State from the 4th day of March, 1913, until the next meeting of the legislature thereof, which were read and ordered to be filed.

COMMERCIAL AND AGRICULTURAL ORGANIZATIONS.

The PRESIDENT pro tempore laid before the Senate the following communication from the Secretary of Commerce and Labor, which was read:

DEPARTMENT OF COMMERCE AND LABOR,
Washington, February 15, 1913.

Sir: By direction of the President, and in conformity with Senate resolution No. 406 of December 12, 1912, I have the honor to transmit herewith lists of the commercial and agricultural organizations of the United States.

The list of the agricultural associations has been prepared through the courteous cooperation of the Department of Agriculture, at the request of the Secretary of this department.

The list of commercial organizations has been compiled in the Bureau of Foreign and Domestic Commerce of this department. That bureau in the exercise of its functions of promoting commerce and manufacture maintains close relations with those organizations throughout the United States which are engaged in promotive service for the commercial interests of their districts, and a record of the activities of these trade bodies is kept as a part of the current files of that office. Although this record was fairly complete, it has been supplemented as far as practicable in the time permitted, and the list which is transmitted herewith is believed to be a fairly complete one and to contain the names of practically all the commercial organizations in towns with 2,000 inhabitants or more. An acknowledgment should be made to a number of secretaries of important commercial organizations who have materially assisted the bureau in securing complete lists of associations in certain States.

As the value of the list of these organizations it is believed is greatly enhanced if the essential facts in regard to each association are also reported, there has been included as far as practicable with the list of names of commercial organizations herewith submitted a concise statement of the functions of each—its duties, income, number of members, special interests served, and the committees and bureaus under which this service is conducted. With this information, which has been recorded by the use of convenient symbols, it is possible for the business man to obtain a definite knowledge of the character of each trade body listed herewith.

Respectfully,

CHARLES NAGEL, Secretary.

The PRESIDENT OF THE SENATE,

Washington, D. C.

(Inclosure No. 21167.)

Symbols are employed to indicate (1) the field of service of the respective local commercial organizations and (2) their special activities. Separate sets of symbols are used for this purpose, the first, or "A," series being given under the heading "Field of service," and the second, or "C," series under the heading "Remarks." The latter series indicates special activities of organizations directed by departments or committees. Following is a key to the various symbols:

FIELD OF SERVICE.

- A1. Civic and industrial development of district.
- A2. Interests of local retail merchants.
- A3. Interests of local manufacturers of miscellaneous products.
- A4. Civic improvements only.
- A5. Interests indicated in title of organization or special service not indicated by preceding symbols.

SPECIAL ACTIVITIES.

- C. Conventions.
- CC. Foreign trade.
- C1. Retail trade.
- C2. Wholesale trade.

- C3. Market quotations.
- C4. Grain weighing and inspection.
- C5. Charity investigations.
- C6. Transportation.
- C7. Classified library.
- C8. Industrial.
- C9. Local credits.
- C10. Weekly journal.
- C11. Monthly journal.
- C12. Employment.
- C13. Agriculture.
- C14. Daily bulletin.
- C15. Quarterly bulletin.
- C16. Biweekly journal.

The PRESIDENT pro tempore. Without objection, the communication and accompanying papers will be referred to the Committee on Printing.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusion filed by the court in the following causes:

Kate P. Chesley, administratrix de bonis non cum testamento annexo of the estate of James A. Chesley, deceased (S. Doc. No. 1088); and

Washington Loan & Trust Co., administrator de bonis non cum testamento annexo of Edward S. Keyser, deceased (S. Doc. No. 1089).

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

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE LEGARE.

Mr. TILLMAN. Mr. President, I wish to give notice that on March 1, 1913, I will ask the Senate to consider resolutions commemorative of the life and public character of GEORGE S. LEGARE, late a Representative in Congress from the State of South Carolina.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. BRANDEGEE. Mr. President, I wish to make a parliamentary inquiry as to whether any morning business is in order at the present time.

The PRESIDENT pro tempore. The present occupant of the chair is of the opinion that it would not be in order. The matter that was laid before the Senate was on the desk of the President pro tempore.

Mr. BRANDEGEE. The Senator from Kansas [Mr. CURTIS] last Friday afternoon gave notice that he would call up the District of Columbia appropriation bill this morning. At that time unanimous consent had been granted that we should proceed to vote not later than 4 o'clock to-day upon all amendments pending and upon the bill authorizing the construction of a dam across the Connecticut River. As Senators know, there are quite a number of amendments pending and they will need explanation. I wish to suggest to the Senator from Kansas if he does not think the District appropriation bill should be laid aside in time for Senators to explain their amendments, so that they may be voted upon intelligently.

Mr. CURTIS. I will state to the Senator that at 2 o'clock, if that will give sufficient time, and if the appropriation bill is not then completed, I will ask that it be temporarily laid aside.

Mr. BRANDEGEE. Of course I am ready to vote upon the bill and the amendments now, but if other Senators request the Senator from Kansas to lay the bill aside I hope he will concur in the request.

Mr. CURTIS. I will gladly do so.

Mr. SMITH of Arizona. May I interrupt the Senator from Kansas?

Mr. CURTIS. Certainly.

Mr. SMITH of Arizona. Mr. President, I had expected to submit some observations on the pending bill and would prefer to do it now. I know of at least two other Senators who wish to occupy 30 or 40 minutes all told. I shall in the present condition of the bad cold I have ask the indulgence of the Senate to print many of the authorities, which are mere decisions of the courts, instead of reading them or having them read to the Senate. With the understanding that I can take the floor, say, at 2 o'clock, of course I shall yield that the appropriation bill may be proceeded with now.

Mr. CURTIS. I think the appropriation bill will be completed before 2 o'clock. If it is not, I will gladly consent to

lay it aside at that hour, or I will ask to have it laid aside before that hour if any Senator desires to take the floor on the pending bill.

Mr. SMITH of Arizona. With that understanding, I have no objection to the Senate proceeding with the appropriation bill.

Mr. CURTIS. I now move to take up the District of Columbia appropriation bill.

Mr. JONES. I simply desire to say that I wish to submit some observations on the bill relating to the Connecticut River, but I understand that the Senator from Kansas will be willing to yield at any time.

Mr. CURTIS. I said that I would yield at 2 o'clock, and I will yield at any time before 2 that any Senator desires.

Mr. JONES. With that understanding, I am willing that the Senator shall proceed with the appropriation bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 104. An act for the relief of Carl Krueger; and

S. 2733. An act for the relief of the estate of Almon P. Frederick.

The message also announced that the House had passed the following bills, with amendments, in which it requested the concurrence of the Senate:

S. 8178. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8274. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 8275. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. 8314. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14053) to increase the pensions of surviving sailors of Indian wars in certain cases.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2839. An act for the relief of William Hommelsberg;

H. R. 6793. An act for the relief of Charles A. Bess;

H. R. 8921. An act for the relief of William H. Seward;

H. R. 18727. An act for the relief of Lewis Wood;

H. R. 24296. An act for the relief of Alonzo D. Cadwallader;

H. R. 26648. An act for the relief of David Crowther;

H. R. 24661. An act for the relief of James Parsons;

H. R. 24942. An act for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims;

H. R. 28007. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914;

H. R. 28672. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors; and

H. R. 28746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message further transmitted to the Senate resolutions of the House on the life and public services of Hon. GEORGE S. NIXON, late a Senator from the State of Nevada.

The message also transmitted to the Senate resolutions of the House on the life and public services of Hon. JOHN GEISER McHENRY, late a Representative from the State of Pennsylvania.

The message further transmitted to the Senate resolutions of the House on the life and public services of Hon. RICHARD E. CONNELL, late a Representative from the State of New York.

The message also transmitted to the Senate resolutions of the House on the life and public services of Hon. WILLIAM W. WEDEMEYER, late a Representative from the State of Michigan.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore and delivered to the committee to be presented to the President of the United States:

S. 186. An act for the relief of Francis Grinstead, alias Francis M. Grinstead;

S. 3873. An act for the relief of Lewis F. Walsh;
S. 4030. An act for the relief of Sylvester W. Barnes;
S. 4043. An act divesting intoxicating liquors of their interstate character in certain cases;
S. 5262. An act for the relief of Sylvester G. Parker; and
H. R. 14053. An act to increase the pension of surviving soldiers of Indian wars in certain cases.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CURTIS. I move that the Senate proceed to the consideration of House bill 2849, the District of Columbia appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2849) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. CURTIS. I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be considered first.

Mr. SMITH of Georgia. I object to that course. It seems to me that the wise way to handle a bill of this kind is to have it read paragraph by paragraph and allow Senate committee amendments and floor amendments to be offered as we dispose of a paragraph.

Mr. CURTIS. If the Senator objects, I will not press the request.

Mr. SMITH of Georgia. I object.

The PRESIDENT pro tempore. Objection is made, and the Secretary will proceed to read the bill.

Mr. SMITH of Georgia. I do not object to dispensing with the reading of the bill. I object to taking up the committee amendments first.

The PRESIDENT pro tempore. The bill will be read, and amendments will be considered as they are reached, either committee amendments or amendments offered by individual Senators.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "General expenses," on page 2, line 3, after the word "one" where it occurs the third time, to strike out "\$1,300" and insert "\$1,400," so as to make the clause read:

Executive office: Two commissioners, at \$5,000 each; engineer commissioner, so much as may be necessary (to make salary \$5,000); secretary, \$2,400; assistant secretaries to commissioners—one \$1,500, one \$1,200; clerks—one \$1,600, one \$1,500, one \$1,400, two at \$1,200 each, one, who shall be a stenographer and typewriter, \$1,000, one \$840, one \$720, one \$600; messengers—one \$600, one \$480; stenographer and typewriter, \$840; two drivers, at \$600 each.

Mr. SMITH of Georgia. I understand that all these salaries are fixed by law. If I am right about that, I make the point of order that they can not be changed in this way.

Mr. CURTIS. This increase was made by the committee upon the recommendation of the Commissioners of the District of Columbia.

Mr. SMITH of Georgia. But that is not sufficient. If there is a general statute fixing a salary, it is a part of the organic law, and you can not change it in an appropriation bill. It takes a special statute to make the increase. I make the point of order that the proposed increases can not be made in this way.

Mr. CURTIS. Mr. President, I do not think the point of order is well taken. This is an item that was estimated for by the Commissioners of the District of Columbia, and it has been reported by one of the standing committees of the Senate. Therefore it is not subject to the point of order.

The PRESIDENT pro tempore. The Chair is of the opinion that the point of order is not well taken and will overrule the point of order. The question is on agreeing to the amendment of the committee.

Mr. SMITH of Georgia. I desire to make an objection to these increases. All through the bill there runs a systematic line of increases in the salaries. I believe that the expense of administration in this District has been just as great as it ought to be, and that this is not a proper time to increase the salaries.

The PRESIDENT pro tempore. Senators agreeing to the amendment of the committee will say "aye." [Putting the question.] The ayes appear to have it.

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

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

Mr. CHAMBERLAIN (when Mr. BOURNE's name was called). I desire to state that my colleague [Mr. BOURNE] is detained on a joint committee between the two Houses upon official business.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. I withhold my vote in the absence of that Senator.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. He is not present, and I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. He is not present, and therefore I withhold my vote.

Mr. WILLIAMS (when his name was called). I ask if the Senator from Pennsylvania [Mr. PENROSE] has voted?

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

Mr. WILLIAMS. I have a pair with him, and will therefore withhold my vote.

The roll call was concluded.

Mr. SMITH of Michigan. I am paired with the Senator from Missouri [Mr. REED]. I transfer that pair to the Senator from Oregon [Mr. BOURNE] and vote. I vote "yea."

Mr. SMITH of South Carolina. I transfer my general pair with the Senator from Delaware [Mr. RICHARDSON] to the Senator from Oklahoma [Mr. GORE] and vote. I vote "nay."

The result was announced—yeas 43, nays 28, as follows:

YEAS—43.

Bradley	Cummins	McCumber	Root
Brandegee	Curtis	McLean	Smith, Ariz.
Bristow	Dillingham	Martine N. J.	Smith, Md.
Brown	du Pont	Nelson	Smith, Mich.
Burnham	Fall	Newlands	Smoot
Burton	Gallinger	Oliver	Stephenson
Catron	Gamble	Page	Sutherland
Chamberlain	Guggenheim	Paynter	Swanson
Clark, Wyo.	Jackson	Percy	Townsend
Crane	Jones	Perkins	Wetmore
Crawford	Lodge	Poindexter	

NAYS—28.

Ashurst	Gardner	Myers	Smith, Ga.
Bacon	Gronna	O'Gorman	Smith, S. C.
Brady	Johnson, Me.	Overman	Stone
Bryan	Johnston, Ala.	Pomerene	Thomas
Clarke, Ark.	Kenyon	Sheppard	Thornton
Culberson	Kern	Shively	Tillman
Fletcher	Lea	Simmons	Webb

NOT VOTING—24.

Bankhead	Cullom	La Follette	Reed
Borah	Dixon	Lippitt	Richardson
Bourne	Foster	Martin, Va.	Warren
Briggs	Gore	Massey	Watson
Chilton	Hitchcock	Owen	Williams
Clapp	Kavanaugh	Penrose	Works

So the amendment of the committee was agreed to.

The reading of the bill was resumed, on page 2, line 3, and the Secretary read as follows:

Purchasing division: Purchasing officer, \$3,000; deputy purchasing officer, \$1,600; computer, \$1,440; clerk, \$1,500; clerks—one \$1,300.

Mr. SWANSON. On page 2, line 13, after the word "one," I move to strike out the sum "\$1,300" and to insert in lieu thereof "\$1,450."

Mr. President, I wish to say in connection with this amendment that the District Commissioners have repeatedly recommended that this salary be fixed in accordance with my amendment. The committee in the House of Representatives examined the matter and reported it at that sum, but it went out in the House on a point of order. This is one clerk who has been isolated; he does the same work as do the other clerks in that office but gets only \$1,300. By some past legislation, which I can not understand, he has not been promoted with the others. It seems to me to be an act of justice and equality that the amendment should carry.

Mr. CURTIS. Mr. President, the increase was recommended by the commissioners, and, so far as I am personally concerned, I have no objection to the amendment. However, this amendment was not agreed to by the committee.

The PRESIDENT pro tempore. The question is upon the amendment.

Mr. SMITH of Georgia. Mr. President, all through this bill run increases; all through this bill are amendments from the committee which, I think, involve changes that will cause large outlays of money. I am not objecting to these small increases one by one on account of simply the two or three cases that first appear, but my objection is to the increase of the appropriation which the amendments suggested by the Senate committee will provide. I think that it is a mistake, especially at this time, when there is to be a change of the administration of the District, to increase these salaries. I think we ought to hold down the expense of administering the affairs of the District. I do not think the appropriations contained in the bill, a number of them suggested by amendments which will be reached later on, ought to be made. My objection now and my resistance of

these particular items of increase have not reference so much to those items, but are made to emphasize my objection to practically all of the increases of expenditure that the amendments from the Senate committee will provide.

Mr. CURTIS. Mr. President, I want to state for the committee that in this bill there are fewer increases than in any bill that has ever heretofore been reported from the Committee on the District of Columbia. There was no increase made until after a very careful study of the estimates; there was no increase made that did not meet the approval of all of the members of the committee who were present.

Mr. CLARKE of Arkansas. May I ask the Senator from Kansas a question?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Arkansas?

Mr. CURTIS. I do.

Mr. CLARKE of Arkansas. I wish to ask the Senator whether this particular item has been estimated for or was recommended by a standing committee?

Mr. CURTIS. This item has been estimated for.

Mr. CLARKE of Arkansas. Then, why did not the committee include it in the bill as reported to the Senate?

Mr. CURTIS. As I stated a moment ago, the committee made just as few increases as possible, and thought that this one might be left out, because there were other employees similarly situated who would be entitled to the increase if granted in this case. We thought those whose salaries we reported to increase were more entitled to increases than the one proposed to be increased by the amendment of the Senator from Virginia.

Mr. CLARKE of Arkansas. Did I understand the Senator from Kansas correctly, then, when he said he accepted this amendment, so far as he might do so?

Mr. CURTIS. I said that, so far as I am personally concerned, I would not object to it; that it was estimated for. I did not make a point of order against it, because the point of order would not lie. Personally, I have no objection to the increase in this one case.

Mr. CLARKE of Arkansas. I supposed that the Senator was in charge of the bill and was sustaining the policy outlined by the committee when they reported the bill and omitted to recommend this increase.

Mr. CURTIS. I simply expressed my personal feeling in what I said.

Mr. SMOOT. Mr. President, I desire to call the Senator's attention to the fact that the increase was estimated for, as stated by the Senator from Kansas. It was also reported by the Committee on Appropriations of the House, but went out on a point of order in that body.

Mr. CLARKE of Arkansas. Never mind about its historical position before the Senate. What about the merits of the particular item?

Mr. SMOOT. The subcommittee, after considering the statement made by the commissioners as to whether the salary should be increased, decided that it should not and reported it at the present rate as provided by law—\$1,300.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Virginia [Mr. SWANSON].

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 2, line 15, after the word "storekeeper," to strike out "\$900" and insert "\$1,000," so as to read:

Purchasing division: Purchasing officer, \$3,000; deputy purchasing officer, \$1,600; computer, \$1,440; clerk, \$1,500; clerks—one \$1,300, 6 at \$1,200 each, 3 at \$900 each, 6 at \$720 each; inspector of fuel, \$1,500; assistant inspector of fuel, \$1,100; storekeeper, \$1,000.

Mr. SMITH of Georgia. I desire to ask for the yeas and nays on that amendment.

The PRESIDENT pro tempore. The Senator from Georgia demands the yeas and nays.

The yeas and nays were ordered.

Mr. OLIVER obtained the floor.

Mr. CRAWFORD. I ask that the amendment be stated.

The PRESIDENT pro tempore. The Senator from Pennsylvania first addressed the Chair.

Mr. OLIVER. I should like also to have the amendment stated.

The PRESIDENT pro tempore. The amendment will be again stated.

The SECRETARY. On page 2, line 15, after the word "storekeeper," the committee reported to strike out "\$900" and to insert in lieu thereof "\$1,000."

Mr. CURTIS. Mr. President, by unanimous consent, I should like to state what the District Commissioners said in reference to the matter.

The PRESIDENT pro tempore. The Senator does not need to ask unanimous consent. The Senator will proceed.

Mr. CURTIS. The Commissioners of the District of Columbia in regard to this matter say:

The duties of this position require a man of high integrity, one of good judgment, and with a general knowledge of the relative qualities of the various supplies furnished the District government, as upon the incumbent devolves the duty of the custody of all samples submitted by bidders; this duty is particularly onerous at the time annual bids are received on the more than 5,000 items of general supplies. After samples are accepted and used as the standard of qualities of the supplies that are to be furnished under respective contracts, it is his duty, upon request of the interested department, to compare all deliveries with the accepted samples, for the purpose of seeing that the supplies furnished equal the contract quality. He is also charged with the management of the storeroom of stationery and other supplies which is maintained in this office and from which are issued such supplies used by offices in the District Building. The person filling this position is not only required to receive and issue stock, but in addition is also required to do all the clerical work incident to the same, such as keeping record of receipts and issues and making deliveries to departments, renewing the stock as it becomes depleted, etc.

Mr. OLIVER. Mr. President, as a member of the subcommittee, I want to say that if I have any objection to the changes made by the subcommittee in the bill it is because they have not made sufficient advances in small salaries. They have made practically none in the larger salaries, and what advances they have granted have been to men who are underpaid. After hearing what has been read by the Senator from Kansas I say that I would be ashamed to vote against this advance; and, as an employer of men all my life, I would be ashamed in my private establishment to employ a man to perform such duties as this man performs and pay him only the salary that is provided for in this bill.

The cost of living has greatly advanced, and the small salaries have not advanced in proportion. I say that we, as lawmakers and fixers of salaries, ought to consider what it costs a man to live in these days and to grant him an advance, if not commensurate, at least to provide something to correspond to the increase which is involved in his cost of living from day to day.

Mr. SMITH of Maryland. Mr. President, as a member of the subcommittee, I want to say that we scrutinized these recommendations very carefully, and I think I can say that, if Senators will compare this bill with other District of Columbia appropriation bills which have been passed by the Senate, they will find fewer increases than in any bill for many years. So far as an increase of salary is concerned, I do not think it is anything out of order. We find it in our private business, we find it in the case of corporations employing men; and why is it that the men employed by the Government, who receive these small salaries, the increase of which is recommended by the departments, and in this case recommended by the commissioners, shall not be considered by the committee? I see no reason why they should not be considered at this time as well as at any other time, even if there is going to be a new administration; and so I hope that these small increases will not be refused by the Senate. I do not think they will amount in all to \$10,000.

Mr. SMITH of Georgia. Mr. President, the reasons presented by the Senator from Kansas [Mr. CURTIS], by the Senator from Pennsylvania [Mr. OLIVER], and by the Senator from Maryland [Mr. SMITH] in this particular instance appeal to me, and if the order for the yeas and nays may be vacated by unanimous consent, I am willing to have that done and yield on this question. The important matters that I have in view come in a little later.

The PRESIDENT pro tempore. In the absence of objection, the ordering of the yeas and nays will be vacated.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 2, line 16, after the word "driver," to strike out "\$480" and insert "\$600," so as to read "driver, \$600."

The amendment was agreed to.

The next amendment was, on page 3, line 1, after the word "one," where it occurs the first time, to strike out "\$1,500" and insert "\$1,800," so as to make the clause read:

Building inspection division: Inspector of buildings, \$3,000; principal assistant inspector of buildings, \$1,800; assistant inspectors of buildings—11 at \$1,200 each; fire-escape inspector, \$1,400; temporary employment of additional assistant inspectors for such time as their services may be necessary, \$3,000; civil engineers or computers—1, \$1,800; 1, \$1,500; chief clerk, \$1,500; clerks—1 at \$1,050, 1 at \$1,000, 1 who shall be a stenographer and typewriter, \$1,000, 1 at \$900; messenger, \$480; assistant inspector, \$1,500.

The amendment was agreed to.

The next amendment was, on page 3, line 20, after the word "necessary," to strike out "\$1,700" and insert "\$2,400," so as to read:

Plumbing inspection division: Inspector of plumbing, \$2,000; principal assistant inspector of plumbing, \$1,550; assistant inspectors of

plumbing—1 at \$1,200, 4 at \$1,000 each; clerks—1 at \$1,200, 1 at \$900; temporary employment of additional assistant inspectors of plumbing and laborers for such time as their services may be necessary, \$2,400.

The amendment was agreed to.

The next amendment was, on page 4, line 4, after the words "In all," to strike out "\$114,510" and insert "\$115,830," so as to make the clause read:

In all, \$115,830.

The amendment was agreed to.

Mr. CURTIS. Mr. President, to save time, I ask unanimous consent that when the bill is completed the Secretary may be permitted to correct the totals.

The PRESIDENT pro tempore. Without objection, that order will be made.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 5, line 15, after the words "assistant cashier," to strike out "\$1,400" and insert "\$1,500," and in line 18, after the words "in all," to strike out "\$21,700" and insert "\$21,800," so as to make the clause read:

Collector's office: Collector, \$4,000; deputy collector, \$2,000; cashier, \$1,800; assistant cashier, \$1,500; bookkeeper, \$1,600; clerks—3 at \$1,400 each, 1, \$1,200, 1, \$1,000, 3 at \$900 each; clerk and bank messenger, \$1,200; messenger, \$600; in all, \$21,800.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 5, line 23, after the words "chief clerk," to strike out "\$2,250" and insert "\$2,500," and on page 6, line 5, after the words "in all," to strike out "\$43,656" and insert "\$43,906," so as to make the clause read:

Auditor's office: Auditor, \$4,000; chief clerk, \$2,500; bookkeeper, \$1,800; accountant, \$1,500; clerks—3 at \$1,600 each, 3 at \$1,400 each, 1, \$1,350, 4 at \$1,200 each, 5 at \$1,000 each, 1, \$936, 2 at \$900 each, 2 at \$720 each; messenger, \$600; disbursing officer, \$3,000; deputy disbursing officers, \$1,600; clerks—1, \$1,200, 2 at \$1,000 each, 1, \$900; messenger, \$480; in all, \$43,906.

Mr. CURTIS. Mr. President, I move that that amendment be disagreed to.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 6, line 6, after the words "corporation counsel," to insert "to be appointed by the President, by and with the advice and consent of the Senate," so as to make the clause read:

Office of corporation counsel: Corporation counsel, to be appointed by the President, by and with the advice and consent of the Senate, \$4,500; first assistant, \$2,500; second assistant, \$1,800; third assistant, \$1,600; fourth assistant, \$1,500; fifth assistant, \$1,500; stenographers, one \$1,200, one \$840; clerk, \$720; in all, \$16,100.

Mr. SMITH of Georgia. Mr. President, I move to amend that amendment by adding, after the word "President," the words "of the United States," to distinguish it from the president of the board of commissioners.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 6, line 15, after the word "janitor," to strike out "\$480" and insert "\$600"; in line 16, after the word "janitor," to strike out "\$360" and insert "\$480," and in the same line, after the words "in all," to strike out "\$3,360" and insert "\$3,600," so as to make the clause read:

Coroner's office: Coroner, \$1,800; morgue master, \$720; assistant morgue master and janitor, \$600; hostler and janitor, \$480; in all, \$3,600.

The amendment was agreed to.

The next amendment was, on page 7, after line 2, to insert:

For the erection of shelters on the open space at the intersection of Ohio and Louisiana Avenues with Tenth and Twelfth Streets, bounded by Tenth and Twelfth and B and Little B Streets NW, known and designated as the farmers' produce market, and the necessary paving in connection therewith, \$32,000; and the limitation of 10 cents per day for each space at the above-mentioned market contained in the act of June 27, 1906, is hereby revoked, and the Commissioners of the District of Columbia are authorized to charge hereafter not to exceed 20 cents per day for each space in accordance with the provisions of the aforesaid act.

Mr. LODGE obtained the floor.

Mr. SMITH of Georgia. I desire to make the point of order that this is legislation. If the Senator from Massachusetts—

Mr. LODGE. I thought I was recognized. I did not mean to interfere with the Senator's remarks.

Mr. SMITH of Georgia. I hope the Senator will proceed.

Mr. LODGE. Mr. President, if I understand the situation of these proposed shelters, it is directly opposite the National Museum.

Mr. SMITH of Georgia. That is just the point I was about to make.

Mr. LODGE. That is a building containing collections of enormous value. It seems to me that fact in itself is an objec-

tion to establishing the hay market there permanently, if we can find some other position for it. Then I think it is proper to say that the Regents of the Smithsonian Institution were informed the other day that Mr. Freer, whose great collections have been made over to the United States, has increased his gift for the construction of a building to house his collections from \$500,000 to \$1,000,000. He is going to give this great building and these great collections to the United States. It is very much desired by the Regents of the Smithsonian Institution, and all who are connected with that portion of the affairs of the Government, to use that space, if possible, in the future for the construction of this great building, which undoubtedly will be a very handsome one, which is a gift to the people of the United States. I had hoped the committee would not press this amendment to make permanent the hay market at that point. It seems to me it might be put somewhere else.

Mr. SMITH of Georgia. Mr. President, I intended to make very much the same suggestion that has been made by the Senator from Massachusetts. I intended to add, also, that I had no idea that Congress would permit such a structure to remain there for any length of time if it should be put there. It would be an eyesore; it would be a serious interference with the improvements that have taken place and are to take place. Beyond any question, if built, the first thing Congress would do would be to order it torn down and removed. It is to just such waste of public moneys as this that I desire to urge objections.

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMOOT. I thought the Senator had concluded.

Mr. SMITH of Georgia. No. I desire to make the point of order.

The PRESIDENT pro tempore. The Senator from Georgia makes the point of order against the item that it is general legislation.

Mr. SMITH of Georgia. If there is any doubt about it, Mr. President, I desire to submit precedents in support of the point of order.

The PRESIDENT pro tempore. The Chair thinks it is not necessary.

Mr. SMOOT. Mr. President, I desire to state that the first part of the amendment is not subject to a point of order, because it has been regularly estimated for. I believe myself that the latter part, from "\$32,000," on page 7, line 8, down to and including the word "Act," in line 14, is no doubt subject to a point of order.

The committee considered this matter very carefully. I will state frankly that there was doubt in the minds of the committee as to whether or not it was a proper provision to put in. About 260 wagons come to this market every day, and the produce is distributed from them. I am told by the commissioners that sometimes there have been as many as 545 wagons down there.

The commissioners have thought a great deal over the problem of locating this market at some point that would be a central point, not only for the farmers, but for the people of the District who wish to buy their produce.

I believe myself that if this market is to be removed, we should spend no more money there; but if we are going to continue it in the place where it is at present, the expenditure asked for is absolutely necessary. Every Senator who has ever visited this market knows that the present condition is a disgrace to the District of Columbia. It is a dirty place; it is kept in such a way that it is unwholesome and unclean, and it is an eyesore before the National Museum.

I am not going to object if the whole thing goes out on a point of order; but I wished to state that much, as far as the committee were concerned, as to why they put it in.

The PRESIDENT pro tempore. The point of order made by the Senator from Georgia [Mr. SMITH] is sustained. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 7, after line 20, to insert:

Fish wharf and market: Market master and wharfinger, who shall have charge of the landing of vessels, the collection of wharfage and dockage rentals, and the collection of rents for fish houses at the municipal fish wharf and market hereinafter established, for not exceeding 16 months at the rate of \$75 per month, beginning March 1, 1913, \$1,200; assistant market master, who shall also act as laborer, for the same period, at the rate of \$50 per month, not exceeding \$800; in all, \$2,000, to be immediately available; and the Commissioners of the District of Columbia are authorized and directed in the name of the District of Columbia to take over, exclusively control, regulate, and operate as a municipal fish wharf and market, the water frontage on the Potomac River lying south of Water Street, between Eleventh and Twelfth Streets, including the buildings and wharves thereon, and said

wharf shall constitute the sole wharf for the landing of fish and oysters for sale in the District of Columbia; and said commissioners shall have power to make leases, fix and determine rentals, wharfage and dockage fees, and to collect and pay the same into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia, and to make and amend, from time to time, all such regulations as they may deem proper for the control, regulation, and operation of said municipal fish wharf and market; and all leases, subleases, and other private rights of occupancy in and to any or all of said property are terminated on, from, and after March 15, 1913; and all laws and parts of laws requiring the advertisement and sale of rights and privileges for a fish wharf or dock, and all laws or parts of laws inconsistent with the provisions hereof are repealed.

The amendment was agreed to.

The next amendment was, on page 11, line 5, after the word "repairs," to strike out "\$1,000" and insert "\$1,800," and in line 9, after the words "in all," to strike out "\$26,050" and insert "\$26,250," so as to make the clause read:

Municipal architect's office: Municipal architect, \$3,600; superintendent of construction, \$2,000; chief draftsman, \$1,700; draftsmen—one \$1,400, one \$1,300; heating, ventilating, and sanitary engineer, \$2,000; superintendent of repairs, \$1,800; assistant superintendent of repairs, \$1,200; boss carpenter, boss tinner, boss painter, boss plumber, boss steam fitter, five in all, at \$1,200 each; boss grader, \$1,000; machinist, \$1,200; clerks—one \$1,050, one \$620; copyist, \$840; driver, \$540; in all, \$26,250.

The amendment was agreed to.

The next amendment was, on page 12, line 11, after the word "surveyor," to strike out "\$1,800" and insert "\$2,000," and in line 17, after the words "in all," to strike out "\$25,725" and insert "\$25,925," so as to make the clause read:

Surveyor's office: Surveyor, \$3,000; assistant surveyor, \$2,000; clerks—1 at \$1,225, 1 at \$975, 1 at \$675; 3 assistant engineers, at \$1,500 each; computer, \$1,200; record clerk, \$1,050; inspector, \$1,200; draftsmen—1 \$1,225, 1 \$900; assistant computer, \$900; 3 rodmen, at \$825 each; chainmen—3 at \$700 each, 2 at \$650 each; computer and transitman, \$1,200; in all, \$25,925.

The amendment was agreed to.

The next amendment was, on page 12, line 25, after the word "Library," to strike out "including Takoma Park branch"; on page 13, line 3, after "\$1,000," to insert "one in charge of periodicals, \$1,000"; in line 4, after "\$1,000," to strike out "six" and insert "five"; in line 5, before the word "at," to strike out "including one in charge of Takoma Park branch"; in line 5, after the word "five," to strike out "including one for the Takoma Park branch"; in line 6, after the word "three," to strike out "including one in charge of Takoma Park branch"; in line 16, after the words "in all," to strike out "\$41,900" and insert "\$42,180"; and in line 18, after the word "open," to strike out "on the same days and during the same hours" and insert "at least seven hours per day on the same week days," so as to make the clause read:

Free Public Library: Librarian, \$3,500; assistant librarian, \$1,500; chief circulating department, \$1,200; children's librarian, \$1,000; librarian's secretary, \$900; reference librarian, \$1,000; assistants—1 \$1,000, 1 in charge of periodicals, \$1,000, 5 at \$720 each, 5 at \$600 each, 3 at \$540 each, 3 at \$480 each; copyist, \$480; classifier, \$900; cataloguers—1 \$720, 1 \$600, 2 at \$540 each; stenographer and typewriter, \$720; attendants—6 at \$540 each, 5 at \$480 each; collator, \$480; 2 messengers, at \$480 each; 10 pages, at \$360 each; 2 janitors, at \$480 each, 1 of whom shall act as night watchman; janitor of Takoma Park branch, \$360; engineer, \$1,080; fireman, \$720; workman, \$600; library guard, \$720; 2 cloakroom attendants, at \$360 each; 6 charwomen, at \$180 each; in all, \$42,180; and hereafter the Takoma Park branch shall be kept open at least seven hours per day on the same week days as the Free Public Library shall be open to the public.

The amendment was agreed to.

The next amendment was, on page 14, line 3, after the word "Library," to strike out "including Takoma Park branch," so as to make the clause read:

Miscellaneous, Free Public Library: For books, periodicals, and newspapers, including payment in advance for subscriptions to periodicals, newspapers, subscription books, and society publications, \$7,500.

The amendment was agreed to.

The next amendment was, on page 14, after line 14, to insert:

Takoma Park branch: For maintenance, employment of branch librarian and assistants, substitutes, and other special and temporary service, extra service for Sundays and holidays, purchase of books, newspapers, and periodicals, including payment in advance for subscriptions to newspapers and periodicals, binding, fuel, lighting, repairs, including the employment of personal services therefor, and other contingent expenses, the rates of compensation of all employees to be determined by the board of library trustees, \$4,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 23, to insert:

National Library for the Blind: For aid and support of the National Library for the Blind located at 1729 H Street NW, \$5,000.

Mr. CURTIS. I move to strike out the word "National" before "Library," where it occurs the second time.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "Contingent and Miscellaneous Expenses," on page 15, line 15, after the words

"Board of Charities," to strike out "including an allowance to the purchasing officer and to the secretary of the Board of Charities of not exceeding \$300 each per annum for maintenance of vehicle for use in the discharge of their official duties," so as to read:

For contingent expenses of the government of the District of Columbia, namely: For printing, checks, books, law books, books of reference, and periodicals, stationery; detection of frauds on the revenue; surveying instruments and implements; drawing materials; binding, re-binding, repairing, and preservation of records; maintaining and keeping in good order the laboratory and apparatus in the office of the inspector of asphalt and cement; damages; livery, purchase, and care of horses and carriages or buggies and bicycles not otherwise provided for; horseshoeing; ice; repairs to pound and vehicles; use of bicycles by inspectors in the engineer department not to exceed \$800; and other general necessary expenses of District offices, including the sinking-fund office, Board of Charities, excise board, personal-tax board, harbor master, health department, surveyor's office, superintendent of weights, measures, and markets office, and department of insurance, and purchase of new apparatus and laboratory equipment in office of inspector of asphalt and cement, \$36,000; and the commissioners shall so apportion this sum as to prevent a deficiency therein.

The amendment was agreed to:

The next amendment was, on page 16, after line 18, to insert:

Telephones connected with the system of the Chesapeake & Potowmac Telephone Co. may be maintained in the residences of the superintendent of the water department, superintendent of sewers, secretary of the Board of Charities, health officer, chief engineer of the fire department, and superintendent of police, of the District of Columbia, under appropriations contained in this act.

The amendment was agreed to.

The next amendment was, on page 19, line 20, before the word "materials," to strike out "other"; in line 24, before the word "under," to strike out "Bureau of Standards" and insert "testing bureaus of the Federal Government," so as to make the clause read:

Hereafter materials for fireproof buildings, other structural materials, and all materials other than fuel purchased for and to be used by the government of the District of Columbia, and necessary to be tested, shall be tested by the testing bureaus of the Federal Government under the same conditions as similar testing is required to be done for the United States Government.

Mr. CURTIS. In line 22, I move to amend the amendment by inserting after the word "shall" and before the words "be tested" a comma and the words "if requested by the commissioners."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 22, after line 2, to insert: Repaving with asphalt or asphalt block the roadway of C Street NE, from First Street to Fourth Street, 32 feet wide, \$12,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 5, to insert: For paving Twenty-third Street from Kalorama Road to S Street with concrete pavement, including curb on both sides where not already set, for a roadway 24 feet wide, \$8,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 9, to insert: For constructing a suitable viaduct and bridge to carry Benning Road over the tracks of the Pennsylvania, Baltimore & Washington Railroad Co. and of the Baltimore & Ohio Railroad Co., in accordance with plans approved by the Commissioners of the District of Columbia, to be available until expended, \$110,000; and authority is hereby given to purchase or condemn, in accordance with existing law, any land necessary to widen said Benning Road so as to permit the construction of said viaduct and bridge in accordance with the approved plans, as above, the cost of said purchase or condemnation to be paid out of this appropriation, and the said commissioners are hereby authorized to make the necessary expenditures for the construction of said viaduct and bridge and approaches under the like conditions prescribed for the expenditure of the appropriation for a subway and bridge at Cedar Street, contained in the act of May 18, 1910, making appropriations for the expenses of the District of Columbia for the fiscal year 1911: Provided, That the cost of constructing said viaduct and bridge within the limits of the rights of way of said Philadelphia, Baltimore & Washington Railroad Co. and the Baltimore & Ohio Railroad Co. shall be borne and paid, half by said railroad companies in proportion to the widths of their respective rights of way and half by the United States and the District of Columbia, as provided in section 10 of an act entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes," approved February 28, 1903, and said sums shall be paid by said companies to the Treasurer of the United States, one half to the credit of the District of Columbia and the other half to the credit of the United States, and the same shall be valid and subsisting liens against the franchises and property of said Philadelphia, Baltimore & Washington Railroad Co. and the Baltimore & Ohio Railroad Co., respectively, and shall be a legal indebtedness of said companies in favor of the District of Columbia, jointly for its use and the use of the United States as aforesaid, and the said lien or liens may be enforced in the name of the District of Columbia by bill in equity brought by the commissioners of said District in the supreme court of said District, or by any other lawful proceedings against the said Philadelphia, Baltimore & Washington Railroad Co. or said Baltimore & Ohio Railroad Co., or both, and any relocation in the line or change in the grade of the tracks of the Washington Railway & Electric Co. necessary to permit the completion in accordance with approved plans of the viaduct and bridge and approaches herein provided for shall be made by and at the cost of said railway company, and in the event of said railway company failing or refusing to do such work the same shall be done by the Commissioners of the District of Columbia, the cost to be paid from the appropriation for said bridge and viaduct and collected from said street railway company in the

manner provided for in section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

The amendment was agreed to.

The reading was continued to line 23, on page 25.

Mr. CURTIS. After line 23, I move to insert the following:

The Commissioners of the District of Columbia are hereby authorized and directed to strike from the plan of the permanent system of highways for the District of Columbia Crittenden Street NW, between Iowa Avenue and Seventeenth Street, and to omit the said street between the limits named from any future subdivision of the parcel of ground through which the said Crittenden Street runs.

I wish to state that I offer the amendment at this time because I promised to bring it to the attention of the committee, but failed to do so, for I thought there was nothing from the commissioners on the subject. I afterwards found that I had a letter from the commissioners recommending it and it had been reported by the Committee on the District of Columbia and passed the Senate. Therefore I offer the amendment in the Senate.

Mr. SMITH of Georgia. I make the point of order that that is undoubtedly new legislation.

Mr. CURTIS. I think it will be subject to the point of order on the ground that it is not estimated for and it is new legislation.

Mr. SMITH of Georgia. And also that it is new legislation. The PRESIDENT pro tempore. The point of order is sustained on the ground that it is general legislation.

The reading of the bill was resumed.

The next amendment was, on page 26, line 8, after the word "streets," to insert "to be disbursed and accounted for as 'Construction of suburban roads and suburban streets,' and for that purpose shall constitute one fund," so as to make the clause read:

Construction of suburban roads: For construction of suburban roads and suburban streets, to be disbursed and accounted for as "Construction of suburban roads and suburban streets," and for that purpose shall constitute one fund, as follows.

Mr. SMITH of Georgia. I wish to ask the chairman of the subcommittee just what that is for. I do not understand it.

Mr. CURTIS. That is put in so that they may keep all accounts on that subject together and simply have one separate account for suburban roads.

Mr. SMITH of Georgia. It has no bearing whatever upon the proposed change charging a part of the expense of building these roads against the property holders?

Mr. CURTIS. It has not.

The amendment was agreed to.

The next amendment was, on page 27, after line 17, to insert: Northwest, Kalmia Street, end of macadam to Rock Creek Park, grade and improve, \$10,200.

The amendment was agreed to.

The next amendment was, on page 27, after line 19, to insert: Northwest, Sherman Avenue, Florida Avenue to Columbia Road, improve, \$25,000.

Mr. SMITH of Georgia. I desire to ask the Senator in charge of the bill whether these road extensions are included in general legislation already adopted?

Mr. CURTIS. They are carrying out a part of the plan adopted for street improvement which was recommended by the commissioners. A great many more were recommended than we put in.

Mr. SMITH of Georgia. If they are simply recommended and if there has been no legislation establishing these extensions, I make the point of order against the amendment.

Mr. CURTIS. The commissioners, of course, have the authority under the law to recommend the improvement of streets whenever deemed necessary. The committee has inserted the items upon their recommendation.

Mr. SMOOT. All these are highways now, and they have been established by law.

Mr. CURTIS. Yes; by law.

Mr. SMOOT. This is an appropriation for repairs.

Mr. CURTIS. And for grading and paving.

Mr. SMOOT. And the items are estimated for. I will state to the Senator, however, that in footing them all up there is a little more than the estimate called for—a few thousand dollars more.

Mr. SMITH of Georgia. There is an increase of \$19,000 by the Senate committee on these streets, I understand.

Mr. CURTIS. The bill carries some \$90,000 more than the House allowed for that purpose and is some \$30,000 in excess of the amount estimated in gross sum; but we thought in conference we could determine those that needed paving most and reduce those amounts. We thought that was better than to pick them out, because in the House they had very long and

extensive hearings on these streets, and we did not. We put them in with that object in view. They are not for new streets.

Mr. SMITH of Georgia. It is my understanding of the rule that a street can not be extended in an appropriation bill.

Mr. CURTIS. These are not—

Mr. SMITH of Georgia. Let me finish. A street can not be extended or laid out in an appropriation bill.

Mr. CURTIS. It is not the object to lay out any new streets. I misunderstood the Senator's question. This is only to improve existing streets. These are merely improvements on existing streets. No new streets are laid out.

Mr. SMITH of Georgia. Then the Senator did not understand my question.

Mr. CURTIS. I misunderstood the Senator's question.

The PRESIDENT pro tempore. Is the point of order withdrawn?

Mr. SMITH of Georgia. It is withdrawn.

The amendment was agreed to.

The next amendment was, on page 27, after line 21, to insert: Northeast Franklin Street, Twenty-second Street eastward, grade and improve, \$5,500.

The amendment was agreed to.

The next amendment was, on page 27, after line 23, to insert: Northeast Thirteenth Street, Rhode Island Avenue to Franklin Street, grade, \$3,400.

The amendment was agreed to.

The next amendment was, at the top of page 28, to insert:

Northwest. For paving, with asphalt, Connecticut Avenue NW., between Calvert Street and the north end of the Connecticut Avenue Bridge, \$2,800.

The amendment was agreed to.

The next amendment was, on page 28, after line 3, to insert: Northeast Hamlin Street, Twelfth to Thirteenth Streets, grade, \$4,450.

The amendment was agreed to.

The next amendment was, on page 28, after line 5, to insert: Northwest Chesapeake Street, Wisconsin Avenue to River Road, grade and improve, \$3,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 7, to insert: Northwest Illinois Avenue, Kennedy Street to Ingraham Street, and Kennedy Street, Ninth Street to Georgia Avenue, grade and improve, \$8,700.

The amendment was agreed to.

The next amendment was, on page 28, after line 10, to insert: Northwest Eighth Street, Jefferson to Longfellow Streets, grade and improve, \$2,300.

The amendment was agreed to.

The next amendment was, on page 28, after line 12, to insert: Northwest V Street, Flagler Place to First Street, pave (30 feet), \$3,800.

The amendment was agreed to.

The next amendment was, on page 28, after line 14, to insert: Northwest Nineteenth Street, Park Road to Newton Street, grade and improve, \$3,500.

The amendment was agreed to.

The next amendment was, on page 28, after line 16, to insert: Northwest Macomb Street, Thirty-third to Thirty-sixth Streets, grade and improve, \$8,500.

The amendment was agreed to.

The next amendment was, on page 28, after line 18, to insert: Northwest Kalorama Road, Twenty-third Street to Connecticut Avenue, pave (30 feet), \$6,500.

The amendment was agreed to.

The next amendment was, on page 28, after line 20, to insert: Northeast Otis Street, Twelfth to Fourteenth Streets, grade, \$4,200.

The amendment was agreed to.

The next amendment was, on page 28, line 23, after the words "In all," to strike out "\$100,600" and insert "\$192,450," so as to read:

In all, \$192,450.

The amendment was agreed to.

Mr. SMITH of Michigan. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. On page 29, after line 6, it is proposed to insert:

Hereafter Sixteenth Street NW. shall be known and designated as "Avenue of the Presidents."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, at the top of page 31, to insert:

For new sidewalks and curbs around the Patent Office, \$1,500.

The amendment was agreed to.

The next amendment was, on page 31, after line 2, to insert: For replacing sidewalks and curbs around old Post Office Building, Seventh and Eighth, E and F Streets NW., \$2,500.

The amendment was agreed to.

The next amendment was, on page 33, line 15, before the word "thereof," to strike out "one-third" and insert "15 per cent," so as to read:

And the Capital Traction Co. is authorized and required, within 90 days after said bridge shall be ready for the reception thereof, to remove its track from Twenty-sixth Street NW. between Pennsylvania Avenue and M Street and from M Street NW. between Twenty-sixth and Twenty-ninth Streets, and relocate the same in Pennsylvania Avenue and across the bridge herein provided for to a junction with their present tracks at Twenty-ninth Street and Pennsylvania Avenue NW., and to repave the said street space and the space on the M Street Bridge over Rock Creek from which said tracks are removed, all in accordance with plans to be approved by the Commissioners of the District of Columbia and to their satisfaction, and the same law now governing the paving and repairing of street pavements between rails and for a distance of 2 feet exterior thereto shall govern on the bridge herein provided for. And the Capital Traction Co. shall, after the completion of said bridge, pay into the Treasury of the United States, one-half to the credit of the District of Columbia and one-half to the credit of the United States, a portion of the total cost of said bridge and all incidental work thereto equal to 15 per cent thereof, and the same shall be a valid and subsisting lien against the franchises and property of said Capital Traction Co., and shall be a legal indebtedness of said company in favor of the District of Columbia.

Mr. SMITH of Georgia. Mr. President, I regard this modification of the bill as presented to us by the other House as a very serious one. I think the Capital Traction Co. ought to pay one-third of the expense of this bridge. It will be constructed, at least one-third for its benefit, and, as there seems to be no quorum present now—

Mr. CURTIS. Will the Senator from Georgia, before he asks for a quorum, permit me to have a letter read from the attorney of the Capital Traction Co., giving their side of this case? They made a very strong showing by letter before the committee.

Mr. SMITH of Georgia. But we know that the Capital Traction Co. has received enormous franchises—

Mr. CURTIS. That is true.

Mr. SMITH of Georgia. And that it has been given so much in this city, that it is as little as we can do to make it pay a fair proportionate part of an expenditure like this.

Mr. CURTIS. With the permission of the Senator, I ask that the letter which I send to the desk may be read by the Secretary.

The PRESIDENT pro tempore. Without objection, the letter will be read.

The Secretary read as follows:

THE CAPITAL TRACTION CO.,
Washington, D. C., February 17, 1913.

Hon. CHARLES CURTIS,
Chairman of Subcommittee of
Senate Committee on Appropriations.

DEAR SIR: I desire to protest against the enactment into law of the provision in bill (H. R. 28499) requiring the Capital Traction Co. to pay any part of the cost of the new bridge over Rock Creek at Pennsylvania Avenue, and as a basis for such exaction to compel the said company to remove its tracks from their present location and to run over said bridge. The Capital Traction Co.'s tracks are not on said bridge and the company has no desire to go on or over said bridge. Under its charter its tracks were run over said bridge and were accordingly operated from 1863 until 1875. In 1875 at the instance of the chief engineer of the Washington Aqueduct, Congress compelled the company to remove their railway tracks from the Pennsylvania Avenue Bridge over Rock Creek, then called the Washington Aqueduct Bridge, within one year from the date of said act; and by the same act required the company to lay their tracks along Twenty-sixth Street from Pennsylvania Avenue to M Street north, and thence along M Street into Georgetown to connect with their tracks on M Street. The requirements of this act were complied with by the company, and all the expense of relocating in order to go over M Street Bridge as required was borne by the company. About 1890, when the company were contemplating the substitution of cable construction for horse-car service, in order to avoid the difficulties of cable construction at Twenty-sixth and M Streets, it applied to Congress for the privilege of returning to the Pennsylvania Avenue or Aqueduct Bridge, and offered to pay for any needed strengthening of the bridge for its accommodation with the cable construction. An act was introduced accordingly, Senate bill 4594, December 10, 1890, but this legislation failed of enactment and instead, by a provision of the District appropriation bill approved July 14, 1892, the company was required to repair the bridge across Rock Creek at M Street, at a cost not exceeding \$10,000, and this repair (which was practically the rebuilding of said bridge) was under such compulsion done by the company.

When there was a reason and an advantage to the company for straightening its route and running over the Pennsylvania Avenue or Aqueduct Bridge, the right to do so was refused. Now, when the underground electric construction has superseded the cable construction, and the difficulties growing out of the angle or curve at Twenty-sixth and Pennsylvania Avenue no longer effect detrimentally the company by reason of the substitution of the underground system, it is sought by the pending act to compel us to remove from the M Street Bridge, practically built at the expense of the Capital Traction Co., to abandon its tracks down Twenty-sixth Street and on M Street approaching said M Street Bridge, and to remove to the Pennsylvania Avenue Bridge, for the purpose of giving color to an enforced contribution to the cost of building this new bridge. Not only are we required to lose what we have expended on the M Street Bridge and its approaches, but we have to build approaches to the Pennsylvania Avenue Bridge at a large cost and for no benefit whatever to the company.

We do not believe these facts were understood when this item was inserted in the bill by the House committee. No notice or knowledge of the intention to insert this provision was given to the company and, accordingly, no opportunity of making a statement afforded. Because of the pressure upon the Senate committee no hearings were had, and the only communication made by the company was a letter addressed to the subcommittee.

To compel the company to pay in part for this bridge when they are not an occupant of said bridge and do not desire to become an occupant of the bridge, and to undergo the expense that such removal would entail, comes very near to a violation of the rights of property, which are safeguarded by the Constitution and by law.

It is earnestly urged that this wrong be avoided, and I ask that when this item is discussed in the Senate that the facts herein stated shall be disclosed.

Respectfully submitted.

GEORGE E. HAMILTON, President.

Mr. CURTIS. Mr. President, I should like to state further to the Senator from Georgia that the Senate committee also recommended reducing the amount to that estimated by the District Commissioners, leaving the balance open; that is, from 15 per cent to one-third, to be settled in conference, and, if necessary, to give these people a chance to be heard.

Mr. SMITH of Georgia. Mr. President, I shall wish to discuss the matter at some length a little later; but I now merely want to say that I am not willing to see this matter simply left for settlement in conference. If the one-third is right, I should like to see the Senate make the record that it is right, instead of apparently being forced to make a better record by conference with the House. If it is wrong, then we, of course, ought not to do it. I think the one-third charge is right, and I should much prefer not to see the Senate yield upon it. The Senator from the State of Washington [Mr. JONES], however, desires to discuss the Connecticut River dam bill, which is to be voted on at 4 o'clock, and he has suggested that, instead of asking for a quorum now, he would be able to consume the time and let us pass over this amendment for the moment.

Mr. CURTIS. Then, Mr. President, I ask unanimous consent that the District of Columbia appropriation bill be temporarily laid aside, giving notice that I shall call it up at the first opportunity after the disposition of the Connecticut River dam bill.

The PRESIDENT pro tempore. Further consideration of the appropriation bill will be postponed, and the Senator's notice will be entered.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 8275) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 8314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 8178) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 8274) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. McCUMBER. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

HOUSE BILLS REFERRED.

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

H. R. 2839. An act for the relief of William Hommelsberg; H. R. 6793. An act for the relief of Charles A. Bess; H. R. 8921. An act for the relief of William H. Seward; H. R. 18727. An act for the relief of Lewis Wood; H. R. 24296. An act for the relief of Alonzo D. Cadwallader; H. R. 26648. An act for the relief of David Crowther; and H. R. 24661. An act for the relief of James Parsons.

H. R. 24942. An act for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims, was read twice by its title and referred to the Committee on Claims.

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

H. R. 28672. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 28746. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

H. R. 28607. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, was read twice by its title and referred to the Committee on Appropriations.

CONNECTICUT RIVER DAM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8033) to authorize the Connecticut River Co. to relocate and construct a dam across the Connecticut River above the village of Windsor Locks, in the State of Connecticut.

Mr. JONES obtained the floor.

Mr. MCLEAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield for one moment?

Mr. JONES. Certainly.

Mr. MCLEAN. I want to offer an amendment to the pending bill and have it printed. As the amendment is very short, I should like to have it read before it is printed.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. At the end of section 1 it is proposed to insert the following:

And provided further. That if said company shall neglect or refuse to pay any charge or return demanded of said corporation by the Secretary of War, either by order or under any contract, and such neglect or refusal is based on the ground that said charge or return is invalid or unconstitutional and not within the power of Congress to require, such neglect or refusal on the part of the company shall not affect the rights of said company to hold and exercise all the powers, rights, and privileges granted in this act; and in any suit brought against said corporation for the collection of said charge or return the said corporation shall have the right to enter its proper plea to test the constitutionality or validity of said charge or return, and the courts shall take cognizance of the same; and nothing in this section shall be understood as committing the Government to a policy of imposing or not imposing such charges or returns as are herein described from any other company or corporation seeking the assent of Congress under like or similar circumstances.

The PRESIDENT pro tempore. The proposed amendment will lie on the table and be printed.

Mr. JONES. Mr. President, I yield to the Senator from Arizona [Mr. SMITH], who, I understand now, desires to address the Senate.

Mr. SMITH of Arizona. Mr. President, the great difficulty with the bill now under consideration is found in the wide difference of opinion amongst Senators as to the powers granted the Federal Government under what is known as the "commerce clause" of the Constitution. No strict construction of that instrument is required in order to condemn the bill before us, and no construction, however liberal or wide, can include the powers attempted to be exercised under the very remarkable provisions of the measure before us. So far as the bill itself is concerned I would not consume the time of the Senate or my own time by a discussion of it, except for the reason that it gives senatorial sanction to a dangerous principle, and if enacted into law establishes a precedent so far-reaching, so disastrous in effects on the people of the Western States, that I can not

refrain from giving some of the reasons which impel me to oppose its passage, especially against that provision which recognizes the right of the Federal Government to exercise any right whatever over any power generated by the flowing waters in any State where such waters are not needed for navigation. This bill presumes to give such power, and for that reason I oppose it.

It is well to see before proceeding farther what the bill under consideration proposes to do, as well as the facts to which it is to be applied. There is, and has been for more than half a century, a dam across the Connecticut River, built by private capital. It does not impair navigation. The proposal is to permit the same people, or their successors in interest, to raise this dam to a greater height for the purpose of creating power for an electric plant. This additional height will improve the navigation of the stream as well as create the power mentioned. The Secretary of War, however, refuses to grant permission to elevate this dam unless the investors in the power enterprise, and who furnished all the money, shall agree to certain provisions and stipulations in a contract giving the Federal Government control over the power produced. Being thus "held up," the proponents consent to the terms exacted by the Government. Against this exaction we raise our protest.

Let us examine the question and discover, if we can, the actual powers delegated to the Federal Government by the States on the adoption of the Constitution, and, ascertaining this, we can clearly see what governmental powers were retained by the people.

I presume that no man on this floor will question the fact that before the adoption of the Constitution the Colonies were the absolute owners and in full control of all the waters washing their shores—the arms of the sea, the inlets and bays, and all streams within their respective boundaries. On achieving their independence each State became the absolute sovereign over its navigable waters, could, if it chose, prevent the use of them to the boats or craft of any other State, and thus seriously interfere with the trade and commerce of any State it pleased to punish or obstruct.

In contemplating the formation of a more perfect union it became at once apparent that the regulation of commerce on these waters was essential to the Federal Government in order that open commerce might be maintained among all the States, free from any State regulation or exactions. Hence came that provision of the Constitution giving "Congress power to regulate commerce among the several States," and so forth. Does anyone here think for a moment that the States intended to surrender any right to the water of their rivers further than was necessary to the regulation of commerce on the streams? The people intended to give and did give only an easement over these waterways of commerce. That this right to regulate commerce amounted only to an easement has been decided time and time again by the Supreme Court of the United States. It is unnecessary to say to any lawyer that no easement ever carried any power with it other than was necessary to its full use and enjoyment.

The rivers as means of interstate commerce are in no essential sense different from railroads engaged in the same business. Each are subject to regulation by Congress to an equal extent. The railroads' right of way over land is in principle the same as the steamboats' right of way over the rivers; both are easements pure and simple. Take the two cases cited by the Senator from Alabama [Mr. BANKHEAD], where one railroad condemned and paid for a right of way over the lands of another, and in the right of way discovered a valuable rock quarry and proceeded to sell the rock as fast as it was taken out. The owner of the land brought suit against the railroad and recovered the value of the stone sold, the court deciding that the easement—the right of passage over the land—carried no other right with it. The second case was in all respects similar, except in the latter sand was extracted and sold from the right of way, with the same result at the end of the suit. On the citation of these cases the Senator from Ohio [Mr. BURTON] interrupted with the statement that the cases did not apply in any way to any principle in the measure under discussion. In illustrating the powers granted or attempted in this bill, no cases, in my judgment, could be more in point. They seem to me to be decisive of the question at issue here.

As I have said, on forming the Constitution the States relinquished to the Federal Government the simple right to regulate commerce. There were no railroads then; sailing vessels and small boats did the business. The States then surrendered this power in order that each might protect its trade against any combination of the other States, but they made no grant of power further than that specifically mentioned. This has been for years the settled doctrine.

Turn from the established rule and see what is attempted in this bill, and a mighty difference appears. We have indeed come to a parting of the ways. From the doctrine that the States—and I mean by that the people—had remaining in them all power that they had not delegated to Congress, we behold an effort through this bill and others like it to hand over to Congress the most sacred rights of the people—rights on which their prosperity as States had grown; rights on which their freedom and independence had so long and so securely rested. Before I get through I hope to show from decisions of the Supreme Court that where the Congress does not act in the matter of improving navigation the States can act. The State can always act as it pleases with its rivers, provided navigation is not interfered with or commerce impeded.

In *Huse v. Glover* (119 U. S., 543) the court said (pp. 548, 549):

The State is interested in the domestic as well as in the interstate and foreign commerce conducted on the Illinois River, and to increase its facilities, and thus augment its growth, it has full power. It is only when in the judgment of Congress its action is deemed to encroach upon the navigation of the river as a means of interstate and foreign commerce that that body may interfere and control or supersede it. If, in the opinion of the State, greater benefit would result to her commerce by the improvements made than by leaving the river in its natural state—and on that point the State must necessarily determine for itself—it may authorize them, although increased inconvenience and expense may thereby result to private individuals.

The Senator from New York [Mr. Root], in order to maintain his advocacy of this bill, was forced by logic to assert that Congress could *create* commerce, and my understanding of his argument was that if it created means of commerce by erecting a dam in a river it was entitled to use or otherwise profit by any incidental value that might accrue from such construction, such as the electric power to be generated in this case.

I deny that any such power rests in the Constitution. I deny that the Federal Government can go into a State and, without its consent, make a navigable stream out of a nonnavigable one; and even if it could do so it does not follow that the Federal Government could also use or sell or contract with anybody for the use of any water power that might be developed by such invasion as it attempted in this bill.

Let us see what the Supreme Court has said on this subject.

In *Mobile v. Eslava* (16 Peters, p. 277) the court holds directly that the right of navigation of State waters is simply an easement, and uses this language:

The United States, then, may be said to claim for the public an easement for the transportation of merchandise, etc., in the navigable waters of the original States while the right of property remains in the States.

The original States possessing this interest in the waters within their jurisdictional limits, the new States can not stand upon an equal footing with them as members of the Union if the United States still retain over their navigable waters any other right than is necessary to the exercise of its constitutional powers.

These powers, of course, being the regulation of commerce.

Mr. NELSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator yield to the Senator from Minnesota?

Mr. SMITH of Arizona. Certainly.

Mr. NELSON. What case is the Senator reading from?

Mr. SMITH of Arizona. The case of *Mobile v. Eslava*, in Sixteenth Peters, page 277.

Mr. BRANDEGEE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Connecticut?

Mr. SMITH of Arizona. With pleasure.

Mr. BRANDEGEE. With reference to the statement made by the Senator from Arizona that Congress has no power to create navigation I should like to ask him if, in the case of an interstate river, a river flowing through more than one State, there is an obstruction in the channel, does he deny the power of the Government to appropriate money to go in and blast out rocks or deepen the channel?

Mr. SMITH of Arizona. On that condition; no. Is that an intrastate river or one running between two States?

Mr. BRANDEGEE. Interstate.

Mr. SMITH of Arizona. Navigable above and below?

Mr. BRANDEGEE. Irrespective of whether it is navigable above or below, if it can be made navigable by the operation of the Government under the clause of the Constitution authorizing it to regulate commerce among the States, would the Senator deny the right of the United States to appropriate in the river and harbor bill for blasting out rocks or deepening the channel?

Mr. SMITH of Arizona. That is wide of the question that we now have before us, for I have used that statement, "creating commerce," while conceding that it might probably have power under the word "regulate" to remove an obstruction

from an otherwise navigable stream. I was applying it to what I conceive to be the facts in this case—that at the head of navigation at the time of the adoption of the Constitution the State of Connecticut was the absolute owner of the confessedly non-navigable waters above this ridge that now runs across the river.

Let me ask the Senator while he is on his feet how many miles of navigation on the river above the dam it is supposed that the dam will give?

Mr. BRANDEGEE. The present obstruction there, according to the report of the committee, consists of rapids to the extent of about 5 miles, and the lock provided for in the bill would make it navigable through to that extent. Of course, the Senator understands there is an existing lock there now, but it has become inefficient in view of the needs of modern navigation and the depth of draft of the boats. It adds 3 to 5 miles to the navigability of the stream.

Mr. SMITH of Arizona. Let me say right here, to test the purpose of this bill, whether it is for the purpose of improving the stream or whether it is for the purpose of creating electrical power, nobody on the face of the earth would think for a minute of spending millions of dollars to add 3 or 4 miles of navigation to a river in these days of modern transportation.

Mr. BRANDEGEE. Mr. President, I fear the Senator does not exactly understand what it is proposed to do. By making navigable this stretch 3 or 5 miles in length, that is at present nonnavigable, navigation will be opened up 50 miles above, away up into Massachusetts, up to Holyoke and Springfield.

Mr. SMITH of Arizona. That is the point about which I was asking the Senator. He misunderstood my question. So my criticism in that particular is probably unjustified.

Mr. BRANDEGEE. I did not understand the Senator.

Mr. SMITH of Arizona. I was asking how much more navigation it gave—how far it extended the line of commerce.

Mr. BRANDEGEE. Away up into the State of Massachusetts, making it an interstate stream.

Mr. SMITH of Arizona. But on the question of whether or not the Federal Government can create navigation, the State certainly owned all the water above this impediment in the river at the time of the adoption of the Constitution and it gave away nothing but the right to navigate. The State owned the balance of it; for in this same case of *Mobile against Esseiva* the court uses this language, which I will read again:

The original States possessing this interest in the waters within their jurisdictional limits, the new States can not stand upon an equal footing with them as members of the Union if the United States still retain over their navigable waters any other right than is necessary to the exercise of its constitutional powers. To recapitulate, we are of opinion: First, that the navigable waters within this State have been dedicated to the use of the citizens of the United States, so that it is not competent for Congress to grant a right of property in the same. * * *

Congress can not grant any right of property. Therefore can not supervise any contract concerning the surplus waters not needed for navigation.

Mr. BRANDEGEE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arizona yield further to the Senator from Connecticut?

Mr. SMITH of Arizona. Certainly.

Mr. BRANDEGEE. I agree to that; but what has that to do with this case?

Mr. SMITH of Arizona. That is what I am endeavoring to show the Senator. There is the whole difficulty with this case. Whenever we get to a decision that squarely says you can not do it, we are asked what it has to do with the case.

Mr. BRANDEGEE. What right of property is Congress trying to give to anybody?

Mr. SMITH of Arizona. What right has it at all, except in the interest of navigation?

Mr. BRANDEGEE. None.

Mr. SMITH of Arizona. Then what is it doing in interfering with this contract for the use of the surplus water confessedly belonging alone to the State?

Mr. BRANDEGEE. It is providing, as one of the conditions of the issuance of the license, that they shall pay some money to be used in the interest of navigation.

Mr. SMITH of Arizona. By what power, under this decision, can they say what the State shall pay for its water that is not used or needed in navigation?

Mr. BRANDEGEE. They are not stating what the State shall pay for any waters at all.

Mr. SMITH of Arizona. What is the United States Government doing there at all, then?

Mr. BRANDEGEE. They are not doing anything there yet. They are trying to get there for the purpose of building a dam and a lock to help the navigation of the river. That is what the Government is trying to do. The people who are asking for

the license are trying to get the license to build a dam to generate electrical power.

Mr. SMITH of Arizona. We understand all that. I am trying to find out the power of the Government, aside from navigation, whereby it has anything whatever to do with the surplus water, either to sell it or contract for its use or sale.

Mr. BRANDEGEE. But the Government is not selling any water that belongs to the State of Connecticut or anybody else.

Mr. SMITH of Arizona. What the agent can do the principal can do. Can the Senator's mind distinguish between the right of the Government to control this contract and the Government's right to work under the contract itself?

Mr. BRANDEGEE. I do not distinguish that.

Mr. SMITH of Arizona. Nor can anyone else. If the Government can work under it itself, it can work through its agent for any purpose it pleases, can it not? Where does the Senator drive himself?

Mr. BRANDEGEE. I do not understand the Senator, Mr. President.

Mr. SMITH of Arizona. I am unfortunate in not being able to make myself clear. I will try to make my position clearer to the Senator. My contention is that the Government has no business meddling with the affairs of the State of Connecticut and its people—

Mr. BRANDEGEE. I agree to that.

Mr. SMITH of Arizona. In a matter that does not injuriously affect the navigability of a stream. Confessedly this does not injuriously affect the stream or they would not permit the dam to be built. If it does not injuriously affect the stream, the Federal Government has exercised all the power it has; and it has nothing to grant, nothing to give, no supervision over any contract, no right to speak as to what the State of Connecticut shall do with water belonging to the State. It has no right to come in and lay an embargo on the consumers. It has no right to put into its Treasury money thus extorted from the private investment of the citizens of Connecticut in property with which Congress has nothing to do.

The case cited holds unequivocally that all water not essential to the use of commerce belongs to the State, and the State alone can exercise sovereign power over such water.

The interruptions have led me beyond what I had intended thus early to say, and to make my position clear I must, in a measure, start at the beginning and probably repeat something already expressed.

Mr. President, I maintain, and shall show by the very words of the Constitution, by its spirit, and by decisions of the Supreme Court, that all the waters in a State, navigable and nonnavigable, belong primarily and absolutely to the States in which they flow, with this simple modification, to wit, on navigable streams the General Government has an easement for the protection and improvement of commerce between the States. The nonnavigable streams of a State are owned absolutely by the State, and are under the exclusive sovereignty and jurisdiction of the State to the utter exclusion of any control by the Federal Government of any kind whatever.

That the proprietary ownership of public lands within any State by the Federal Government gives it no more control or sovereignty or rights over the waters flowing through such lands than it has over such waters flowing through private lands in Virginia or Connecticut. I am unable to see, after all that has been said and all the light that the trained and acute intellects of the advocates of this bill could throw upon it, how any man reverencing the Constitution, or regarding the reserved rights of the people, or respecting the decisions of the Supreme Court in respect of these rights can for a moment assent to the horrible doctrine that the Federal Government can invade the local rights of the people and lay a tax, or any burden, on their property that it does not likewise lay on every other community similarly situated. Charging a fee or license for power incidentally developed by any improvement of navigation, confessedly not needful for navigation, such waters being owned by the States, and turning the enforced proceeds away from the State into the National Treasury, strikes me not only as monstrous but revolutionary, if not actually treasonable, against the reserved rights of the people, which are fully as sacred as the powers specifically granted in the Constitution. Think, for a moment, what this proposal means.

Mr. President, I make the broad assertion that no case can be found, since the illuminating decision of *Pollard v. Hagan* (3 How.), among all the decisions of the Supreme Court, on which the advocates of this bill can with any confidence rely.

The Fox River cases, cited by the Senator from Ohio [Mr. BURTON], decide no such thing as he claims for them, for the point at issue there was in all respects different from the ques-

tion before us, as is sufficiently demonstrated in the analysis made of those cases by the Senator from Texas [Mr. CULBERSON] and the Senator from New York [Mr. O'GORMAN] in the conclusions of each already printed by the Judiciary Committee of the Senate. Where the Senator from Ohio [Mr. BURTON] makes the prime mistake in his argument is the assumption that in granting a concession to build a dam in a navigable stream that the Government of the United States *has given away a valuable right it possesses*, and in parting with such valuable right it can and should collect for the public good—the United States Treasury—any burden, tax, or toll that Congress sees fit to impose. This error of the erudite Senator is fundamental. He is too well practiced in debate to permit any evasion of his conclusions, provided you grant his premise. The trouble is that the Federal Government has *no right* that it can grant or sell in the navigable or other waters of the State or any waters in the United States. The Government itself can not obstruct navigation in the Connecticut River. It can give no other person any such right.

If you grant that the United States has such ownership as gives the power to obstruct navigation, when it sees fit, by erecting a dam across a river, then you are in an attitude to claim that it can dispose of any power created by the work, to whom it pleases and for what purpose it pleases. But who will contend that the Government has such jurisdiction over or right in the waters of a State as to permit the Federal Government to obstruct the navigation? Could the Federal Government, under the commerce clause of the Constitution, enter a State and obstruct a railroad carrying merchandise between the States? Under that clause in the Constitution, as I have already said, the power over commerce is the same when applied to railroads engaged in interstate commerce as it is over the rivers carrying freight and merchandise. Apply your new-born doctrine to interstate railroads and find, if you can, what station you will get off at.

The Government can not charge the State or the people of a State anything for improving the navigation of a river. The States primarily have that right. Let Congress say that the dam constructed, or to be built, does not interfere with or in any way hinder or obstruct the free navigation of the stream and it has exercised all the power it has in respect of that river. I repeat, with all emphasis possible, the Government has nothing to sell nor bargains to make touching that water when commerce is unimpeded by the State's action or anyone acting under State authority.

The States own the rivers within them, banks, bottom, and stream, subject only to the right of all the people of the United States to use them for the purpose of carrying their commerce in and among the States. The State has a right to build a bridge over any stream within its borders if commerce be not interfered with. Commerce between the States might be and universally is much enhanced and improved by the bridge.

More merchandise would, or often does, pass over such bridge in a day than the stream would carry in a month. Congress, whatever it may have done, without any contest, has no right, moral or legal, to charge anything or receive anything for the construction of a bridge by anybody over any river anywhere, provided that the bridge does not interfere with the navigation of the stream; and even though it does impede or impair the navigation, Congress can not take pay or toll, but is bound to have the obstruction removed. The only interest the Government has in navigable streams is a mere easement, and it has the power, of course, to protect, maintain, and improve the rivers for the more perfect use of the easement, navigation, commerce. Let us see what the Supreme Court, as well as other courts, State and Federal, have said in construing the Constitution in this regard, and incidentally see what has been decided touching the sovereignty of the State over the public lands within its border. One of the early cases, and the one most frequently cited, is that of *Pollard's Lessee v. Hagan* (3 How., 212), where the court uses this language:

The right of Alabama and every other new State to exercise all the powers of government which belong to and may be exercised by the original States of the Union must be admitted and remain unquestioned, except so far as they are temporarily deprived of control over the public lands.

Nothing remained to the United States, according to the terms of the agreement, but the public lands. And, if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in the cases in which it is expressly granted.

And further on the court says:

By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils

under them were not granted by the Constitution to the United States, but were reserved to the States, respectively; secondly, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States; thirdly, the right of the United States to the public lands and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiff's the land in controversy in this case.

Justice Bradley, in *Shively v. Bowly* (152 U. S.), which is one of the leading cases on this question, says:

Upon the acquisition of a Territory by the United States, whether by cession from one of the States or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States for the benefit of the whole people and in trust—

In trust, mark you—

for the several States to be ultimately created out of the Territory.

The new States admitted into the Union since the adoption of the Constitution have the same rights as the original States in the tidewaters and in the lands under them within their respective jurisdictions. The title and rights of riparian or littoral proprietors in the soil below high-water mark, therefore, are governed by the laws of the several States, subject to the rights granted to the United States by the Constitution.

Which rights were merely rights to regulate commerce.

The United States, while they hold the country as a Territory—

Mark this distinction—

having all the powers both of national and of municipal government, may grant, for appropriate purposes, titles or rights in the soil below high-water mark of tide waters.

But they have never done so by general laws, and, unless in some case of international duty or public exigency, have acted upon the policy, as most in accordance with the interest of the people and with the object for which the Territories were acquired, of leaving the administration and disposition of the sovereign rights in navigable waters, and in the soil under them, to the control of the States, respectively, when organized and admitted into the Union.

It was never intended that the great natural resources of any State should be reserved by the Federal Government for the pleasure or profit of the citizens of other States or a money profit to the Government itself. It is inconsistent with the condition existing in the original States and with the free exercise of local sovereignty and dominion within their borders.

In the case of *Withers v. Buckley* (20 How., 84) in considering the act of Congress of 1817, prescribing the free navigation of the Mississippi River and its effect on the State powers, among many other interesting and important things, the court said:

That it could have no effect to restrict the new State in any of its necessary attributes as an independent sovereign government, nor to inhibit or diminish its perfect equality with the other members of the confederacy with which it was to be associated. These conclusions follow from the very nature and objects of the confederacy, from the language of the constitution adopted by the States, and from the rule of interpretation pronounced by this court in the case of *Pollard's Lessee v. Hagan* (3 How., p. 223).

* * * * *

Again the Supreme Court says:

The act of Congress of March 1, 1817, in prescribing the free navigation of the Mississippi and the navigable waters flowing into this river, could not have been designed to inhibit the power inseparable from every sovereign or efficient government, to devise and to execute measures for the improvement of the State, although such measures might induce or render necessary changes in the channels or courses of rivers within the interior of the State, or might be productive of a change in the value of private property.

And the court further says:

It can not be imputed to Congress that they ever designed to forbid, or to withhold from the State of Mississippi, the power of improving or the interior of that State, by means either of roads or canals, or by regulating the rivers within its territorial limits, although a plan of improvement to be adopted might embrace or affect the course or the flow of rivers situated within the interior of the State.

From these decisions it is clear that the State and not the United States owns the surplus water in the Connecticut River and can do just what it pleases with it. Any attempted interference by the Federal Government is attempted usurpation; any actual control is usurpation.

The precedent established is what the *real sensible* conservationists most particularly object to, and for reasons which I shall attempt to make plain.

Mr. President, when I observe the usurpation of power in the public-land States by the executive departments and by Congress, I am impelled by a sense of duty to call to the attention of Senators, and as far as I can the attention of the country, to the injustice under which the people of the West are suffering. The unbridled and, as I think, unconstitutional exercise of Federal power over matters in which the State alone has jurisdiction and sovereignty utterly destroys the hope of further development of some of the Western States and threatens their future existence as solvent Commonwealths.

I want in the outset, on this part of the subject, to say that I am as strongly in favor of the conservation of State and National resources as any man here or elsewhere. But I desire sensible conservation. I want to "render unto Cesar the things that are Cesar's," but not all that imperial Cesar might claim. I want the General Government to be free and untrammled in

the just use of all its powers. I want my State and yours equally free in the same use of the powers rightfully belonging to them. But Congress should remember, in dealing with the Western States, that if it has a giant's power it is tyrannous to use it like a giant. I think I can show that Congress has tyrannically used powers which are doubtful, and the Interior Department has exercised unjustly powers that it never had at all, and by rules, regulations, and orders dedicated our lands to silence and desolation. I have neither the time nor inclination to go into details, but I will stop long enough to assert that the reversal of the rulings of more than half a century in the matter of mining locations alone did, and is doing, more harm to one industry than all the good that that department has done the mining States in all their history. Why it was made no man in the West knows. That ruling is born of ignorance, profound ignorance, of the geological conditions in which the precious and semiprecious metals are found—ignorance or carelessness of the vast expense and labor involved in their output—and the manifold and widely distributed blessings attending their successful development. If Congress does not give relief, a blighting paralysis will strike the most beneficent industry, agriculture alone excepted, that the world has ever known. The same department—I do not in this allude to the present Secretary—a few years ago successfully urged on Congress the passage of a law giving the land-grant railroads scrip for the worthless and denuded lands held by the corporation in order to turn them into a forest reserve, and was by this the means of putting vast tracts of the best timbered lands in all the West in the hands of lumber barons, and doomed the forest to destruction the day the scrip was issued.

I make no claim of corruption against the department or the then Secretary, but cite the incident merely to show that the department when dealing with the subject nearest its heart and hope was not then less infallible than the present Secretary has shown himself to be in the matter of mining claims.

I did not take the floor to indulge in criticism, but for a much more serious purpose, and that is to demonstrate by the decisions of the Supreme Court that unjust exactions and burdens are laid on the public-land States by Federal power, or alleged power, that it does not impose on other States, and does not assert the power to impose them on other States, claiming to find warrant for these exactions in the title the Government has to the public lands.

I make the claim that the Government holds the public lands as a private proprietor and not as a sovereign. I doubt if under the Constitution the title is as complete and full for all purposes as an individual holds under a fee-simple title, for the reason, as I have shown, that these public lands are held under and subject to a trust for the use of the State and the citizens thereof. (*Shively v. Bowlby*, 152 U. S.)

I further claim that the running nonnavigable waters of every State are subject to the sovereign will of the State, and unaffected by the trust title the Government holds to the lands through which they flow, and especially so in those States where riparian rights no longer obtain or never did exist.

I further maintain that the Federal power over navigable waters within a State, as well as its interest in the public lands, is and must of necessity be found among the express grants in the Federal Constitution, and the terms of the grant—its language—measures the full power that can rightfully be exercised by the Federal Government over these subjects.

It follows, then, that the rules and regulations which Congress can make for protection of such proprietary title as the Government has can not interfere with the sovereign power of the State to build roads demanded by the necessity of the State—to dig a canal for the purposes of irrigation in some desert county or district of a State—nor can the Federal Government lay any tax or royalty on the State for the use of any lands within its borders for such essential public purposes. If Congress can prevent Arizona from building a necessary road over any lands within the State, then it can prevent any other State from doing the same thing, or else the equal sovereignty of the States is violated and the constitutional mandate in that particular nullified.

You can not set up title to the lands as a plea against sovereignty of the State. You can not, by your right to protect, regulate, and ultimately sell lands within a State, nullify the clause of the Constitution guaranteeing equality of all the States. Your limited title must succumb to the edict of the Constitution. The Government holds no higher or broader title to any acre of the public lands than it transfers to the individual by its patent. Yet no individual could successfully prevent the use of his land for necessary purposes of the State, nor can the Federal Government constitutionally or conscientiously do so.

The power of the Federal Government over the public lands is found in section 3 of Article IV of the Constitution, which declares that—

The Congress shall have power to dispose of, and make all needful rules and regulations respecting the Territory or other property belonging to the United States.

This language gives no more than a proprietary interest in the public lands to the Federal Government. It can take care of them, use them and sell them, but neither in its supervision, by rules and regulations, nor by sale can the sovereignty which the State holds be usurped or nullified. Over the sovereign right of the State to build a public road the Congress has no more right to hinder in Arizona than it has in Texas. It can lay no toll or tax or royalty on any State or any subdivision of any State in any matter of State sovereignty whatever. The ownership of public lands within a State does not affect in any manner the full exercise of the States' inherent sovereignty.

The people of Texas, or the State of Texas, if you please, in whose borders no acre of public land was ever known, has no more power over the running waters in the State than every other State possesses over their respective streams. Yet, who will claim that Congress can invade the State of Texas and lay tribute or toll on water power developed on such streams? The full ownership of the nonnavigable waters does not lie in the ownership of the landholders along its banks, nor in all of them combined. Riparian right is not a title, and whatever easement or use it carried with it, does not affect in any way those States which *do not recognize riparian proprietorship at all*. The jurisdiction over this question has always been recognized as being in the State, as was said by the Supreme Court in the *Water Power Company against Water Commissioner*, One hundred and sixty-eighth United States, and citing with approval the same rule laid down in the leading case of *Shively against Bowlby*, in One hundred and fifty-second United States.

Riparian rights have not and never have been recognized in Arizona. The ownership of land does not affect title to the waters of the State. Whether private persons, or the Government itself, owns all the land along the stream, the right of the people under the laws of the State are not affected. Any citizen can still acquire title to the unappropriated waters in any stream by diverting any amount necessary and subjecting it to any beneficial use named in the statutes of the State. Arizona was admitted to the Union under a constitution which declared that the unappropriated waters in the State belonged to the people, and was subject to appropriation for the beneficial purposes mentioned. This act of admission confirmed the title to the waters in the State beyond all further controversy, and over these flowing streams Congress has no jurisdiction whatever. Nevertheless, the Department of the Interior claims under act of Congress and in exercising full power over this subject and laying what toll rentals and other conditions it pleases on the use of these waters by the State or any citizen of the State. If these exactions are not demanded under a claim of title to the waters they are extorted by claiming title to the land and prohibiting thereby the use or occupancy of any land necessary to the use of the water.

Appealing to the power of eminent domain, we could force any private owner holding title from the Government—being as full in all respects as the Government holds—to permit the use of the necessary land for the great public good. Thus, like that miserable dog in the manger, the department, being unable to devour our substance, proceeds to prevent our use of it. Under a pretense of suppressing monopoly, such restrictions in title and reservation of control, and such tolls are imposed, that no sensible man will invest in many enterprises so essential to the prosperity of the State and the betterment of its people.

The people of Arizona, in all matters within the jurisdiction of the State, can be trusted much further than they can trust the Federal Government in preventing monopoly, and also in destroying it, when found to exist, within its borders.

The Federal Government is no wiser or better than the States composing it. Where the States fail to meet wisely the problems and responsibilities which confront them, the Federal Government will be found in no such moral condition as to attempt the solution of these problems or assume the responsibilities for the people of the States. In our very creation it was wisely otherwise ordained. I have no fear of Arizona wasting her resources, or giving them over to the mercy of monopoly. Her legislature—and if it fail to act—her people can under the referendum prevent any franchise that savors of monopoly, by reserving the right of fixing tolls and charges and rates in all cases where the public is concerned.

If the General Government can lay a duty, or toll, or charge, or tax on the use of the resources of the State by its citizens, or the State itself, surely it can lay no just claim to the revenue

derived and cover it into the general fund of the United States Treasury, but the money so obtained should in equity be turned into the treasury of the State, so that it might supply in a small degree the enormous amount of taxes you have kept from our Treasury by reason of the enormous amount of the most valuable lands in the State which you have covered by reservations. You prevent us from collecting taxes on the property you have taken from us, as you allege for the general good of the United States, and proceed to collect from us and cover into the United States Treasury taxes on the use of resources clearly belonging to us and on which you have no moral right to lay your hand under any pretense whatever.

Where does the Federal Government find its charter to reserve "power sites" on nonnavigable streams in the public-land States? As I have shown, these waters belong to the States and can be used by the State for State purposes. The State has the right to fix such charges as it sees fit on the public carrier of electric power and fix what rate such carrier shall deliver it to the consumer. The cost of the enterprise, together with a reasonable profit on the business, is, of course, paid at last by the consumer. What right, I ask, has Massachusetts, Connecticut, or Virginia, or all the States combined, to lay any burden on the consumers of electric power generated by water owned by Arizona? Any money obtainable from such source for the right to generate the power belongs to the treasury of Arizona alone.

The great irrigation enterprises of the Government stand on a different footing, for in those cases the Government advances the money and requires its repayment by the people using the water, and let us here pause long enough to express the hope that no more will be required of the water users than the necessary cost of the various enterprises. But of this I will have more to say when proper occasion arises.

Mr. President, I pray further indulgence of the Senate for the purpose of examining certain decisions of the Supreme Court on the question of the State's absolute ownership and control of all nonnavigable waters within the States, and that the ownership by the Federal Government of the public lands does not affect the State ownership of the water.

And this ownership of water being reserved from the grant to the Federal Government, remained, as I have before shown, in the original States, and such ownership must remain in any State subsequently admitted in order to preserve the equality of the States prescribed in the Constitution. I think it was in *Withers against Buckley* where the court said:

Could such an intention be ascribed to Congress, the right to enforce it may be confidently denied. Clearly, Congress could exact of the new State the surrender of no attribute inherent in her character as a sovereign independent State, or indispensable to her equality with her sister States, necessarily implied and guaranteed by the very nature of the Federal compact. Obviously, and it may be said primarily, among the incidents of that equality, is the right to make improvements in the rivers, watercourses, and highways situated within the State.

* * * * *
On her admission she at once became entitled to and possessed of all the rights of dominion and sovereignty which belonged to the original States. She was admitted and could be admitted only on the same footing with them. The language of the resolution admitting her is "on an equal footing with the original States in all respects whatever." (3 Stat. 536.) Equality of constitutional right and power is the condition of all the States of the Union, old and new.

At this very moment we are heavily taxing our overtaxed people for the purpose of building great public highways within the State and for keeping our other roads in passable repair. Can any man who knows the spirit of the Constitution or the jealousy with which the local rights and powers of the States were guarded by the makers dare here assert that any State then existing, or thereafter created, could be compelled to ask Congress for a right of way in order to build a road over any land in a State not held and used by the Government for pure Federal purposes? The mere power to "dispose of and make needful regulations respecting the territory or other property of the United States" can not be so construed as to rob the State of one of the most essential prerogatives of its sovereignty. Otherwise citizens of a county in many of our States could not reach their country seat to serve as jurors or witnesses if Congress saw fit to exclude them from passing across lands claimed by the United States. If the sheriff can not go with his warrant wherever he pleases under the State laws, then no sovereignty is left in the State. And the sheriff with his summons in his pocket is no more essential to such State sovereignty than a right of way for public roads, canals, and so forth, across the lands within the State. In these matters the Government's title to the land must of necessity be subrogated to the greater right of the State to protect and maintain its own government.

Mr. President, I am not claiming that the Supreme Court has decided this particular question, but I am not afraid to hope that when the question comes squarely before it that it will

decide it according to my contention, but probably not on account of it.

But let us recur to what the Supreme Court has said. In *Huse against Glover* (119) we find this language used in deciding the question of State or United States jurisdiction on the Illinois River, and in support of the position taken cites the cases appended to the quotation:

The private inconvenience must yield to the public good. The opening of a new highway, or the improvement of an old one, the building of a railroad, and many other works, in which the public is interested, may materially diminish business in certain quarters and increase it in others; yet, for the loss resulting the sufferers have no legal ground of complaint. How the highways of a State, whether on land or by water, shall be best improved for the public good is a matter for State determination, subject always to the right of Congress to interpose in the cases mentioned. (Spooner v. McConnell, 1 McLean, 337; Kellogg v. Union Co., 12 Conn., 7; Thames Bank v. Lovell, 18 Conn., 500; S. C., 46 Am. Dec., 332; McLeynolds v. Smallhouse, 8 Bush, 447.)

The cases mentioned were where the State's action by the judgment of Congress is deemed to encroach upon navigation. Earlier in my remarks I asserted that the State could, under its laws of eminent domain, at once seize land of any citizen who had a title just issued by the Government, and from that I attempted to demonstrate the injustice of the Government merely by reason of its title to land, exercising powers destructive of the State's sovereignty.

I find that in the case of *United States against Chicago*, page 17, the Supreme Court says: "It is not questioned that the land within a State purchased by the United States as a mere proprietor"—and permit me to say it holds the public lands by no other or superior title—"and not reserved or appropriated to any special Federal, or United States, purpose"—"may be liable to condemnation for streets or highways like the lands of other proprietors, under the rights of eminent domain."

Judge Sawyer, in the case of *The People against Shawver*, reported in Thirtieth California, said:

That the relation of the United States to the public lands since the admission of California is simply proprietary * * * like any citizen who owns land and not that of municipal sovereignty.

Mr. Justice Bradley, in the *Shively against Bowly* case, One hundred and fifty-second United States, if he means what he says, reaches the full limit of my contention in the declaration that—

Upon the acquisition of territory by the United States, whether by cession of one of the States or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States for the benefit of the whole people and in trust for the several States to be ultimately created out of the territory.

The Supreme Court of California, in its early days presided over by jurists whose learning and ability adorned the high position they held, decided time and again that the admission of any State into the Union conferred all sovereignty for all internal purposes on the State except such powers as are expressly conferred by the Constitution on the Federal Government, and that the United States had no interest in or power over the public lands other than any other proprietor would have over his own lands, which decisions have been as often sustained by the Supreme Court of the United States.

As to the waters of a State, whether navigable or nonnavigable, the United States has no right or title whatever except to improve the navigable waters and to prevent any obstruction of the commerce carried thereon, and any assumption of any other power is unwarranted.

Pursuing that argument one step farther, we find Justice Holmes, in *Hudson Co. v. McCaster* (209 U. S.), using this significant language:

It appears to us that few public interests are more obvious, indisputable, and independent of particular theory than the interest of the public, of a State, to maintain the rivers that are wholly within it substantially undiminished except by such drafts upon them as the guardian of the public welfare may permit for the purpose of turning them to a more perfect use. This public interest is omnipresent wherever there is a State and grows more pressing as population grows. It is fundamental. Riparian rights have no deeper roots.

In concluding this part of my argument I will, Mr. President, content myself with one quotation from the now celebrated and much-discussed case of *Kansas v. Colorado* (206 U. S.), where Mr. Justice Brewer says:

But it is needless to pursue the inquiry further in this direction. It is enough for the purposes of this case that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters.

Under all these decisions by what authority can it be claimed that the United States has power, commercially and for purposes of its own profit, to invade a State under pretense of safeguarding or improving navigation and proceed to sell power produced by the water unnecessary to navigation? And where, I ask, in the Constitution does any executive department of the Government find any warrant or excuse for invading a State

for the purpose of reserving power sites on nonnavigable State streams for commercial purposes unconnected with any governmental needs over and above the cry of its General Treasury for more supplies? We are willing to pay our part of such demands as this; we protest against paying more.

In *Escanaba Co. v. Chicago* (107 U. S., 678, 687) the court said:

The doctrine declared in these several decisions is in accordance with the more general doctrine now firmly established, that the *commercial power of Congress is exclusive of State authority only when the subjects upon which it is exercised are national in their character and admit and require uniformity of regulation affecting alike all the States*. Upon such subjects only that authority can act which can speak for the whole country. Its nonaction is therefore a declaration that they shall remain free from all regulation. (*Welton v. State of Missouri*, 91 U. S., 275; *Henderson v. Mayor of New York*, 92 id., 259; *County of Mobile v. Kimball*, 102 id., 691.)

"In the matter of our right to carry water through canals over the public land, notwithstanding the alleged right of the Government to reserve power sites on our streams, the most that can be claimed is that the Federal Government might now, however inequitable it might be so to do, adopt rules and regulations under which, as a private proprietor, it could exact and receive such compensation as another private proprietor might exact within a State for a right of way connected with a public use. In so doing it could not, under the law, claim to be acting *pursuant to any public duty, or for the public benefit*, but merely as a selfish, private proprietor exacting, in connection with the development of local industry, such damages as resulted to its lands in connection with the easement or use.

"That its rights as a proprietor could in no event be so asserted as to impede or prevent the development of the State's resources or impose upon its citizens any unusual charges, or any terms or rights of way connected with continuing public uses, or reserve any official control or police power or regulation of business, or monopolies in Federal authority, or in any manner invade or seek to exercise such powers in conjunction with or in substitution for the State, are matters so well settled as to be beyond the pale of argument, or it would so appear if the Supreme Court of the United States is still assumed to have power to construe and interpret the law."

If the State of New Jersey, for instance, can protect its citizens in the free and uninterrupted use of its waters, subject to no charges, restrictions, or terms, except only such as the State itself imposes, what, I ask, becomes of all the decisions sustaining the equality clause of the Constitution, and what becomes of that constitutional guaranty to all the States if in public-land States this right was made subordinate to the following Federal powers, namely:

1. To impose a charge in connection with the right of way measured by the water or its products.

2. To withhold access to rights of way and use, except upon payment of what such "opportunity" is worth to divert, appropriate, and use it.

3. Reserving in Federal officials power of inspection, supervision, and determination of disputed questions and fixing of charges, and also power to determine questions of monopoly proceedings in restraint of trade and police powers fully invested in the State.

4. To permit uses of rights of way for beneficial uses—subject to be continued and compelled by mandamus under State authority—for limited periods only, at the end of which term the powers of the State and the rights of the owner would depend upon further governmental favor or departmental action, and beyond such term to be subject to further regulation, taxation, and limitations.

5. To compel a transfer of the water right to the United States, presumably to invest it with control and authority and taxing and charging power, as a condition of "permitting" the State and its agencies to install and enjoy a public use in the State.

But the fact is that such Federal powers are assumed in the public-land States, while its exercise in the original States was never dreamed of.

Let me hastily cite at random a few cases that may illustrate our contention.

In *The United States v. Railroad* (27 Fed. Cases) Judge McLean says:

Within the limits of a State Congress can, in regard to the disposition of the public lands and their protection, make all needful rules and regulations. But beyond this it can exercise no other acts of sovereignty which it may not exercise in common over the lands of individuals. A mode is provided for the cession of jurisdiction when the Federal Government purchases a site for a military post, a customhouse, and other public buildings; and if this mode be not pursued, the jurisdiction of the State over the ground purchased remains the same as before the purchase. This, I admit, is not a decided point, but I think the conclusion is maintainable by the deductions of constitutional law.

But the important inquiry is whether the public lands are subject to the sovereignty of the State in which they are situated.

It is a fair implication that if the State were not restrained by compact it could tax such lands. In many instances the States have taxed the lands on which our customhouses and other public buildings have been constructed, and such taxes have been paid by the Federal Government. This applies only to the lands owned by the Government as a proprietor, the jurisdiction never having been ceded by the State. The proprietorship of land in a State by the General Government can not, it would seem, enlarge its sovereignty or restrict the sovereignty of the State. This sovereignty extends to the State limits over the territory of the State, subject only to the proprietary right of the lands owned by the Federal Government, and the right to dispose of such lands and protect them under such regulations as it may deem proper. The State organizes its territory into counties and townships, and regulates its process throughout its limits, and in the discharge of the ordinary functions of sovereignty a State has a right to provide for intercourse between the citizens, commercial and otherwise, in every part of the State, by the establishment of easements, whether they may be common roads, turnpike, plank, or railroads. The kind of easement must depend upon the discretion of the legislature. And this power extends as well over the lands owned by the United States as to those owned by individuals. This power, it is believed, has been exercised by all the States in which the public lands have been situated. It is a power which belongs to the State and the exercise of which is essential to the prosperity and advancement of the country. State and county roads have been established and constructed over the public lands in a State, under the laws of the State, without any doubt of its power and with the acquiescence of the Federal Government. In this respect the lands of the public have been treated and appropriated by the State as the lands of individuals. These easements have so manifestly conducted to the public interest that no objection from any quarter has hitherto been made. And it is believed that this power belongs to the States.

It is difficult to perceive on what principle the mere ownership of land by the General Government within a State should prohibit the exercise of the sovereign power of the State in so important a matter as the easements named. In no point of view are these improvements prejudicial to the general interest; on the contrary they greatly promote it. They encourage population and increase the value of land. In no respect is the exercise of this power by the State inconsistent with a fair construction of the constitutional power of Congress over the public lands. It does not interfere with the disposition of the lands, and instead of lessening enhances their value.

Where lands are reserved or held by the General Government for specified and national purposes it may be admitted that a State can not construct an easement which shall in any degree affect such purposes injuriously. No one can question the right of the Federal Government to select the sites for its forts, arsenals, and other public buildings. The right claimed for the State has no reference to lands specially appropriated, but to those held as general proprietor by the Government, whether surveyed or not. The right of eminent domain appertains to a State sovereignty, and it is exercised free from the restraints of the Federal Constitution. The property of individuals is subject to this right, and no reason is perceived why the aggregate property in a State, of the individuals of the Union, should not also be subject to it. The principle is the same and the beneficial result to the proprietors is the same in proportion to their interests. These easements have their source in State power and do not belong to Federal action. They are necessary for the public at large and essential to the interests of the people of the State. The power of a State to construct a road necessarily implies the right not only to appropriate the line of the road, but the materials necessary for its construction and use. Whether we look to principle or the structure of Federal and State Governments or the uniform practice of the new States there would seem to be no doubt that a State has the power to construct a public road through the public lands.

Judge Sawyer said in *People v. Shearer* (30 Cal.) that since the admission of that State the public lands were held by the United States simply as proprietor and not as a municipal sovereign.

See also *Woodruff v. North Bloomfield, etc., Co.* (18 Fed. Cases, p. 772):

Upon the cession of California by Mexico the sovereignty and the proprietorship of all the lands within its borders in which no private interest had vested, passed to the United States. Upon the admission of California into the Union, upon an equal footing with the original States, the sovereignty for all internal municipal purposes and for all purposes except such purposes and with such powers as are expressly conferred upon the National Government by the Constitution of the United States, passed to the State of California. Thenceforth the only interest of the United States in the public lands was that of a proprietor, like that of any other proprietor, except that the State, under the express terms upon which it was admitted, could pass no laws to interfere with their primary disposal, and they were not subject to taxation. In all other respects the United States stood upon the same footing as private owners of land. They could authorize no invasion of private property, either to enable their grantees to mine the lands purchased by them of the Government or otherwise. (*Biddle Boggs v. Merced Min. Co.*, 14 Cal., 375, 376; *People v. Shearer*, 30 Cal., 658; *Pollard's Lessee v. Hagan*, 3 How., 223.)

We quote again from the case of *Illinois R. R. Co. v. Illinois* (146 U. S., 434):

"The State of Illinois was admitted into the Union in 1818 on an equal footing with the original States in all respects. Such was one of the conditions of the cession from Virginia of the territory northwest of the Ohio River, out of which the State was formed. But the equality prescribed would have existed if it had not been thus stipulated. There can be no distinction between the several States of the Union in the character of the jurisdiction, sovereignty, and dominion which they may possess and exercise over persons and subjects within their respective limits."

How does this language lie parallel with the claim of some of our fellow citizens that the United States Government in States having public lands can impose terms on perpetual beneficial uses, unusual charges and restrictions, control over monopolies, and police powers in such States which the Federal Government does not claim to possess or exercise in other States?

The case is so often cited in this debate and by Senators in opinions given out from the Judiciary Committee by members of it on the resolution of inquiry submitted to that committee touching Federal power on navigable streams, that I will content myself with the following citation from the great case of *Kansas v. Colorado* (185 U. S.):

We do not mean that its legislation can override State laws in respect to the general subject of reclamation. While arid lands are to be found mainly if not only in the western and newer States, yet the powers of the National Government within the limits of those States are the same (no greater and no less) than those within the limits of the original 13, and it would be strange if, in the absence of a definite grant of power, the National Government could enter the territory of the States along the Atlantic and legislate in respect to improving by irrigation or otherwise the lands within their borders.

* * * * *

But it is useless to pursue the inquiry further in this direction. It is enough for the purposes of this case that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters. *Martin v. Waddell* (16 Pet., 367), *Pollard v. Hagan* (3 How., 212), *Goodtitle v. Kibbe* (9 How., 471), *Barney v. Keokuk* (94 U. S., 324), *St. Louis v. Myers* (113 U. S., 566), *Packer v. Bird* (137 U. S., 661), *Hardin v. Jordan* (140 U. S., 371), *Kaukauna Water Power Co. v. Green Bay & Mississippi Canal Co.* (142 U. S., 254), *Shively v. Bowly* (152 U. S., 1), *Water Power Co. v. Water Commissioners* (168 U. S., 349), *Kear v. Calumet Canal Co.* (190 U. S., 452). In *Barney v. Keokuk*, *supra*.

It seems clear then, Mr. President, to my mind at least, that the department, whether acting under presumed congressional authority or otherwise, has no power to enter a sovereign State and in direct derogation of the State constitution and laws withhold from the necessities of the people of the State the use of water within the State, for any beneficial purpose whatever.

That ownership of the public lands, especially where riparian rights do not exist, gives the Government no title to the streams or power over the same.

That the United States in order to acquire right or title to such water must do as the private citizen has to do, which is to divert it and submit it to beneficial use. The Government, however, must submit it to a governmental use in order to hold it against one wanting it.

Mr. President, may I be pardoned for a digression here?

I said in the outset that I was as much in favor of a sensible conservation of State and national resources as anyone can well be. I abhor monopoly in all its phases, whether practiced by individuals, or States, or the United States, except where the Constitution makes monopolies, such as in the administration of the Post Office Department, the issue of money, and such like necessary cases, where, instead of injury to the people, it subserves the common good of all. With this avowal of principle I want also to say that I have never claimed or owned or applied for a foot of public land through all the years of my residence in Arizona, except in mining claims, and for that I have only "a harvest of barren regrets" for the pains and penalties endured. I have no personal interest in any water course; and no act of Congress in respect of the same can injure me personally. I own no stock or shares in any corporation of any kind whatever and am under no obligation—personal or otherwise—to any of them anywhere. I make this declaration for no purpose other than that I may say what I have to say, and that you may hear, knowing my only purpose is to serve as best I can the public interest unprejudiced and uninfluenced by any purely personal interest of any kind whatever.

Mr. President, whatever the power of Congress may be, and giving whatever interpretation of the decisions cited that the Senate pleases, I am ready to maintain, and do maintain, that the public-land States are unjustly if not outrageously treated by Congress and the executive departments, whether they have or have not the Constitutional warrant for the exercise of powers of which we make complaint. If law is deficient in our aid, I file our bill in equity, and ask in the forum of conscience whether you will further oppress the struggling people in the new States and permanently retard that development which nature, together with their courage and fortitude, so amply promised and stands so willing to fulfill?

Prating about monopoly and crying from housetops against its aggression, the agents of the Government, and Congress itself, has established and is maintaining among us the most ruinous monopoly of modern times. I allude to the public-land policy of the United States as now administered, and the withholding from all useful purposes of the State one-half its area and all the lands growing a stick of timber of any lumber value. Not only this, but the alleged forest reserves have been in many cases extended far out on the plains, where nothing grows but grass, with the purpose of renting the lands for grazing privileges and turning the money away from the State into the National Treasury to pay or help to pay a horde of imported forest rangers, many of them good men, no doubt, but all im-

pressed—if not obsessed—with the idea that the security of their tenure in office depends on the activity shown in making charges—as many as possible—against the settlers and others, who of necessity have business in or near such reserve.

Mr. President, while it may not be germane to the question now before us, I trust the Senate will bear with me yet a little longer, in view of the very great importance of the matters—to the public-land States—which I desire to call to legislative attention. And that is the enormous, ruinous reservations that have been made of the public lands in the Western States. Under a mistaken idea that the States are dangerous, and under the equal delusion that the Federal Government is safe, Congress has by statute turned over to Executive experiment almost every resource that the public-land States relied on for growth, progress, and prosperity. These States had a right to rely on their internal natural resources for future growth, even as the older States relied on and enjoyed them. The men that went forth from the older States, knowing something of the history of their homes, and braved and bore the perils and hardships of the West in the hope that they might give their children a better chance than they had had in life, never dreamed that when their courage and endurance had, in a measure, overcome the awful difficulties daily confronting them and laid the foundations of great States that the Federal Government would reverse its policy of a hundred years and seize from them without remorse and hold without shame everything on which existence as a State could depend; taking from them the most fruitful source of revenue, by depriving them from taxation of valuable lands, and holding the same at a great loss not only to the State, but to the General Government as well, dedicating the unused forest to fires, and the deserts to everlasting desolation, the streams so full of power doomed to useless unheard songs of idleness; to turn hope to despair, industry to unwilling repose; to raise at the gates of a greater Eden the sword forbidding entrance, and call all this *conservation of our natural resources*; and you may bask and smile in the effulgent glory of the new false light, but God have mercy on the victims of this new departure. What do these doctrinaire and ethical propagandists, headed by visionary cranks riding their hobby-horses recklessly over every hurdle that our rights, our property, and our lives can rear, expect to accomplish for either our good, their happiness, or the common interest? I freely grant they have no vicious purpose. On the contrary, I accord to them honesty of purpose. Fired by a romantic zeal, born of ignorance of existing conditions, through a cross on Sanca Panza, they go forth fully panoplied to a mighty assault on windmills of their own creation. And they call this *conservation*. "God forgive them, for they know not what they do."

Let us see what they have done and are doing. Speaking for Arizona, they have taken up half our State in reservations of different kinds, and in that half four-fifths of the available lands of the State are included. In other words, they have left to the State of Arizona less than one-fifth—yes, in fact, less than one-tenth—of its valuable lands for any purpose of use or revenue. These reservations are conducted or managed—or mismanaged—at a tremendous loss to the National Treasury and with ruinous effect on the State. And yet the eastern public has learned to call it conservation. If this sort of conservation continues long enough, it will depopulate the State and bankrupt the Federal Treasury. If conservation means spending money on national resources without any return, the time must come when you will find plenty of resources, but no money in your exchequer, and nobody ready to cash such assets. What is conservation, anyway? What does it mean? The high priest of the new departure has defined it to be "use without waste of our natural resources for the benefit of all the people." That sounds good. The statement of broad, general ethical principles always does. The popular conception of conservation, with which I fully agree, is that it permits the wise use and prevents the willful waste of the natural resources still found on the public domain. Conservation has been, however, intrusted to a bureau of the Agricultural Department which, having had no proper reproof, has grown arrogant and wasteful. This has gone on until conservation now threatens with destruction the very resources we are trying to hold for wise use and against profligate waste. The West sees this. The East does not. The East knows theoretical conservation as taught by mere theorists. The West knows it from actual experience as it is being practiced in the West. The East has been taught to believe that every western man is a land thief. The West knows that the greatest aid to land thieves, whether conscious of it or not, is the General Land Office administered through Federal authority, as in the cases where land scrip has been given railroads and their grantees for worthless lands, for forest-reserve purposes, and the scrip placed on the finest timber

lands in all the West. No greater robbery was ever perpetrated.

The trouble is that, whether good or bad, the West is bearing the burden of all this conservation for the whole Nation; for, aside from a few thousand acres in Michigan and Florida, the West bears the burden of largely over 190,000,000 acres reserved from local necessary use. Coal lands and oil lands have been locked up as national forests and local settlers denied any access to them or use of them; and they *call* this conservation.

Mr. President, I have gone further than I intended on this question, but I can not refrain from presenting a few expressions from Pearson's Magazine of January, 1913, written by Ed. H. Thomas, who seems familiar with the question and fair in his statements:

Western resources have been locked up by blanketing the public domain with reserves; coal lands, oil lands, etc., have been reserved as national forests.

The withdrawals are made without the least knowledge of the land; Bellingham, a city of 30,000 people, was included in a Washington coal-land withdrawal.

Total timber sales on the reserves for 7 years have averaged less than 9 per cent of the annual new growth, while a \$3,000,000 annual deficit piles up.

Northwestern cities have to get their power from British Columbia, because water-power sites have been withdrawn without provision for their future use.

In Washington State alone decay annually kills 1,000,000,000 feet of timber on reserved land; total sales are 7,000,000 feet; waste like that keeps lumber prices up.

The Forestry Bureau thinks it wise to perpetuate forests which produce 33½ cents per year per acre on land which, if cultivated, would produce from \$50 to \$500.

Land along the international line is alike; just north of the line last year mines produced \$11,000,000; just south, \$800,000; the south mineral land is forest reserve.

Alaska is buying domestic fuel from British Columbia for from \$17 to \$30 per ton, while its own land is full of coal which it is not allowed to use.

Mr. President, I will not detain the Senate longer. At some future and more convenient time I hope to take up the question of conservation as now practiced; to suggest the miserable mistakes being made and to call attention to what should be done in respect of the natural resources located in the several States, and suggest the proper means to secure to the States their rightful interest in these resources, without loss to the great cause of conservation and without injury to the National Government, but at the same time conferring immeasurable benefits on the respective interested States. I appreciate the magnitude of the undertaking, but am ready to assume the burden when proper opportunity appears.

One thing, however, is as certain to-day as it was in the beginning. No one or one dozen States can afford to support the National Government. No one State should have more than its due weight of national burdens placed on it than every other State equally bears. Every State has, and always has had, about all it can do to support properly a State government's manifold demands on the resources of the State. Its internal obligations many times over exceed all just demands of the more general welfare of the whole country. Virginia and Massachusetts, in more wasteful days, and especially Michigan and Wisconsin, having permitted destruction of their resources, have no just claim to make on Colorado and Oregon. Times have changed. No State in the Union nor all of them combined are wider awake or more watchful of waste than is the State of Arizona, and Colorado, New Mexico, and Washington. The Government may have, and in fact has, permitted unpardonable waste of Arizona's natural wealth, but Arizona is not and has not been guilty. Under the benevolent power of the people, exercised through the referendum of all questionable legislative acts to the electorate, there is no need of your fear that we can not protect ourselves against aggressions of individual or corporate greed. Better far to trust the people of Arizona to protect themselves against cormorants that would consume or waste their substance than to leave their guardianship in the hands of an ill-advised and too often careless Congress.

Mr. JONES. Mr. President, the only provision in this bill over which there is any substantial controversy reads as follows:

And provided further, That the Secretary of War, as a part of the conditions and stipulations referred to in said act, may, in his discretion, impose a reasonable annual charge or return, to be paid by the said corporation or its assigns to the United States, the proceeds thereof to be used for the development of navigation on the Connecticut River and the waters connected therewith.

This provision is urged in the name of conservation and for the alleged purpose of creating a fund to be used in the improvement of the Connecticut River generally and the waters connected with it.

In the last analysis the real and only issue on this bill is whether by legislative authority some people shall have their property taken away for the benefit of some other people without compensation. I do not refer to the Connecticut River Co.;

I am not concerned about its welfare; it can take care of itself. The consumers of its power are the people in whom I am interested, and why they should be required to contribute of their means to create a fund to improve navigation for the benefit of localities above or below them I am unable to comprehend.

While it would be well to have the legal authority of the Federal Government to impose charges for the use of power created, as it will be created under the terms of this bill, fully and clearly determined, and while our discussion has largely revolved around this proposition, we do not need to decide it in order to reach a correct conclusion as to what we should do. Conceding, merely for the sake of the argument, and for that purpose only, that the Federal Government has the legal right to impose this charge, should it do it?

The people think that conservation is at stake. This is not true. This will be a better conservation bill without this provision than with it. Those favoring this charge are the real obstructionists, the real anticonservationists. This proposition, however, would have no strength and no support at all except that the people have been led to believe that it is in the interest of conservation. Not all that is labeled "conservation" is conservation. We are in favor of conservation. We want our natural resources developed and used. We will agree to the most liberal construction of the Constitution in order to insure the proper use of the resources of the country. We are in favor of that conservation that will bring the greatest good to the people out of all our natural resources with the least expense to them and without monopoly. We want navigation promoted, waste power utilized, monopoly prevented, and fair, just, and reasonable rates for the consumers of power and other natural resources.

What is this bill? It is a bill to give the assent of Congress to the construction of a dam in a navigable river at a point where it is not now navigable to a corporation that desires to build that dam for the generation of water power. The sole purpose of the company is to develop power. In order to secure permanency for its investment and surety against its disturbance in the interest of navigation it asks the consent of Congress to put in this dam. Navigation interests should be protected, and we are in favor of protecting those interests fully. In the bill there is every provision necessary to furnish every facility required for present and prospective navigation where the dam is to be located at the expense of the company and without any cost to the general public. All such provisions are agreed to. There is no opposition to them. Unnatural monopoly is guarded against by the provision relating to assignments to which there is no opposition, and in order to guard further against possible monopoly I shall offer an amendment that will clearly and fully prevent it so far as this can be done by or through legislative enactment. It is agreed by all that fair, just, and reasonable charges by the company to the consumers of its power are assured by competition and effective public-utilities commissions in Connecticut and Massachusetts. In the alleged majority report submitted by the Senator from Ohio it is said:

The public interests seem to be fully safeguarded in this instance against exorbitant charges, because the generation and sale of electricity in the territory covered by this development are under the jurisdiction, both in Connecticut and Massachusetts, of well-organized utility commissions under State authority.

If this is not sufficient the amendment offered by the Senator from Idaho, giving the Interstate Commerce Commission authority over interstate rates, will supply any deficiency. What more is to be desired? Navigation is amply provided for, monopoly is guarded against, and just and reasonable prices are assured to the consumer. In what way is conservation neglected or prevented?

Notwithstanding all this it is insisted in the name and under the guise of conservation that the corporation must pay such annual charges to the National Government as the Secretary of War may from time to time impose. This is the issue. This is the real obstruction to real conservation. This is what continues the waste of this power against which our friends on the other side so loudly complain. What does it mean? It means an additional tax or burden on the people who consume the power. It will be a legitimate expense charge, just as much so as any other improvement cost. The Senator from Connecticut [Mr. BRANDEE] frankly admits that the consumer must pay whatever tax is thus imposed. The Senator from Ohio, recognizing the force of such admission and apparently more desirous of securing this legislative declaration than of protecting the people from exorbitant charges, tries to argue that the consumers will not have to pay this tax. In this he does an injustice to his usually good judgment and logical reasoning. He shows to what straits he is driven to maintain his position. He could just as fairly argue that the cost of putting in the dam

would not add to the cost to the consumer. The one would be just as logical as the other. No; if this charge is imposed the public-utility commission or the Interstate Commerce Commission, in determining the rates that are reasonable to be charged the consumers of this power, must take into consideration and allow for this tax, and the people will have to pay it.

What benefit comes from it; what good does it do? It does not improve the navigation of the river at this point, because that is assured by other provisions of the bill. It is of no benefit to the people who buy the power, because they must pay the tax.

Some say it will prevent monopoly, and this was the original ground upon which it was urged. I may be dull, stupid, and obtuse, but I must confess that I can not see why or how the levying of a tax by the National Government on the company producing the power will prevent monopoly or benefit the people. On the contrary, instead of preventing monopoly it will promote it. It will impose a burden on the production of this power that is not imposed on other power production, and thereby either prevent the development of such power propositions or reduce the competitive capacity of this company and other companies upon which such charges are not imposed. Instead of tending to secure lower prices to the consumers, it will have a tendency to raise the price at which other companies sell their power.

The Senator from Ohio seems to think that if this company charges more for its power than other companies that a part of this extra charge should come to the Government. What we insist is that this company shall not charge for its power any more than just, fair, and reasonable rates, and that is what the people desire and all they desire. If by the imposition of this charge it is recognized that this company may charge more than what is fair, just, and reasonable, the inevitable result will be that other companies will raise their charges nearly if not quite to the level of the charges of this company, and thus the imposition of a charge by the National Government upon this company will permit extortionate charges by all the power companies of the States involved.

A peculiar, strange, and mysterious suggestion as to the effect of this tax is put forth in the alleged majority report submitted by the Senator from Ohio. He says:

It is believed that the authority of the Secretary of War to require a return to the Government in case the corporation earns more than a reasonable return upon its bona fide investment will be in effect a regulation of the charges of the company as well as a source of revenue to the Government, because it will be one of the most important factors to be taken into consideration by the commissions mentioned in fixing the rates of service which the company may charge.

Doubtless the impression conveyed by this statement is that such "a regulation of the charges of the company" would tend to lower prices, because the Senator from Ohio would not dare to suggest that a regulation tending to raise prices would be desirable. How the levying of a tax on the production of water power can lower the price to purchasers is beyond my comprehension, and when the Senator from Ohio wrote that sentence he must have been contemplating the real practical effects or results of modern paper conservation. The practice and administration of conservation policies thus far has resulted uniformly in higher prices to the people. Our forests have been conserved and lumber has increased in price. Coal deposits have been conserved and the price of coal to consumers has steadily advanced, and, if the policy of this bill is carried out, the conservation of water power, as it contemplates, will result in increased prices to consumers.

But, it is said, "this power has been going to waste since the river began to run. We want to stop it." Well, stop it. It rests with those who favor this provision whether it shall continue or not. Cut it out and the bill will pass the Senate without a moment's delay. The dam will be built, navigation will be provided for, power will be developed, and waste will stop. All that is necessary is to omit this unwise and indefensible provision.

"But," it is said again, "the navigation of the river above and below should be improved. Navigation is a public right and a public benefit, and it is for the public interest to collect a charge to go into a fund to improve the navigation of the Connecticut River not only at the point where the dam is to be constructed but at other places above and below and in adjacent waters."

That sounds good. Many have been "bunkoed" by similar suggestions. Propositions without merit are often bolstered up with the plea of the "public benefit." The people sometimes have been deceived by it. What does it mean in this case? The people who will consume this power will pay for the improvement of navigation in the river at the point where the dam is located and a reasonable profit on the investment. That is certain. They pay for an improvement that is a great benefit to them, it is true, but it is really a greater benefit to others who do not pay a cent of the cost. Shipping interests and localities

far away upon whom none of the burdens fall get the greatest benefits from the navigation provided. We go far enough when we impose upon the people of this locality the burden of improving the navigation at this point, the principal benefit of which goes to the people below, people at a distance, and to the people of Holyoke and other points above. This would seem to be enough to the most exacting, but it is not. The Senator from Ohio and others insist that these people must pay an additional sum to provide a fund for the improvement of the river at other points and for the benefit of those who pay nothing. This can not be justified on any legal or moral ground. The cold, bare, naked proposition is to take from some people's pockets money and put it in some other people's pockets without any compensation on the plea that "it benefits the public." The Secretary of War, in his report on this bill, referring to the provision imposing this charge to be devoted to the interest of navigation, says: "With such a provision I am of the opinion that the bill is in the interest of the public." If the public benefits, is it not fair that the public should pay? Is this another proposition which, in the name of progress, reacts to the feudal days when might and power made right? It is contrary to the fundamental principle of every American State. No constitution of any State in the Union says that private property may be taken for the public use without compensation, and I doubt if there is a constitution that does not expressly say that private property shall not be taken for the public use without compensation. There is no justice, there is no merit in the plea that the people of one locality shall be made to contribute of their means for the benefit of the general public, while other localities not only do not contribute but enjoy the fruits of such a contribution. When we are held up at the point of a gun and our money taken from us we call it highway robbery. When we hold up a community by legislative enactment and take their money for the profit or advantage of others, we call it "a public benefit" or "conservation." Whatever you call it, however, the act is just as indefensible in the one case as in the other.

"But," says the Senator from Ohio and others, "this company is willing to pay these charges in order to get this legislation." Of course, it is. It knows that when it pays these charges to the Government it will collect them from its customers. It loses nothing by accepting this measure. This tax is no burden on it.

"But," they say, "the imposition of this charge is in the interest of conservation." How, when, where, why, and to whom? They do not say and can not. It conserves nothing. It promotes nothing. It lightens no burden. It prevents no waste and, if persisted in as a policy, it will encourage monopoly, continue waste, and enhance prices. It will promote monopoly by diminishing the number of power plants. It will continue waste by retarding development. It will enhance prices by increasing the cost of production and restricting competition.

This charge is to be fixed after ascertaining the profits of the company and making due allowance for all expenditures, and so forth. How are these profits to be ascertained? There is no provision in the bill in this respect. Under what authority and through what officers will the Secretary of War ascertain what the profits, expenditures, and so forth, of this company are? After the passage of this bill, is it expected that Congress will be asked to create a bureau and provide inspectors to investigate and ascertain these matters? If assent is given to the construction of dams in other parts of the country with this provision attached, the creation of such a bureau and the appointment of such inspectors will be the inevitable result. That is the real purpose behind this bill. That is the real motive behind those who are sedulously cultivating a public sentiment in favor of this class of legislation under the guise of "the public benefit." The expense of such a bureau would be great, and once established would simply add one more tentacle to the pernicious bureaucratic system that is taking possession or practically controlling governmental activities. Some seem to think that this bill gives the Government supervision and control over the affairs of the company, the issuance of stock, and so forth. Not so. There is nothing in the bill giving this power, even if it could be granted to any Federal official.

We are in favor of every provision within the authority of Congress in bills of this kind to protect and promote the interest of the people, and especially of the localities directly affected. We want our water powers conserved, developed, and used. We do not want them to be monopolized any more than is absolutely necessary by reason of the conditions under which they must be developed, and we want the power when developed to be sold to consumers at the very lowest possible rates. We want navigation interests fully protected, promoted, and conserved, and no strict construction of our constitutional power will be indulged in to prevent this. We will not stand in the

way of legislation which will fully protect the interests of navigation at the point to be improved. We will agree to all legislative provisions necessary to prevent monopoly and extortion. President Roosevelt, in his message vetoing the bill permitting the construction of a dam in Rainy River, laid down certain provisions which he thought legislation of this kind should contain. His message showed that his greatest fear was of a monopoly. That there is a monopoly in our water power now more or less far-reaching and more or less increasing in power and extent beyond the limits of a natural monopoly we have no reason to doubt, and I am willing, as I have said, to support all provisions which, in my judgment, will tend to curb and destroy monopoly.

I desire to say that President Roosevelt is entitled to a great deal of credit for his efforts in favor of imposing proper conditions upon grants of this kind. There are certain conditions that should be imposed. It was well, in order to bring this matter to the attention of the people, to bring it home to them, that he stopped the passage of bills not containing reasonable restrictions, so that the attention of the people should be riveted upon this question and a correct and wise solution worked out.

That is what we want to do on this bill, and that is what we can do and what we are willing to do. In his message on the Rainy River bill he concluded in this wise:

In place of the present haphazard policy of permanently alienating valuable public property we should substitute a definite policy along the following lines:

First. There should be a limited or carefully guarded grant in the nature of an option or opportunity afforded within reasonable time for development of plans and for execution of the project.

That is all provided for in the pending bill. That condition is complied with.

Second. Such a grant of concession should be accompanied in the act making the grant by a provision expressly making it the duty of the designated official to annul the grant if the work is not begun or plans are not carried out in accordance with the authority granted.

That provision is also complied with in the pending bill.

Third. It should also be the duty of some designated official to see to it that in approving the plans the maximum development of the navigation and power is assured or at least that in making the plans these may not be so developed as ultimately to interfere with the better utilization of the water or complete development of the power.

That condition is also complied with in the present bill and by the general law that is referred to and made a part of it.

Fifth. Provision should be made for the termination of the grant or privilege at a definite time, leaving to future generations the power or authority to renew or extend the concession in accordance with the conditions which may prevail at that time.

That condition is also complied with in this bill, although not exactly in the terms recommended by President Roosevelt. I myself would prefer an unconditional termination of the assent at a definite time, but the alleged majority seem to think that their provision in this regard is preferable, and I am willing to accept it. The committee reporting the bill deemed, after careful consideration, that it was wisest to provide for the renewal of the franchise, if it may be called such, without absolute termination as recommended by him.

Again he says:

Further reflection suggests a sixth condition, viz:

The license should be forfeited upon proof that the licensee has joined in any conspiracy or unlawful combination in restraint of trade, as is provided for grants of coal lands in Alaska by the act of May 28, 1908.

That provision is attempted to be complied with in this bill by making the right of assignment conditioned upon the approval of the Secretary of War. In order to make it more certain that monopoly will be prevented, I have offered an amendment which I propose to ask the Senate to vote upon, which is to be inserted after the word "otherwise," in line 18, on page 2, and reads as follows:

Provided further, That if at any time said Connecticut River Co., or its assigns, shall be owned or controlled by any device, permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that it shall form a part of, or in any way effect any combination, or be in anywise controlled by any combination in the form of an unlawful trust, or enter into any contract or conspiracy in restraint of trade in the production, development, generation, transmission, or sale of any power or electrical energy, then the permit herein granted may be forfeited and canceled by the Secretary of War through appropriate proceedings instituted for that purpose in the courts of the United States.

It seems to me that, with the adoption of that amendment, the recommendations of President Roosevelt would be fully complied with in this respect.

Mr. BURTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. I do.

Mr. BURTON. Has Congress ever inserted a similar provision to that in any bill granting a privilege?

Mr. JONES. I do not see why that makes any difference. If we have not done so, it is time to do it now.

Mr. BURTON. We have had frequently before us propositions to incorporate in tariff bills provisions to the effect that if in any industry there should be a combination or trust the duty on the article involved should be withdrawn. And has not Congress invariably refused to insert such a provision?

Mr. JONES. There is no argument against the adoption of the proposition in this case.

Mr. BURTON. Is it not a fair and just way to leave the execution of the antitrust law to the courts under general regulation, without seeking in this way to bring about their execution, making one rule in one case and another rule for all the rest of the country in every other form of enterprise?

Mr. JONES. That same question might be asked with reference to some of the other provisions of this bill. There are new provisions in the proposed bill. You ask for a policy not applied to other interests. Why not leave them out? Why not follow the same course as heretofore in regard to these matters?

We are willing and anxious to prevent the evils complained of and feared, but we propose to do it in an effective way, and not by an ineffective provision that can result in nothing but a burden on the people.

Mr. THOMAS. Mr. President.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. Certainly.

Mr. THOMAS. I notice that the proposed amendment provides that, under the conditions which are recited, the franchise may be forfeited. Why not insert the word "shall" as a substitute for the word "may"?

Mr. JONES. I would be perfectly satisfied to do that.

Mr. THOMAS. So as to make it mandatory upon the Secretary of War to proceed under those circumstances.

Mr. JONES. That will be agreeable to me, and I shall modify my amendment to that effect. That will more certainly effect the purpose I desire. Then I desire to suggest to the Senator from Ohio [Mr. BURTON] that if that provision were adopted in this bill, it should be adopted, of course, in every bill of a similar character, so as to apply throughout the country everywhere.

I am going to suggest in my remarks a little further on, but I mention it right here, that I think we ought to frame a general legislative act embodying all the provisions of this bill except the proposition to make an annual charge, and put in it a proposition like this to prevent monopolies. Then we would have a good law under which people could come and ask for these permits and develop power all over the country. I will also suggest to the Senator from Ohio that that very provision, almost word for word, was inserted in the coal-land laws of Alaska, so that it is not entirely without precedent.

Mr. President, I have not read the fourth recommendation of President Roosevelt. We have complied in this bill with every proposition that he recommends in order to prevent monopoly, in order to bring about conservation, in order to have good legislation for the control of these water powers, except the fourth. The fourth proposition reads like this:

Fourth. There should be a license fee or charge which, though small or normal at the outset, can in the future be adjusted so as to secure control in the interest of the public.

I have already shown the principal reasons why I do not think that proposition should be put in the bill, and why I do not think that it would be really in the interest of the public, or, if it should be in the interest of the public, that it is right to impose a burden of that kind upon a particular locality, which must be for the benefit of localities and people not paying the charges. Anything that is in the interest of the general public should be paid for and discharged by the general public. I am satisfied that if President Roosevelt would consider this proposition from every angle he would not insist upon a proposition of this character. While he may be positive in his opinions, he never hesitates to change his views when he finds he is wrong.

Mr. President, we who oppose the provision for an annual charge are not in favor of giving the consent of Congress to the building of this dam unconditionally, as some allege. We are in favor of requiring the work to be commenced within a certain time. We are in favor of having it completed by a definite time. We are in favor of requiring the dam and locks to be built in accordance with plans to be approved by the War Department and that such dam and locks shall be sufficient not only for the present but for all prospective navigation needs. We are in favor of requiring the lock or locks to be turned over to the Federal Government free of cost. We are in favor of requiring the gates of the locks and such electrical power as may be necessary to light and operate the same to be furnished free. We are in favor of no assignment of the rights of the company, except under the approval of the Secre-

tary of War or under the decree of a court of competent jurisdiction. We are in favor of a strong legislative provision against this company or its property becoming a part of any conspiracy or combination, or its being controlled in any way so as to operate or be used in restraint of trade. We are in favor of such permits being granted only when and where there are effective local agencies to regulate the prices to be charged, so that consumers of power may have to pay only just and reasonable rates, and that the Interstate Commerce Commission shall have authority over the rates charged for interstate power. These conditions are all clearly within the power and right of the Federal Government to impose. They are all in the interests of the public and place no unnecessary burdens on consumers. Adopt such a policy, pass such a law as a model for such future legislation, and you secure real conservation that will benefit the public and not enrich the "special interests." With such a measure waste will cease, navigation will be promoted, monopoly will be prevented, the public will secure power at just and reasonable rates, and all the objects and purposes of real conservation will be accomplished, and that too without any unnecessary attacks upon consumption.

Mr. President, I am not going to discuss the legal questions concerned with this matter at any length. This has already been fully done. The real question of the right of the Federal Government to exact a charge for the power developed by the construction of a dam after navigation has been fully protected by a company at its own expense and on its own lands has never been presented to the courts. Those cases relied upon as substantiating this right are not at all in point. In neither of them was the commerce clause of the Constitution involved or mentioned, but each was decided upon the particular facts of the case.

In *Kaukauna Water Power Co. v. Green Bay & Mississippi Canal Co.* (142 U. S., 254) a grant of land had been made to the State of Wisconsin by the Federal Government for the improvement of navigation in the Fox River. The State had accepted the grant and passed an act for the improvement of the river. It acquired, by appropriate proceedings, the necessary lands, waters, or materials for the use of the public in the construction of the necessary improvements and paid for the same. In the act passed by the Legislature of the State of Wisconsin it was provided that—

Whenever a water power shall be created by reason of any dam erected or other improvement made on any of said rivers, such water power shall belong to the State, subject to the future action of the legislature.

The sole question in this case, as stated by Mr. Justice Brown, was "whether the act of the Legislature of Wisconsin of August 8, 1848, reserving to the State the water power created by the erection of the dam over the Fox River, as construed by the supreme court of the State, and the proceedings thereunder, operate to deprive the plaintiffs in error of their property without due process of law." The powers of the Federal Government were not involved in any way.

Green Bay & Mississippi Canal Co. v. Patten Paper Co. (172 U. S., 58), the other case relied upon, grew out of the same facts and did not involve the consideration of the construction of the commerce clause of the Constitution. The case rested and was decided upon the grants and contracts connected with it. The syllabus states the basis for the decision very clearly, as follows:

Under the legislation and contracts set forth in the opinion of the court in this case the water power incidentally created by the erection and maintenance of the dam and canal for the purpose of navigation in Fox River is subject to control and appropriation by the United States, and the plaintiff in error is possessed of whatever rights to the use of this incidental water power that could be granted by the United States.

In this case the United States made certain grants to the State of Wisconsin for the improvement of navigation in Fox River. The State accepted the grant and undertook the improvement, and in its legislative act provided that—

Whenever a water power shall be created by reason of any dam erected or other improvement made on any of said rivers, such water power shall belong to the State, subject to the future action of the legislature.

The right of the State to make this reservation was not questioned. In 1853 the State, by appropriate legislation, granted and transferred to a certain company the uncompleted works of improvement and "all and singular the rights of way, dams, locks, canals, water power, and other appurtenances." Evidently this water power, not by force of the commerce clause of the Constitution but by direct grant, became the property of the United States and, of course, was subject to disposition by it, as by any other owner. The court, by Justice Shiras, said:

Whether the water power incidentally created by the erection and maintenance of the dam and canal for the purpose of navigation in Fox

River is subject to control and appropriation by the United States, owning and operating those public works, or by the State of Wisconsin, within whose limits Fox River lies, is the decisive question in this case.

Does the court proceed to consider this question and decide it on the powers given to the United States by the commerce clause of the Constitution? Not at all. But the court says:

Upon the undisputed facts contained in the record we think it clear that the canal company is possessed of whatever rights to the use of this incidental water power that could be validly granted by the United States.

What the United States could grant depended not upon the commerce clause of the Constitution but "upon the undisputed facts contained in the record." What were the facts in the record? By what right would the United States control these water-power privileges? This is clearly stated by the court as follows:

And, subsequently, by act of March 23, 1871, the State authorized the Green Bay & Mississippi Canal Co., which had become the owner of the entire improvement works, lands, and water powers by purchase at the foreclosure sale, to sell and dispose of the same to the United States.

And, in the opinion of the court, this, in effect, was done. The court said:

The legal effect and import of the sale and conveyance by the canal company were to vest absolute ownership in the improvement and appurtenances in the United States, which proprietary rights thereby became added to the jurisdiction and control that the United States possessed over the Fox River as a navigable water.

Could anything be clearer? The court recognized the right to these waters and water powers as a proprietary right. As a proprietor and owner by actual grant and purchase, of course the United States could deal with them as it saw best, and it was by virtue of this proprietary right and not because of its powers under the commerce clause that the United States did deal with them.

That the only right which the Federal Government has in the Connecticut River is the right to control, protect, and promote navigation is settled by direct decision of the Supreme Court, and that all other rights or property in said stream are subject only to the State laws and State control is equally well settled by a long line of decisions.

In *Pollard's Lessee v. Hagan et al.*, (3 How., 212) the court says:

Although this is the first time we have been called upon to draw the line that separates the sovereignty and jurisdiction of the Government of the Union and the State governments over the subject in controversy, many of the principles which enter into and form the elements of the question have been settled by previous well-considered decisions of this court, to which we shall have occasion to refer in the course of this investigation.

After discussing conditions and the powers of the Federal Government while Alabama was a Territory, the court says:

And this brings us to the examination of the question whether Alabama is entitled to the shores of the navigable waters and the soils under them within her limits.

After discussing the source of title of the United States to the lands embraced in the proposed State of Alabama and the right by the United States acquired thereunder, the court says:

Alabama is therefore entitled to the sovereignty and jurisdiction over all the territory within her limits, subject to the common law, to the same extent that Georgia possessed it before she ceded it to the United States. To maintain any other doctrine is to deny that Alabama has been admitted into the Union on an equal footing with the original States, the Constitution, laws, and compact to the contrary notwithstanding. But her rights of sovereignty and jurisdiction are not governed by the common law of England as it prevailed in the colonies before the Revolution, but as modified by our own institutions. In the case of *Martin and others v. Waddell* (16 Pet., 410), the present Chief Justice, in delivering the opinion of the court, said: "When the Revolution took place, the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable water and the soils under them for their own common use, subject only to the rights since surrendered by the Constitution." Then, to Alabama belong the navigable waters and soils under them in controversy in this case, subject to the rights surrendered by the Constitution to the United States; and no compact that might be made between her and the United States could diminish or enlarge these rights.

The court closes its opinion as follows:

By the preceding course of reasoning we have arrived at these general conclusions: First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States, respectively.

Shively v. Bowlby (152 U. S., 1) discusses at great length the rights of the State and of the Federal Government in navigable waters, and distinguishes various decisions rendered by the court. The court, at page 48, says:

We can not doubt, therefore, that Congress has the power to make grants of lands below high-water mark of navigable waters in any territory of the United States whenever it becomes necessary to do so in order to perform international obligations or to effect the improvement of such lands for the promotion and convenience of commerce with foreign nations and among the several States or to carry out other public purposes appropriate to the objects for which the United States hold the Territory.

After thus asserting the power of the Federal Government over the property in a territory the court says:

IX. But Congress has never undertaken by general laws to dispose of such lands. And the reasons are not far to seek.

The Congress of the United States in disposing of the public lands has constantly acted upon the theory that those lands, whether in the interior or on the coast above high-water mark, may be taken up by actual occupants in order to encourage the settlement of the country; but that the navigable waters and the soils under them, whether within or above the ebb and flow of the tide, shall be and remain public highways; and, being chiefly valuable for the public purposes of commerce, navigation and fishery, and for the improvements necessary to secure and promote those purposes, shall not be granted away during the period of territorial government, but unless in case of some international duty or public exigency shall be held by the United States in trust for the future States, and shall vest in the several States, when organized and admitted into the Union, with all the powers and prerogatives appertaining to the older States in regard to such waters and soils within their respective jurisdictions; in short, shall not be disposed of piecemeal to individuals as private property, but shall be held as a whole for the purpose of being ultimately administered and dealt with for the public benefit by the State after it shall have become a completely organized community.

On page 58 the court continues as follows:

The United States, while they hold the country as a Territory, having all the powers both of national and of municipal government, may grant, for appropriate purposes, titles or rights in the soil below high-water mark of tidewaters. But they have never done so by general laws, and, unless in some case of international duty or public exigency, have acted upon the policy, as most in accordance with the interest of the people and with the object for which the Territories were acquired, of leaving the administration and disposition of the sovereign rights in navigable waters and in the soil under them to the control of the States, respectively, when organized and admitted into the Union.

Mr. President, the policy that we may adopt and provide for in this bill ought to be such that it can be applied to all sections of the country. We are required to determine what shall be the policy of Congress with reference to grants of this kind. We ought to do it. We ought to adopt such a policy as will permit the development of water power all over the country for the people's benefit. There are water powers all over the United States that are waiting for development, that ought to be developed, that ought to be made to benefit and serve the interests of the people of the country. No other section of the country is more interested in a wise, fair, and equitable decision of this question than the section of the country that I in part represent.

It is estimated that upon the Columbia River and its tributaries there can be developed twenty-five or thirty million horsepower five times as much horsepower as is now developed and in use in the entire United States. So the policy that we are to adopt with reference to this development is an important one to us. This is one reason why I am opposed to the imposition of this charge, because I think that it is unwise, that it is unfair, that it is unjust, that it is inequitable, and that it can not be justified upon any basis whatever when the interests of the consumers are considered; and they, really, are the only ones in whom I am especially interested.

I believe the people of my State are better able than anybody else to determine what shall be just, fair, and reasonable rates to be charged for power developed in my State. They know the situation. They know the local conditions. They know the surroundings. We believe we can say what is a fair, just, and reasonable charge better than the people of any other section of the Union. To take any other position is to assume that our people are not so capable of looking after their own affairs as some one else who knows nothing of local conditions. I deny this most emphatically. We have provided ample means for the protection of our people from exorbitant charges. We have provided for a public-utilities commission. I desire to put in the Report, and I desire to read to the Senate, the provisions of our law enumerating the powers that we have given to the public-utilities commission over matters of this kind, and the law speaks for itself and needs no statement from me as to its efficiency.

Article 6 of chapter 117 of the session laws of 1911, providing for a public service commission, defines the powers of the commission in relation to public service companies:

Sec. 54. Charges and service of gas companies, electrical and water companies to be fixed by commission.

Whenever the commission shall find, after a hearing had upon its own motion, or upon complaint as herein provided, that the rates or charges demanded, exacted, charged, or collected by any gas company, electrical company, or water company for gas, electricity, or water, or in connection therewith, or that the rules, regulations, practices, or contracts affecting such rates or charges are unjust, unreasonable, unjustly discriminatory or unduly preferential, or in any wise in violation of the provisions of the law, or that such rates or charges are insufficient to yield a reasonable compensation for the service rendered, the commission shall determine the just, reasonable, or sufficient rates, charges, regulations, practices, or contracts to be thereafter observed and enforced, and shall fix the same by order, as hereinafter provided.

Whenever the commission shall find, after such hearing, that the illuminating or heating power, purity or pressure of gas, the efficiency of electric lamp supply, the voltage of the current supplied for light, heat, or power, or the purity, volume, and pressure of water supplied

by any gas company, electrical company, or water company, as the case may be, is insufficient, impure, inadequate, or inefficient, it shall order such improvement in the manufacture, distribution, or supply of gas, in the manufacture, transmission, or supply of electricity, or in the storage, distribution, or supply of water, or in the methods employed by such gas company, electrical company, or water company as will in its judgment be efficient, adequate, just, and reasonable.

Whenever the commission shall find, after hearing, that any rules, regulations, measurements, or the standard thereof, practices, acts, or services of any such gas company, electrical company, or water company are unjust, unreasonable, improper, insufficient, inefficient, or inadequate, or that any service which may be reasonably demanded is not furnished, the commission shall fix the reasonable rules, regulations, measurements, or the standard thereof, practices, acts, or services to be thereafter furnished, imposed, observed, and followed, and shall fix the same by order or rule, as hereinafter provided.

Mr. President, we do not desire to have a policy adopted in the passage of this bill which will be applied to our section of the country and will interfere with the rights and powers and jurisdiction of our public-service commission. We believe this commission can fully protect the consumers, the people who buy water power, from extortionate, unfair, unjust, and unreasonable charges. We are ready and willing to join hands with our friends from Connecticut and put into this bill the necessary language to make reasonable and full provision for navigation, if you please, at the locality to be benefited. We are ready and willing to join with them in putting into the bill every provision that is necessary to prevent monopoly. Then we think we can trust the local body, the local organization, to see that the people—and they are the ones in whom we are really interested; their welfare is really the welfare that is to be conserved by the passage of this legislation—shall get their water power and their electrical power at fair, just, and reasonable rates. I am willing to go this far with reference to this bill. I am willing to make it within the power of the Secretary of War to refuse a permit until it is clearly shown that the local authorities have ample legislative power and have provided the necessary State agencies to protect the people of the State, the people of the locality, against extortion. What more can anyone ask? What good purpose can be served by any other provision? Mr. President, I am heartily in favor of real conservation, but I am unalterably opposed to unnecessary and unjust taxation.

Mr. O'GORMAN. Mr. President, much of the discussion in relation to the pending bill has been devoted to a consideration of public policy rather than to a careful appreciation of the limitations and restraints imposed upon the National Government by the Constitution. I am opposed to the bill, because it recognizes a principle that can not be supported by any provision of the Constitution.

Prior to the Revolution the Crown of England owned the waters of the Connecticut River and the soil thereof. At the time of the Revolution, when Connecticut became an independent State, it succeeded to the rights theretofore possessed by the King of England. The State of Connecticut became the owner of the Connecticut River and the soil and bed of the stream. It had absolute power and dominion over the river and the soil of the stream. This was so held by Chief Justice Taney in *Martin v. Waddell* (16 Peters, 367). When the Constitution of 1787 was adopted, Connecticut, in common with the other States, conferred upon the Federal Government certain enumerated powers and authorities. The only power conferred upon the Federal Government at the time of the adoption of the Constitution, so far as it affected the ownership and dominion of the rivers in the various independent States, as they then were, was the so-called "commerce clause" of the Constitution, which provided that the Congress should have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

It is now claimed by the advocates of this obnoxious measure that when the thirteen independent States, sovereign in their ownership of the various rivers, conferred upon the Federal Union the right to regulate commerce with foreign nations and among the several States the States practically surrendered the sovereign powers that they were then exercising over their own rivers; because if the views of those who defend this legislation are followed to a logical conclusion, the States exercise no rights in the rivers of the country which the Federal Government is bound to respect.

Under this language of the Constitution, empowering the Federal Government to regulate interstate commerce, the courts from time to time declared that the Federal Government had the right to do whatever it considered necessary for the purpose of promoting the navigability of the streams and the rivers, but that is the only authority that may be invoked by the Federal Government respecting this subject. The Federal Government has had conferred upon it the naked power to go into any river and do what it deems essential for the purpose of promoting the navigability of the river.

Mark you, that is simply a power to do a specific thing. It is a mere easement and has been so declared by the Supreme Court. The advocates of this measure insist that the naked power to do a specific thing carries with it practically an appropriation of property rights—a conclusion that can not be indulged in without doing violence to simple, plain, and unambiguous language.

The claim, in brief, is made that if, as an incident of the improvement the Federal Government may make in promoting the navigation of a river, a surplus water power is created, that water power so created belongs to the Federal Government and may be leased or sold or made a source of revenue to the Government. That is an absolutely erroneous theory, which first found support in the careless reading of two decisions of the Supreme Court of the United States—*Kaukauna v. Green Bay* (142 U. S., 254) and *Green Bay v. Patten* (172 U. S., 58). Certain Senators persist in their error, notwithstanding the fact that their attention has been called to the circumstance that when the Supreme Court held in the Wisconsin cases that the Federal Government had a right to the excess water power created as an incident of the improvement, the ruling was based upon an express grant from the State of Wisconsin to the Federal Government, and not because of any rights believed to be secured under the commerce clause.

In the case of *Illinois v. People* (146 U. S. Sup. Ct. Repts.) the court said:

It is the settled rule of this country that the ownership of and dominion and sovereignty over lands covered by tidewaters within the limits of the several States belong to the respective States within which they are found, and with the consequent right to use or dispose of any portion thereof, when that can be done without substantial impairment of the interest of the public in the waters, and subject always to the paramount right of Congress to control their navigation, so far as may be necessary for the regulation of commerce with foreign nations and among the States. This doctrine has often been announced by this court, and is not questioned by counsel of any of the parties.

The contention has been urged upon us during this discussion that notwithstanding the constitutional restraints the time has arrived when the Federal Government should have control of the disposition of these valuable water powers of the country. But with respect to that I should like to call attention to the views of the Supreme Court in the case of *Kansas v. Colorado* (206 U. S., p. 46), where it is said:

The Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States, and in that alone; that the manifest purpose of the tenth amendment to the Constitution is to put beyond dispute the proposition that all powers not granted are reserved to the people; and that if in the changes of the years further powers ought to be possessed by Congress they must be obtained by a new grant from the people. While Congress has general legislative jurisdiction over the Territories, and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State, except to preserve or improve the navigability of a stream; that the full control over those waters is, subject to the exception named, vested in the State.

In *United States v. Rio Grande* (174 U. S., 709), Mr. Justice Brewer, alluding to the limited and restricted function of the National Government in relation to navigation, said:

The Hudson River runs within the limits of the State of New York. It is a navigable stream and a part of the navigable waters of the United States, so far at least as from Albany southward. One of the streams which flows into it and contributes to the volume of its waters is the Croton River, a nonnavigable stream. Its waters are taken by the State of New York for domestic uses in the city of New York. Unquestionably the State of New York has a right to appropriate its waters, and the United States may not question such appropriation, unless thereby the navigability of the Hudson be disturbed.

These authorities establish the proposition that the ownership of the waters and soil of navigable streams is in the State, and that the Federal Government has no right or power to interfere with the State's property except for the purpose of preserving or improving the navigability of a river. The surplus water or power produced as an incident to the public improvement made by the Government in aid of navigation belongs to the State. Under the commerce clause the Government acquires no title or property interest whatever in the river or bed thereof. The Constitution confers a naked power to regulate commerce; nothing more. The title of the State remains unimpaired, both as to the water and as to the soil. There is no power expressed or implied in the Constitution justifying the claim that the Federal Government may appropriate such surplus water or power. The assertion of such a right would constitute an interference with and confiscation of the property of the State by the Federal Government. The State is the owner of its natural resources, and, within its properly reserved power, has an absolute right to make use of its property, including the water power of its rivers, subject only to the limitation that it can not impede commerce and navigation.

The right of the Government to sell or lease its own property does not justify this attempted appropriation of the property

of a State. Section 3, Article IV, of the Constitution is a grant of power to the United States of control over its own property, but what belongs to the State can not be the property of the Federal Government.

The United States is not authorized by any of the enumerated powers to engage in the business of manufacturing, transmitting, or selling electrical power, whether at cost or for a profit; and the commerce clause was never designed to permit the Federal Government to secure revenue or profit as an incident to the promotion of the facilities of navigation.

Federal expenditures must be reimbursed exclusively through taxation. The function of taxation is to secure sufficient money to perform the delegated governmental functions. This power was limited by section 8, Article I, as follows:

The Congress shall have the power to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

The Constitution merely permits regulation in the interest of navigation and commerce by the Federal Government. Regulation does not mean appropriation or confiscation of the rights of a State in its natural resources.

The contention in favor of the right of the Federal Government to lease the excess water power is without authority or reason to sustain it. *Kaukauna Co. v. Green Bay* (142 U. S., 254) and *Green Bay Co. v. Patten* (172 U. S., 58) are not in point and do not support the proposition. The commerce clause was not involved in either case. In the former case the controversy arose between a State and a riparian owner, and in the latter case the right of the Federal Government grew out of a grant and was not based upon the commerce clause.

The claim is made that the Government's improvement creates the excess power, but the fact is that the water that produces the power concededly belongs to the State, and the only effect of the improvement by the Government is to enlarge the potentiality of the State's water at the point of improvement.

The Government has no more right to claim ownership of the increase of the water than the State or a riparian owner would have to require the Government to make compensation for impairment of the stream at other points resulting from the improvement. Where depreciation is necessarily caused by the improvement for navigation the State must bear the loss; where appreciation results from the improvement the State is entitled to the gain. In either case the property affected belongs to the State. As we have seen, the title of the State includes the water as well as the bed of the rivers. The right of the State, under its title, to appropriate the water, subject only to the power of the Government under the commerce clause, is recognized by the cases cited, and the State's title necessarily excludes dominion over its waters by the Government except for the single purpose above indicated. The Government may improve navigation; it can not confiscate the property of the State.

It is claimed that as the power of the Government can be granted or withheld, the Government has the right to impose conditions upon the grant. I can not approve of that extraordinary proposition. Every function delegated to the Government presumably is to be exercised in good faith. The States granted this power to the Federal Government, assuming that it would be used for the legitimate promotion of commerce, and, as an incident to that, for the promotion of the navigability of the several streams and rivers.

It has been said here within the last day or two that this right, now possessed by the Federal Government, is so complete that there is no power elsewhere; there is no power in the courts to coerce the Federal Government to assent to the building of a dam in a river, and that, inasmuch as that power remains in the Government, it may impose any condition, however onerous, however foreign to the expectations of the fathers of the Republic, who drafted the Constitution; and in that connection it is claimed that it has a perfect right to utilize these surplus waters for the purpose of creating a revenue with which to meet the expense that the Government incurs in making the particular improvement. But that contention is made in disregard of the express provision in the Constitution that the revenue to meet public expenditures is to be raised in a way specifically pointed out in that instrument.

We hear very much in these days of the usurpation of power by the Federal Government. When the general dam acts were passed by Congress in 1906 and 1910 they contained provisions which involved a clear usurpation of power, and they should be repealed at once. The Government undertook by that legislation to withhold its consent to reasonable and salutary measures looking to the promotion of commerce, unless it were permitted to secure a revenue in a method never contemplated by the Constitution nor by those who drafted that instrument.

I am not much concerned about the pending bill, further than that it gives recognition to what I conceive to be a vicious principle. If there is any general sentiment throughout the country that the functions of the Federal Government should be enlarged with respect to the water powers of the land, let the right be conferred upon the Federal Government in a legitimate way. Let the Constitution be amended, and, if the States are willing to surrender more of their reserved powers, let the States do so. But until this change is brought about in a constitutional method, I believe it is the duty of every Senator to resist these encroachments, insidiously made, upon the reserved rights of the States. If the Federal Government is permitted, in disregard of constitutional restraints, to take property from the States, where will its operations stop? If it may appropriate and engage in the sale of electrical power belonging to a State, as was said the other day by the Senator from Colorado [Mr. THOMAS], why may it not go further and operate a trolley system or a manufacturing plant or do other things in disregard of the limitations of the Constitution?

The greatest security against encroachments upon the rights of the people is to be found in confining the Federal Government to the powers specifically granted in the Constitution. This bill can not be adopted, as it is proposed, without doing violence to the organic law of the land, and without doing a lasting injury to the State of Connecticut as well as to every other State in the Union.

Mr. MCLEAN obtained the floor.

Mr. BRANDEGEE. We are approaching so near the hour at which we agreed to take the vote that I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Connecticut suggests the absence of a quorum. The roll will be called.

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

Ashurst	Cummins	Lodge	Simmons
Bacon	Dillingham	McCumber	Smith, Ariz.
Bankhead	du Pont	McLean	Smith, Ga.
Borah	Fall	Martin, Va.	Smith, Md.
Bourne	Fletcher	Martine, N. J.	Smith, S. C.
Brady	Foster	Nelson	Smoot
Brandegee	Gallinger	O'Gorman	Stephenson
Bristow	Gardiner	Oliver	Stone
Burnham	Gore	Overman	Swanson
Burton	Gronna	Page	Thomas
Catron	Guggenheim	Paynter	Thornton
Chamberlain	Jackson	Percy	Tillman
Clapp	Johnson, Me.	Perkins	Townsend
Clark, Wyo.	Johnston, Ala.	Poindexter	Warren
Clarke, Ark.	Jones	Pomerene	Webb
Crane	Kenyon	Richardson	Works
Crawford	Kern	Root	
Culberson	Lea	Sheppard	
Cullom	Lippitt	Shively	

The PRESIDENT pro tempore. On the call of the roll of the Senate 73 Senators have answered to their names. A quorum of the Senate is present. The Senator from Connecticut will proceed.

Mr. MCLEAN. The amendment which I offered this morning could not be printed in time for Senators to read it. I ask that it be read again.

The PRESIDENT pro tempore. The amendment will be again read.

The SECRETARY. Add at the end of section 1 the following additional proviso:

And provided further, That if said company shall neglect or refuse to pay any charge or return demanded of said corporation by the Secretary of War, either by order or under any contract, and such neglect or refusal is based on the ground that said charge or return is invalid or unconstitutional and not within the power of Congress to require, such neglect or refusal on the part of the company shall not affect the rights of said company to hold and exercise all the powers, rights, and privileges granted in this act and in any suit brought against said corporation for the collection of said charge or return the said corporation shall have the right to enter its proper plea to test the constitutionality or validity of said charge or return, and the courts shall take cognizance of the same, and nothing in this section shall be understood as committing the Government to a policy of imposing or not imposing such charges or returns as are herein described from any other company or corporation seeking the assent of Congress under like or similar circumstances.

Mr. MCLEAN. Mr. President, before this measure is lowered or raised to its last resting place I should like to make a few remarks as the nearest friend of the victim in a geographical sense. In a material way I have no further interest in this question than that of my fellow citizens in general, but in view of the fact that my home is close to the spot where this dam will be built, or would be built but for the fact that the surplus water would wash away State sovereignty and incidentally undermine the foundation of the Constitution itself, I am persuaded that it is my duty to call the attention of the Senate to the real character of the about-to-be deceased.

I believe that if the Senators who have opposed this measure lived where I do they would realize that it is sometimes wise

and sometimes profitable to meet conditions and their demands rather than take counsel of speculation and improbability.

First, I wish to call the attention of the Senate to the fact that the precise question presented by this measure is susceptible of two answers. We can pass the bill authorizing the development of this water power subject to the condition imposed by the executive department, which we will say is a confiscation of an infinitesimal part of the net income, or we can defeat this measure and in that way, to use a western term, we can confiscate the whole proposition.

I think I can safely assume that no Senator wants to subscribe to the policy of preventing the creation of wealth in this country. We would have no respect for a government that prevented the development of its natural resources through fear that when developed they could not be controlled.

I do not believe it is necessary, Mr. President, for this Government to wrap its latent wealth in the napkin of congressional impotency, through fear that the State or the Nation will reap where it has not sown.

The first section of the bill presents a solemn legal question. It is a question that has been discussed on the floor of the Senate for nearly a week. The Senator from Washington [Mr. JONES], who preceded the Junior Senator from New York [Mr. O'GORMAN], a few minutes ago declared that he would not discuss the legal question involved, because no case presenting a similar condition of facts had ever been presented to the Supreme Court. The Senator from New York who preceded me began his remarks this afternoon with the statement that the bill had been discussed for many days upon the theory that the policy involved was objectionable, but that he wished to call the attention of the Senate at this late hour to the fact that the bill is offensive to the Constitution, and the Senator from New York is absolutely certain that the question presented by this bill has been determined by the Supreme Court.

So, Mr. President, it has been debated for nearly a week, with almost as many opinions as there have been debates. A few days ago two Senators of great learning in constitutional law cited precisely the same case in defense of diametrically opposed conclusions.

It seems to me it must be evident that the question, and the real question, which we must have decided before we can legislate intelligently upon this question at all must be answered by the Supreme Court of the United States, and until that question is answered by the Supreme Court the situation will present to Congress a condition full of doubt, full of trouble, and full of loss, not only to the people of Connecticut, but to the people of every other State in the Union.

I think it is clear that unless we find a way out for this measure Congress will have put an end to the development of water powers in this country. This question has been agitated for years; commissions have been appointed, composed of able lawyers; reports have been received full of valuable data, maps, and so forth, and nothing has been done.

The Senator from Ohio [Mr. BURTON] and the Senator from Nevada [Mr. NEWLANDS] have presented unanswerable arguments why Congress should lose no time in dealing with this question in an intelligent and effective way in conjunction with the several States.

It is my belief, Mr President, that where the State authorities are satisfied and have granted full authority to the capital interested, where the representatives of that State in Congress are satisfied with the proposed plan, when the individuals who are to furnish the capital are satisfied, the least that Congress can do is to find some way whereby the question will be decided which must be decided before we can agree upon a general law that will lead to a final disposition of this important question. I repeat, it is evident that the question involved is one that the Supreme Court alone can answer, and it is for this reason that the amendment I have offered should be adopted. Many valuable suggestions have been made in relation to this measure by the opposition. It is not necessary for me to disagree with anyone in appealing for a reprieve of this measure, and it is not necessary for any Senator here to disagree with me so far as the real, vital question is concerned.

The Senator from Minnesota [Mr. NELSON] presented objections to this measure because he disapproved the extension of the powers of administrative officers. He will remember that in this case we are dealing not with a Secretary of War but with the President of the United States, who we all know has a very intimate connection with legislation. We know that it is his duty to examine every bill that comes before Congress and return it with his disapproval if it seems to be his duty. It appears to me that we must solve this question upon some other basis than the one which requires a two-thirds vote of both Houses of Congress in order to be successful.

The Senator from California [Mr. WORKS] and the Senator from Idaho [Mr. BORAH] object to the bill because, as they claim, it is possible that the charge imposed may be put upon the ultimate consumer. Mr. President, the situation is that the people who live within the circuit of this proposed development of power want cheap power; they want cheap heat and cheap light; and it can not be contended that the development of 30,000 additional horsepower within 20 miles of 250,000 people, close to Hartford, can increase the present price of heat or power. If it has any effect at all, it must render it cheaper.

The people of Connecticut do not care whether they buy power of the United States Government or of the State of Connecticut or of an individual. What they want is cheaper heat and light and power; and it must be clear that they have everything to gain and nothing to lose if the bill passes, no matter whether the tax goes to the State of Connecticut in the first instance and is expended upon the highways or goes into the Treasury of the United States and is expended in improving navigation in the Connecticut River. In no event can it result in anything but an improvement in present conditions there.

And so we come right back to the real trouble. No matter from what angle we view this important subject, we shall never be in a position where we can draw a bill that will get more than 10 votes in this body until we know whether the tax proposed offends the Constitution or not. Congress can answer this question to-day, and it may find to-morrow that it has answered it incorrectly.

I am a firm believer in State rights; but, Mr. President, I believe in a government by brains and not boundary lines. I do not believe that any citizen of the United States should suffer an irreparable financial loss on account of the fact that he is also a citizen of a State, and I do not believe that a citizen of a State should suffer irreparable loss on account of the fact that he is also a citizen of the United States.

I think it will be utterly impossible for us to get an intelligent and effective solution of this problem until a case is presented to the Supreme Court which involves the critical issue which has been discussed here for more than a week. I believe that every Member of this body would vote for this bill but for the unfortunate precedent that they feel would be established. I do not think that the other objections to the bill which have been raised would be considered important factors enough to prevent the passage of the bill, but for the fear that it will operate as a precedent which Congress will be under obligation to follow in some other State.

Mr. President, if we attach a protest to this bill, such as is embodied in my amendment, a declaration that our purpose in approving the bill is not to establish a precedent that is to be followed in other States, but precisely the contrary, a declaration that we will pass this bill because we want to know what can be done by Congress without offending the Constitution, I can not conceive of any avenue that will lead to a final settlement of this question except the one that is pointed out to us by the only authority which can tell us what the Constitution means, namely, the Supreme Court.

There is another Senator who wishes to discuss this question, and while I might add many reasons to those already stated—

Mr. CLAPP. I would desire a moment before 4 o'clock, if the Senator could accommodate himself to my desire.

Mr. McLEAN. I only desire to make my point clear. I think in the future precisely the same political conditions will arise that are here to-day. We shall have the same shades of opinion, if we consign this bill to the grave, coming up next year and the year after—one Senator in favor of a general proposition because it goes a certain distance in one direction; his colleague opposed to it for that very reason; another Senator opposed to certain provisions because they go too far in another direction—and so between these extremes of opinion you will have as many shades as there are men debating the question, just as you have them to-day and have had them here for a week.

The precedents we can establish to-day are two. We can pass the bill, relying upon the fact that 100,000,000 sovereign people will be able later on to remove the obligations in this bill if they think it is unjust; and we can start the machinery to-day, and the only machinery that can be started, which will put us in a position where we can solve this problem later on; and it is a very important question. We can not tell without experience how it will or can be solved intelligently and economically, and we can not tell without the opinion of the Supreme Court what lines we can take or can not take under the Constitution.

We know that we have hardly ascended the foothills of the ranges that lie above and beyond us in the improvement of

hydroelectric power. It is something that means millions upon millions of dollars to the people of this country. It seems to me that it would be wise to begin, if possible, and begin now, to put Congress in a position where, without any further delay, we can act in a way that will not prevent longer the development of the natural resources of this country as exemplified by the developed water power.

I wish to give notice that I shall offer the amendment which I have proposed in the nature of a substitute to the amendment offered by the Senator from Alabama [MR. BANKHEAD]. If it is adopted, the Connecticut River Co. will test the right of the Federal Government to exact the proposed charge and the way will be cleared for future action.

Mr. CLAPP. Mr. President, I have no difficulty whatever in reconciling my views to the proposition that Congress has the power which is asserted in this bill, but, as I propose to vote against the bill, I would not want that vote hereafter to be used as an argument against my voting to sustain the power asserted in the bill.

I desire to say that in my judgment section 5, without being so intended by the author of the bill, puts it in the power of the men who hold the charter under the bill, if it becomes a law, either to force the United States Government to take this property or violate the pledge contained in the bill; and not only that, but in that event establishes a rule for determining the value of the property, which, of course, I could not assent to.

Therefore, unless section 5 be amended so as to relieve the Government of the possible burden the holders of the charter might some day impose upon it, I shall vote against the bill, although I believe in the fundamental principles of the measure.

Mr. NELSON. Mr. President, the amendment pending is the motion of the Senator from Alabama [MR. BANKHEAD] to strike out all after line 18 in section 1 of the bill. The amendment offered by the Senator from Connecticut [MR. McLEAN] is no substitute for that, because if that is stricken out the amendment of the Senator from Connecticut is of no value. It seems to me we ought to vote upon that question first.

Mr. McLEAN. On which question, may I ask the Senator?

Mr. NELSON. On the motion of the Senator from Alabama to strike out.

Mr. McLEAN. That, of course, entirely negatives the value of my amendment. If it is in order, Mr. President, I offer my amendment as an amendment to the amendment offered by the Senator from Alabama [MR. BANKHEAD].

Mr. BANKHEAD. Mr. President, I beg to suggest to the Senator from Connecticut that while I am not very sure that we have a written rule on the subject the practice has been uniform, as far as I remember, that a committee may perfect its bill by amendments before other amendments are properly in order. Am I correct about that?

The PRESIDENT pro tempore. That is the usual custom, the Chair will suggest, if amendments are to be offered looking to perfecting the original bill.

Mr. BRANDEGEE. But can not a Senator offer an amendment to perfect a committee amendment?

The PRESIDENT pro tempore. Beyond a doubt.

Mr. BRANDEGEE. As a substitute?

The PRESIDENT pro tempore. Beyond a doubt.

Mr. BANKHEAD. Then does the Chair hold that the amendment offered by the Senator from Connecticut is to be voted upon before the amendment which the committee offered to strike out the proviso?

The PRESIDENT pro tempore. The Chair would hold that, if the Senator from Connecticut offers his amendment, as he states he does, as a substitute for the amendment submitted by the Senator from Alabama, it is in order. The question will be then upon the amendment submitted by the Senator from Connecticut to the amendment submitted by the Senator from Alabama.

Mr. McLEAN. On that question I ask for the yeas and nays.

Mr. OLIVER. Let it be read.

Mr. BORAH. I ask that the amendment be again read.

The PRESIDENT pro tempore. It will be again read.

The SECRETARY. Add at the end of section 1 the following additional proviso:

And provided further, That if said company shall neglect or refuse to pay any charge or return demanded of said corporation by the Secretary of War either by order or under any contract, and such neglect or refusal is based on the ground that said charge or return is invalid or unconstitutional and not within the power of Congress to require, such neglect or refusal on the part of the company shall not affect the rights of said company to hold and exercise all the powers, rights, and privileges granted in this act and in any suit brought against said corporation for the collection of said charge or return, the said corporation shall have the right to enter its proper plea to test the constitutionality or validity of said charge or return and the courts shall take cognizance of the same; and nothing in this section shall be understood

as committing the Government to a policy of imposing or not imposing such charges or returns as are herein described from any other company or corporation seeking the assent of Congress under like or similar circumstances.

The PRESIDENT pro tempore. The Chair will suggest that manifestly this is not an amendment to the amendment offered by the Senator from Alabama. It deals with an entirely different section.

Mr. BRANDEGEE. With the same section, of course.

Mr. MCLEAN. It is precisely the same section. I propose to add the additional proviso at the end of section 1.

Mr. SHIVELY. It comes at the end of the amendment.

The PRESIDENT pro tempore. The Chair is clearly of the opinion that it is not an amendment to the amendment offered by the Senator from Alabama [Mr. BANKHEAD]; and the question will be first upon the amendment of the Senator from Alabama.

Mr. BURTON. Mr. President, is not that a proper amendment to add at the end of section 1? It explains and modifies a portion of the bill at the end of that section. Is it not in order to present that in the first instance?

Mr. BRANDEGEE. I want to make one suggestion in that connection. I think, if that amendment is added at the end of section 1, it being in the nature of a substitute for the amendment of the Senator from Alabama, it is equivalent to voting down the amendment of the Senator from Alabama, leaving section 1 as it would be with this amendment adopted. In that view of it, I thought it was in order as an amendment.

The PRESIDENT pro tempore. The Chair is clearly of the opinion that it is not an amendment to the pending amendment. The question is upon the amendment of the Senator from Alabama.

Mr. BRANDEGEE. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BRANDEGEE. I want to ask the Senator from Alabama if it is not necessary to make a change in that part of his proposed amendment which reads "amend by striking out of section 1, beginning after the word 'act,' in line 15, page 2"?

The PRESIDENT pro tempore. That modification of the amendment has already been made.

Mr. BRANDEGEE. Then, should it not propose to amend by changing the language so as to make it read "amend by striking out of section 1, beginning after the word 'otherwise,' in line 18, on page 2"?

The PRESIDENT pro tempore. That is precisely the form in which the amendment is, the Chair would suggest. The question is on the amendment submitted by the Senator from Alabama.

Mr. NEWLANDS. Mr. President, I should like to have the amendment stated.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend by striking out of section 1, beginning after the word "otherwise," in line 18, on page 2, the following:

And provided further, That the Secretary of War, as a part of the conditions and stipulations referred to in said act, may, in his discretion, impose a reasonable annual charge or return, to be paid by the said corporation or its assigns to the United States, the proceeds thereof to be used for the development of navigation on the Connecticut River and the waters connected therewith. In fixing such charge, if any, the Secretary of War shall take into consideration the existing rights and property of said corporation and the amounts spent and required to be spent by it in improving the navigation of said river, and no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurtenant works and property, allowing for the cost of construction, maintenance and renewal, and for depreciation charges.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. BANKHEAD. I ask for the yeas and nays, Mr. President.

Mr. MCLEAN. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Connecticut will state it.

Mr. MCLEAN. I understand that if the amendment offered by the Senator from Alabama is adopted, the amendment which I offered will never be in a position to take the place of the amendment offered by the Senator from Alabama. In other words, if that amendment is adopted, the Senate will not have the opportunity to vote for my amendment as a substitute.

The PRESIDENT pro tempore. The Senator from Connecticut can afterwards offer his amendment in any form that he may see fit to submit it. The question is on the amendment proposed by the Senator from Alabama [Mr. BANKHEAD], on which he has demanded the yeas and nays.

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

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. Not knowing how he would vote if present, I withhold my vote.

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

The roll call was concluded.

Mr. MARTINE of New Jersey. I am authorized to announce the pair of the senior Senator from New Jersey [Mr. BRIGGS] with the Senator from West Virginia [Mr. WATSON].

Mr. SMITH of Michigan (after having voted in the negative). I observe that the junior Senator from Missouri [Mr. REED] has not voted. In view of the pair I have with him, and not knowing how he would vote if present, I withdraw my vote.

The result was announced—yeas 53, nays 29, as follows:

YEAS—53.

Ashurst	Curtis	Martin, Va.	Stephenson
Bacon	Fall	Myers	Stone
Bankhead	Fletcher	Nelson	Sutherland
Borah	Foster	O'Gorman	Swanson
Bourne	Gamble	Oliver	Thomas
Bradley	Gardner	Overman	Thornton
Brady	Gronna	Paynter	Warren
Bryan	Guggenheim	Percy	Webb
Catron	Johnson, Me.	Sheppard	Wetmore
Chamberlain	Johnston, Ala.	Shively	Williams
Clark, Wyo.	Jones	Simmons	Works
Clarke, Ark.	Kern	Smith, Ariz.	
Culberson	Lea	Smith, Md.	
Cummins	McCumber	Smith, S. C.	

NAYS—29.

Brandegee	Dixon	Lodge	Poindexter
Bristow	du Pont	McLean	Pomerene
Brown	Gallinger	Martine, N. J.	Richardson
Burnham	Gore	Newlands	Root
Burton	Jackson	Owen	Townsend
Clapp	Kenyon	Page	
Crane	La Follette	Penrose	
Crawford	Lippitt	Perkins	

NOT VOTING—13.

Briggs	Hitchcock	Smith, Ga.	Watson
Chiffon	Kavanaugh	Smith, Mich.	
Cullom	Massey	Smoot	
Dillingham	Reed	Tillman	

So Mr. BANKHEAD's amendment was agreed to.

Mr. BORAH. I offer the amendment which I proposed a few days ago as a new section to the bill.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. It is proposed to add at the end of the bill, as section 6, the following:

That the provisions of the act entitled "An act to regulate commerce," passed and approved on the 4th day of February, 1887, together with the amendments thereto, shall apply to any corporation or any person or persons engaged in transmitting hydroelectric power or electricity from one State, Territory, or District of the United States to any State, Territory, or District of the United States, or from one place in a Territory to another place in the same Territory or to any foreign country, and that the term "common carrier" as used in said act and the amendments thereto shall include companies engaged in transmitting hydroelectric power or electricity as aforesaid: *Provided*, That said act shall not apply to the transmission of hydroelectric power or electricity wholly within one State and not transmitted to or from a foreign country, from or to any State or Territory as aforesaid; that the rules prescribed in said act as to just and reasonable charges or rates and the procedure relative to other common carriers, in so far as applicable, shall apply to such company, person, or persons transmitting hydroelectric power or electricity as aforesaid, and to the fixing and establishing of just and reasonable charges or rates fully and completely.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Idaho.

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

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

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

Mr. DILLINGHAM (when his name was called). I have already announced my pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. For that reason I withhold my vote. I desire that this announcement shall stand on all the votes on the bill, unless the Senator from South Carolina returns.

The roll call was concluded.

Mr. CULLOM. As there is apparently a unanimous vote in favor of this amendment, I will take the liberty of voting, notwithstanding my pair with the Senator from West Virginia [Mr. CHILTON]. I vote "yea."

The result was announced—yeas 82, nays 1, as follows:

YEAS—82.

Ashurst	Brady	Burton	Crane
Bacon	Brandegee	Catron	Crawford
Bankhead	Bristow	Chamberlain	Culberson
Borah	Brown	Clapp	Cullom
Bourne	Bryan	Clark, Wyo.	Cummins
Bradley	Burnham	Clarke, Ala.	Curtis

Dixon	Kenyon	Overman	Smith, S. C.
du Pont	Kern	Page	Smoot
Fall	La Follette	Penrose	Stephenson
Fletcher	Lea	Perkins	Sutherland
Foster	Lippitt	Poindexter	Swanson
Gallinger	Lodge	Pomerene	Thomas
Gamble	McCumber	Richardson	Thornton
Gardner	McLean	Root	Townsend
Gore	Martin, Va.	Sheppard	Warren
Gronna	Martine, N. J.	Shively	Webb
Guggenheim	Myers	Simmons	Wetmore
Jackson	Nelson	Smith, Ariz.	Williams
Johnson, Me.	Newlands	Smith, Ga.	Works
Johnston, Ala.	O'Gorman	Smith, Md.	
Jones	Oliver	Smith, Mich.	

NAYS—1.

Paynter

NOT VOTING—12

Briggs	Hitchcock	Owen	Stone
Chilton	Kavanaugh	Percy	Tilman
Dillingham	Massey	Reed	Watson

So Mr. BORAH's amendment was agreed to.

Mr. PAYNTER subsequently said: Mr. President, I desire to make a statement in view of the fact that I have voted for the bill and it contains the amendment adopted on motion of the Senator from Idaho [Mr. BORAH]. I voted against that amendment, not fully understanding its purport. After having read the amendment and understanding it, I want to say I most heartily concur in the principle expressed by it, and had I understood the amendment as it really is I should have voted for it and not against it. I thought it was subject to the same objection as was the provision stricken out by the amendment offered by the Senator from Alabama [Mr. BANKHEAD], but after reading the amendment I realized that it was not an effort to invade by the Federal Government what I believe to be the province of the States. If I were permitted to do so, I would change my vote upon that amendment, and if it can be done by unanimous consent I would be glad to be recorded as having voted for the amendment.

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

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "otherwise," in line 18, page 2, it is proposed to insert the following proviso:

Provided further, That if at any time said Connecticut River Co., or its assigns, or its property shall be owned or controlled by any device, permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that it shall form a part of, or in any way effect any combination, or be in anywise controlled by any combination in the form of an unlawful trust, or enter into any contract or conspiracy in restraint of trade in the production, development, generation, transmission, or sale of any power or electrical energy, then the permit herein granted shall be forfeited and canceled by the Secretary of War through appropriate proceedings instituted for that purpose in the courts of the United States.

Mr. JONES. I ask for the yeas and nays on that amendment.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Washington, on which he demands the yeas and nays. Is there a second? [After a pause.] In the opinion of the Chair, not a sufficient number have seconded the demand.

Mr. JONES. I should like to have the other side of that. I think there were several Senators whom the Chair did not see who seconded the demand.

The PRESIDENT pro tempore. There were not a sufficient number. The question is on agreeing to the amendment.

The amendment was agreed to.

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

The PRESIDENT pro tempore. The junior Senator from Washington offers an amendment, which will be stated.

The SECRETARY. At the end of the amendment just agreed to it is proposed to add the following:

Said Connecticut River Co., its successors and assigns in the ownership of the water-power plant to be developed by and in connection with the dam referred to herein, shall pay to the Secretary of War 1 per cent of the net profits derived from the operation of said plant. The Secretary of War shall have authority to collect said charge and shall pay one-half of all sums so collected into the treasury of the United States, and one-half thereof into the treasury of the State of Connecticut; and the Secretary of War shall have authority to examine the books of said company, its successors and assigns, for the purpose of ascertaining the profits thereof.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the junior Senator from Washington.

The amendment was rejected.

Mr. CUMMINS. Mr. President, I move to amend the bill by striking out section 5.

The PRESIDENT pro tempore. The Senator from Iowa moves to amend the bill by striking out section 5, which will be read.

The Secretary read as follows:

SEC. 5. That upon the termination for any cause whatever of the authority, rights, and privileges granted hereby, or any renewal thereof, the United States may renew the same or the grant may be made or transferred to other parties. Unless the grant is renewed to the original grantee or its assigns, as herein provided, the United States shall pay or require its new grantee to pay to said original grantees or its assigns, as full compensation, the reasonable value of the improvements and appurtenant works constructed under the authority of this act and of the property belonging to said corporation necessary for the development hereby authorized, exclusive of the value of the authority hereby granted. Said improvements and appurtenant works and property shall include the lands and riparian rights acquired for the purposes of such development, the dam and other structures, and also the equipment useful and convenient for the generation of hydroelectric power or hydromechanical power, and the transmission system from generation plant to initial points of distribution, but shall not include any other property whatsoever. Such reasonable value shall be determined by mutual agreement between the Secretary of War and the owners, and, in case they can not agree, then by proceedings instituted in the United States district court for the condemnation of such properties. The basis for determining the value shall be the cost of replacing the structures necessary for the development and transmission of hydroelectric power by other structures capable of developing and transmitting the same amount of marketable power with equal efficiency, allowance being made for deterioration, if any, of the existing structures in estimating such efficiency, together with the fair value of other properties herein defined, to which not more than 10 per cent may be added to compensate for the expenditure of initial cost and experimentation charges and other proper expenditures in the cost of the plant which may not be represented in the replacement valuation herein provided.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Iowa. [Putting the question.] By the sound the noes appear to have it.

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

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

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

Mr. SMITH of Michigan. I again announce my pair with the Senator from Missouri [Mr. REED]. If he were present, I should vote "nay."

Mr. STONE (when his name was called). I vote "yea." I desire to announce that my colleague [Mr. REED] is detained at home by the serious illness of his wife and by important business.

The roll call was concluded, and the result was announced—yeas 55, nays 27, as follows:

YEAS—55.

Ashurst	Crawford	Kern	Shively
Bacon	Culberson	La Follette	Simmons
Bankhead	Cummins	Lea	Smith, Ariz.
Borah	Curtis	McCumber	Smith, Md.
Bourne	Dixon	Martin, Va.	Smith, S. C.
Bradley	Fall	Myers	Stone
Brady	Fletcher	O'Gorman	Sutherland
Bristow	Gamble	Overman	Swanson
Brown	Gardner	Paynter	Thomas
Bryan	Gronna	Percy	Thornton
Catron	Johnson, Me.	Perkins	Tilman
Chamberlain	Johnston, Ala.	Poindexter	Williams
Clapp	Jones	Pomerene	Works
Clarke, Ark.	Kenyon	Sheppard	

NAYS—27.

Brandegee	Gallinger	Nelson	Smoot
Burnham	Guggenheim	Oliver	Stephenson
Burton	Jackson	Owen	Townsend
Clark, Wyo.	Lippitt	Page	Warren
Crane	Lodge	Penrose	Webb
Dillingham	McLean	Richardson	Wetmore
du Pont	Martine, N. J.	Root	

NOT VOTING—13.

Briggs	Gore	Newlands	Watson
Chilton	Hitchcock	Reed	
Cullom	Kavanaugh	Smith, Ga.	
Foster	Massey	Smith, Mich.	

So the amendment of Mr. CUMMINS was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

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

The PRESIDENT pro tempore. The bill having been read three times, the question is, Shall it pass?

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

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

Mr. CULLOM (when his name was called). I again announce my pair with the junior Senator from West Virginia [Mr. CHILTON]. If he were present, I should vote "yea."

The roll call having been concluded, the result was announced—yeas 74, nays 12, as follows:

YEAS—74.

Ashurst	Bradley	Burnham	Crane
Bacon	Brady	Catron	Cummins
Bankhead	Brandegee	Chamberlain	Curtis
Borah	Brown	Clark, Wyo.	Dillingham
Bourne	Bryan	Clarke, Ark.	Dixon

Fall	Kern	Page	Smith, S. C.
Fletcher	Lea	Paynter	Smoot
Foster	Lippitt	Penrose	Stephenson
Gallinger	Lodge	Percy	Stone
Gamble	McCumber	Perkins	Sutherland
Gardner	McLean	Pomerene	Swanson
Gore	Martin, Va.	Richardson	Thornton
Gronna	Martine, N. J.	Sheppard	Tillman
Guggenheim	Myers	Shively	Warren
Jackson	Nelson	Simmons	Wetmore
Johnson, Me.	O'Gorman	Smith, Ariz.	Williams
Johnston, Ala.	Oliver	Smith, Ga.	Works
Jones	Overman	Smith, Md.	
Kenyon	Owen	Smith, Mich.	

NAYS—12.

Bristow	Crawford	Newlands	Thomas
Burton	du Pont	Poindexter	Townsend
Clapp	La Follette	Root	Webb

NOT VOTING—9.

Briggs	Cullom	Kavanaugh	Reed
Chilton	Hitchcock	Massey	Watson
Culberson			

So the bill was passed.

MEMORIAL ADDRESSES ON LATE REPRESENTATIVES FROM PENNSYLVANIA.

Mr. OLIVER. Mr. President, on the 7th of this month I gave notice that on March 1 I should ask the Senate to consider resolutions commemorative of the life, character, and public services of Hon. HENRY H. BINGHAM, Hon. GEORGE W. KIPP, and Hon. JOHN G. McHENRY, late Members of the House of Representatives from the State of Pennsylvania. I wish to withdraw that notice and to give notice that I shall ask the Senate to consider such resolutions on Thursday, February 27, at such hour as may be convenient for the calling up of the same.

IMMIGRATION OF ALIENS—VETO MESSAGE.

Mr. LODGE. Mr. President, I move that the Senate proceed to reconsider the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, which was returned by the President with his objections; and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STONE. Mr. President, I wish to inquire just what the effect of the motion would be. If the motion were agreed to, would its effect be to reconsider the action of the Senate, or would it be a vote upon whether the Senate agrees or disagrees to the proposition of passing the bill notwithstanding the objections of the President?

The PRESIDENT pro tempore. As the Chair understands the motion, it is simply to proceed to the consideration of the bill.

Mr. LODGE. The motion that I made is in the language of the Constitution, that the House in which the bill originated shall proceed to reconsider the bill which the President returns without his approval. The motion the Senator from Missouri suggests will apply when the vote is taken on the question of passing the bill over the veto or sustaining the veto.

Mr. STONE. In other words, if the motion to reconsider should be agreed to, what then would be the status of the matter?

Mr. LODGE. That would bring before the Senate the question as to whether we should support the veto or overrule it.

Mr. STONE. Suppose the motion to reconsider should be disagreed to?

Mr. LODGE. That would end it, naturally.

Mr. STONE. In that event would the bill be passed, notwithstanding the objections of the President?

Mr. LODGE. No; this simply brings the matter before the Senate. If my motion is disagreed to, that shows that the Senate declines to reconsider it, and is equivalent to sustaining the veto.

The PRESIDENT pro tempore. The Chair will suggest that, in the opinion of the Chair, the motion should be to take the bill and message from the table for consideration, and that then the constitutional question should be propounded.

Mr. LODGE. Certainly.

Mr. BACON. Mr. President, I may be in error, but I think the language of the Constitution, when it says that the House in which the bill originated shall proceed to reconsider it, means that it shall proceed to consider it again, and not that there shall be a reconsideration for the purpose of reversal.

Mr. LODGE. Undoubtedly.

Mr. BACON. And the proper question is whether or not the bill shall pass, the veto notwithstanding.

Mr. LODGE. The bill and the veto message are not before the Senate. The motion is to proceed to the consideration of the bill.

The PRESIDENT pro tempore. The yeas and nays have been ordered on the motion of the Senator from Massachusetts

to take the bill and message from the table. The Secretary will call the roll.

The question having been taken by yeas and nays, resulted—yeas 75, nays 9, as follows:

YEAS—75.

Ashurst	Cummins	La Follette	Root
Bacon	Curtis	Lea	Sheppard
Bankhead	Dillingham	Lippitt	Simmons
Borah	Dixon	Lodge	Smith, Ariz.
Bourne	du Pont	McCumber	Smith, Ga.
Bradley	Fall	McLean	Smith, S. C.
Brady	Fletcher	Martin, Va.	Smoot
Brandegge	Foster	Myers	Sutherland
Bristow	Gallinger	Nelson	Swanson
Brown	Gamble	Oliver	Thomas
Burnham	Gardner	Overman	Thornton
Burton	Gore	Owen	Tillman
Catron	Guggenheim	Page	Townsend
Chamberlain	Jackson	Penrose	Warren
Clark, Wyo.	Johnson, Me.	Percy	Webb
Clarke, Ark.	Johnston, Ala.	Perkins	Wetmore
Crane	Jones	Poindexter	Williams
Crawford	Kenyon	Pomerene	Works
Culberson	Kern	Richardson	

NAYS—9.

Clapp	O'Gorman	Shively	Stephenson
Gronna	Paynter	Smith, Mich.	Stone
Martine, N. J.			

NOT VOTING—11.

Briggs	Cullom	Massey	Smith, Md.
Bryan	Hitchcock	Newlands	Watson
Chilton	Kavanaugh	Reed	

So Mr. LODGE's motion was agreed to.

The PRESIDENT pro tempore. The bill is before the Senate. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. LODGE. Mr. President, I do not desire to delay for a moment the vote on this bill. The bill was fully discussed in every stage, and came back twice from conference. The President has rested his objections on the single point of the literacy test, and has referred us to the accompanying letter of the Secretary of Commerce and Labor for his reasons. There are no reasons offered in that letter which have not been considered constantly during the last 20 years the question has been before Congress, and it seems to me there is no reason why we should not immediately dispose of the question stated by the Chair. I do not myself wish to discuss the matter at all. I hope the Senate is ready to vote.

Mr. MARTINE of New Jersey. Mr. President, apropos of the remarks of the Senator from Massachusetts [Mr. LODGE], I desire to send to the desk a telegram which I have received with reference to this subject, and I ask that it be read.

The PRESIDENT pro tempore. Without objection, the telegram will be read.

The Secretary read as follows:

NEW YORK, February 16, 1913.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.:

The Hebrew Sheltering and Immigrant Aid Society, composed of American citizens in all parts of the country, respectfully pray that you exercise your functions as a representative of the people in Congress and refuse to pass the immigration bill, S. 3175, over the veto of His Excellency William Taft, President of the United States. This bill contains uncalled-for drastic provisions which are bound to exclude from our shores decent law-abiding men and women for no good reason. No matter what the motives of the authors, this bill is based upon false notions. We are convinced as an organization that has worked among immigrants for a quarter century and is coming in daily contact with every strata of immigration that our immigrants in this country have made good. In their loyalty to the United States they rank next to none. In their patriotism and devotion to the principles of liberty they occupy the same place as any patriotic native American. They appreciate our glorious institutions more than a great many Americans who can trace their ancestry back for several generations. They have not given cause for the Congress of the United States to legislate for the exclusion from our shores of their kind. We are satisfied that the calm judgment of the American people is not in favor of the further restriction of immigration. Our laws provide sufficiently against the incoming of the mentally and physically unsound, and these laws are rigidly enforced by the United States Government. Our country is large enough, and there are enormous stretches of land lying bare and awaiting the human hand and brain to develop them. We pray that you do not permit the spirit of "narrow nativism" to override the just veto of the Chief Executive of this Nation.

Respectfully,

LEON SANDERS, President.
JACOB MASSEL, Secretary.

Mr. MARTINE of New Jersey. Mr. President, when this measure was before this body last year I expressed myself in most positive terms and with all the earnestness of my nature as being unequivocally opposed to it, and I am now gratified to see that the President of the United States has seen fit to send his veto to this body. As a self-respecting citizen and as an American I could not vote at this crisis to override the President's veto of this measure. As a principle I am opposed to it.

I insist that the literacy test has accomplished nothing of good and that it can accomplish nothing of good in the matter

of immigration to this country. It will be subversive of the whole policy and system of immigration in this land.

The best that has been accomplished in this great land for its development has come from men from the other side who were not asked the question: "Can you read or can you write?" And when the Nation's life was in crisis and struggle, and you asked him to shoulder his musket and fix his bayonet for a charge you never questioned as to whether he could read or write, but you garnered him in and bade him go on and defend your Constitution and your flag.

I say, Mr. President, that during the whole history of this country of the men who have carved out their fortunes and have made our country great, a great many, and those of their progeny who came after them, were utterly unable to write. I know within my own knowledge of men who can neither read nor write who have accumulated wealth in this land, and have made most respected and honored citizens.

I believe the passage of this measure can result in no good. It has accomplished nothing where it has been tried, and it can accomplish nothing to-day.

The argument, I know, will be advanced, "Oh, we have a different class to-day from what we had 40 or 50 years ago." Yes; different somewhat, but in the main it is the same. Earnest, honest men, endowed with God's good health, have come here to seek a refuge and to carve out for themselves a fortune and to aid us in developing this great country.

It is said that the Italians are dangerous people in this land. I insist there are good Italians, and as a race they are an industrious race. I defy the gentlemen advocating this measure to find an Italian beggar in the streets of your city or any other city. An Italian beggar is unknown. They are industrious and frugal to a degree that is unparalleled.

If literacy must be the gauge, I insist, Mr. President, that the most dangerous alien who can come to the shores of this fair land is the intellectual and intelligent villain, the intellectual and conniving scoundrel. I have no fear of the man who may not be able to read or write or translate in comparison with the man who is able in letters and at translation, if you choose, and in reading or writing. In comparison, I think, they have been plotting villains and have brought disaster not only to our own country but almost every other land to which they may have had access.

Mr. President, I recall very well having drunk in a good deal of inspiration from the words of a distinguished Senator in this body when, on April 7, 1908, he declared in these words:

Within the last 20 years, however, there has been a great change—

In referring to immigration—

Within the last 20 years, however, there has been a great change in the proportion of the various nationalities emigrating from Europe to the United States. The immigrants from Great Britain and Ireland and from Germany and Scandinavia have come down in numbers as compared with immigrants from countries which, until very recent years, sent no immigrants to America. We have never received, and do not now receive, any immigration from Spain or any considerable immigration from France and Belgium. The great growth in recent years in our immigration has been from Italy, from Poland, Hungary, and Russia, from eastern Europe, from subjects of the Sultan, and is now extending to the inhabitants of Asia Minor. With the exception of the Italians—

And it is these who are discriminated against largely—

With the exception of the Italians, these people have never been amalgamated with or brought in contact with the English-speaking people or with those of France, Germany, Holland, and Scandinavia, who have built up the United States. I except the Italians not merely because their noble literature and splendid art are a part of our common inheritance but because they are conspicuously one of the countries which belong to what is known as western civilization. They, like ourselves, are the heirs of the civilization of ancient Rome, and until one has traveled in eastern Europe and studied the people one does not realize how much this signifies.

These words and more are the words of the distinguished Senator from Massachusetts [Mr. LODGE] when he saw fit and proper to laud the immigration of Italians to this fair land of ours.

I insist, Mr. President, in my own Commonwealth, in the southern part of the State of New Jersey, and in many other States, where there are millions of idle acres demanding the work of toilers, of industrious, honest men, there is a rich opportunity, and we can invite them here. I ask as the only restriction healthy bodies, clean minds, and moral purposes, and then, with these broad acres and a splendid Constitution, we can assimilate and digest the whole world better to our advantage, better to the world's Christianization and to the civilization of humanity.

I shall vote with all the earnestness of my nature to sustain the President's veto of this bill.

Mr. SMITH of Michigan. Mr. President, I desire to send to the desk a telegram received from many representative Polish citizens, or citizens of Polish origin, protesting against over-

riding the President's veto. I should like to have the telegram read and the names appended thereto, representing many thousands of the most respected citizens of Grand Rapids, Mich., printed in the RECORD without reading.

The PRESIDENT pro tempore. Without objection, the telegram will be read.

The telegram was read, and the names appended thereto were ordered to be printed in the RECORD, as follows:

GRAND RAPIDS, MICH., February 16, 1913.

Hon. WM. ALDEN SMITH.

Senate, Washington, D. C.:

Justice demands that you vote to uphold President Taft's veto of the Dillingham-Burnett immigration bill. The bill is so unjust that we are forced to request you to stand by our President, who considers that good clean men and women may come into our great country without having to stand a literacy test. We all know that in some countries the people are so unfortunate as to not have the opportunity to get an education; we have had a great many come here that could not read nor write and they have made some of our best citizens and their children very learned good men and women. We the undersigned most earnestly request your assistance, and have signed on behalf of our respective societies and as individuals.

Committee in charge from Polish National Benevolent Society; Polish American Industrial Society; Polish Progressive Benevolent Society and Knights of John Sobieske and Society, Michael Buzalski, president, Y. Stanley Jacowski, secretary; Rev. L. P. Krakowski, pastor of the Polish Sacred Heart congregation; Rev. Joseph Pietrasik, pastor of St. Isidore's congregation; Rev. C. Skory, pastor of St. Adalberts Church; Polish National Benevolent Society (a corporation), Michael Buzalski, president; Polish American Industrial Society (a corporation), F. Centilli, president; Grand Rapids central committee, representing six local branches of the Polish National Alliance of the United States, Julian Malszewski, president; Polish Progressive Benevolent Society, Valentine J. Banaszak, president; Red Hussars' Benevolent Society, Adam Walchewski, president; Sacred Heart Society of Sacred Heart Parish, Jan Radlicki, president; Pulaski Guard Benevolent Protective Association, Jan Jochim, president; Sacred Heart Society of St. Isadore Sacred Parish, Frank Michalski, president; St. Isadore's Benevolent Society, Anthony Sakowski, president; St. Hedwig Benevolent Society, B. Z. Czubinski, president; Knights of St. Casimir, A. Panfil, president; St. Casimir Benevolent Society, Frank Andrysak, president; St. Adalberts Sons Aid Society, Jan Kosowski, president; St. Hyacinth Aid Society, Aug Michalski, president; St. Stanislaus Aid Society, Casimir Talalay, president.

Mr. O'GORMAN. Mr. President, I ask that the Secretary read the message of the President, together with the communication from the Department of Commerce and Labor, in relation to the pending bill.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

Mr. STONE. Mr. President, I would most respectfully invite the attention of Senators to the letter of Secretary Nagel. I am sure they have not read it.

The PRESIDENT pro tempore. The message and the letter from the Secretary of the Department of Commerce and Labor will be read as requested.

The Secretary read as follows:

To the Senate:

I return herewith, without my approval, S. 3175.

I do this with great reluctance. The bill contains many valuable amendments to the present immigration law which will insure greater certainty in excluding undesirable immigrants.

The bill received strong support in both Houses and was recommended by an able commission after an extended investigation and carefully drawn conclusions.

But I can not make up my mind to sign a bill which in its chief provision violates a principle that ought, in my opinion, to be upheld in dealing with our immigration. I refer to the literacy test. For the reasons stated in Secretary Nagel's letter to me, I can not approve that test. The Secretary's letter accompanies this.

WM. H. TAFT.

THE WHITE HOUSE, February 14, 1913.

DEPARTMENT OF COMMERCE AND LABOR,
Washington, February 12, 1913.

MY DEAR MR. PRESIDENT: On the 4th instant Mr. Hilles, by your direction, sent me Senate bill 3175, "An act to regulate the immigration of aliens to and the residence of aliens in the United States," with the request that I inform you at my earliest convenience if I know of any objection to its approval. I now return the bill with my comments.

In view of the number of hearings and the general discussion that have been had no more than a brief reference to many of the points will be necessary. The following are some of the objections that have been raised:

First. No exception has been made in behalf of Hawaii. You have been assured that it is proposed to meet this objection by joint resolution. Even if this plan should not be carried out, I do not regard the objection as sufficiently serious to affect the merits of the bill.

Second. The provision that persons shall be excluded who can not become eligible under existing law to become citizens of the United States by naturalization is obscure, because it leaves unsettled the question as to who are to be regarded as white persons. But this is merely a perpetuation of the uncertainty which is now to be found in the naturalization law.

Third. The provision that the Secretary may determine in advance, upon application, whether it is necessary to import skilled labor in any particular instance, that this decision shall be held in abeyance for 30 days, and that in the meantime anyone objecting may appeal to the dis-

trict court to try *de novo* such question of necessity is unsatisfactory. The provision for the appeal to the courts is probably unconstitutional, but even if the entire provision proves ineffective the law will be left substantially where it is, and so this does not constitute a grave objection to the bill.

Fourth. The provision that the Secretary may detail immigrant inspectors and matrons for duty on vessels carrying immigrants or immigrant passengers is objected to by foreign countries, but inasmuch as this is left to the discretion of the Secretary, and it is understood, for illustration, that Italy insists upon such practice with respect to all steamship companies taking immigrants from her shores, it does not seem to me that this is a controlling objection.

Fifth. The provision in section 7, with respect to the soliciting of immigration by steamship companies, vests the Secretary with somewhat drastic authority by way of imposing fines and denying the right of a steamship company to land alien immigrant passengers. Again, this is not mandatory, and therefore does not go to the heart of the bill.

It appears to me that all these and similar objections might well have been considered in committee and may become the subject of future consideration by Congress, but, fairly considered, they are of incidental importance only and furnish no sufficient reason for disapproving this bill.

With respect to the literacy test, I feel compelled to state a different conclusion. In my opinion, this is a provision of controlling importance, not only because of the immediate effect which it may have upon immigration and the embarrassment and cost it may impose upon the service, but because it involves a principle of far-reaching consequence with respect to which your attitude will be regarded with profound interest.

The provision as it now appears will require careful reading. In some measure the group system is adopted—that is, one qualified immigrant may bring in certain members of his family—but the effect seems to be that a qualified alien may bring in members of his family who may themselves be disqualified, whereas a disqualified member would exclude all dependent members of his family, no matter how well qualified they might otherwise be. In other words, a father who can read a dialect might bring in an entire family of absolutely illiterate people, barring his sons over 16 years of age, whereas a father who can not read a dialect would bring about the exclusion of his entire family, although every one of them can read and write.

Furthermore, the distinction in favor of the female members of the family as against the male members does not seem to me to rest upon sound reason. Sentimentally, of course it appeals, but industrially considered it does not appear to me that the distinction is sound. Furthermore, there is no provision for the admission of aliens who have been domiciled here, and who have simply gone abroad for a visit. The test would absolutely exclude them upon return.

In the administration of this law very considerable embarrassment will be experienced. This at least is the judgment of members of the immigration force, upon whose recommendations I rely. Delay will necessarily ensue at all ports, but on the borders of Canada and Mexico that delay will almost necessarily result in great friction and constant complaint. Furthermore, the force will have to be very considerably increased, and the appropriation will probably be in excess of present sums expended by as much as a million dollars. The force of interpreters will have to be largely increased and, practically speaking, the bureau will have to be in a position to have an interpreter for any kind of language or dialect of the world at any port at any time. Finally, the interpreters will necessarily be foreigners, and with respect to only a very few of the languages or dialects will it be possible for the officials in charge to exercise anything like supervision.

Apart from these considerations, I am of the opinion that this provision can not be defended upon its merits. It was originally urged as a selective test. For some time recommendations in its support upon that ground have been brought to our attention. The matter has been considered from that point of view, and I became completely satisfied that upon that ground the test could not be sustained. The older argument is now abandoned, and in the later conferences, at least, the ground is taken that the provision is to be defended as a practical measure to exclude a large proportion of undesirable immigrants from certain countries. The measure proposes to reach its result by indirection, and is defended purely upon the ground of practical policy, the final purpose being to reduce the quantity of cheap labor in this country. I can not accept this argument. No doubt the law would exclude a considerable percentage of immigration from southern Italy, among the Poles, the Mexicans, and the Greeks. This exclusion would embrace probably in large part undesirable but also a great many desirable people, and the embarrassment, expense, and distress to those who seek to enter would be out of all proportion to any good that can possibly be promised for this measure.

My observation leads me to the conclusion that, so far as the merits of the individual immigrant are concerned, the test is altogether overestimated. The people who come from the countries named are frequently illiterate because opportunities have been denied them. The oppression with which these people have to contend in modern times is not religious, but it consists of a denial of the opportunity to acquire reading and writing. Frequently the attempt to learn to read and write the language of the particular people is discouraged by the Government, and these immigrants in coming to our shores are really striving to free themselves from the conditions under which they have been compelled to live.

So far as the industrial conditions are concerned, I think the question has been superficially considered. We need labor in this country, and the natives are unwilling to do the work which the aliens come over to do. It is perfectly true that in a few cities and localities there are congested conditions. It is equally true that in very much larger areas we are practically without help. In my judgment, no sufficiently earnest and intelligent effort has been made to bring our wants and our supply together, and so far the same forces that give the chief support to this provision of the new bill have stubbornly resisted any effort looking to an intelligent distribution of new immigration to meet the needs of our vast country. In my judgment no such drastic measure, based upon a ground which is untrue and urged for a reason which we are unwilling to assert, should be adopted until we have at least exhausted the possibilities of a rational distribution of these new forces.

Furthermore, there is a misapprehension as to the character of the people who come over here to remain. It is true that in certain localities newly arrived aliens live under deplorable conditions. Just as much may be said of certain localities that have been inhabited for a hundred years by natives of this country. These are not the general conditions, but they are the exceptions. It is true that a very considerable portion of immigrants do not come to remain, but return after they have acquired some means, or because they find themselves unable to cope with the conditions of a new and aggressive country. Those who return for the latter reason relieve us of their own volition of a

burden. Those who return after they have acquired some means certainly must be admitted to have left with us a consideration for the advantage which they have enjoyed. A careful examination of the character of the people who come to stay and of the employment in which a large part of the new immigration is engaged will, in my judgment, dispel the apprehension which many of our people entertain. The census will disclose that with rapid strides the foreign-born citizen is acquiring the farm lands of this country. Even if the foreign-born alone is considered, the percentage of his ownership is assuming a proportion that ought to attract the attention of the native citizens. If the second generation is included it is safe to say that in the Middle West and West a majority of the farms are to-day owned by foreign-born people or they are descendants of the first generation. This does not embrace only the Germans and the Scandinavians, but is true in large measure, for illustration, of the Bohemians and the Poles. It is true in surprising measure of the Italians; not only of the northern Italians, but of the southern.

Again, an examination of the aliens who come to stay is of great significance. During the last fiscal year 538,172 aliens came to our shores, although the net immigration of the year was only a trifle above 400,000. But, while we received of skilled labor 127,016, and only 35,898 returned; we received servants 116,529, and only 13,449 returned; we received farm laborers 184,154, and only 3,978 returned, it appears that laborers came in the number of 135,726, while 200,279 returned. These figures ought to demonstrate that we get substantially what we most need, and what we can not ourselves supply, and that we get rid of what we least need and what seems to furnish, in the minds of many, the chief justification for the bill now under discussion.

The census returns show conclusively that the importance of illiteracy among aliens is overestimated, and that these people are prompt after their arrival to avail of the opportunities which this country affords. While, according to the reports of the Bureau of Immigration, about 25 per cent of the incoming aliens are illiterate, the census shows that among the foreign-born people of such States as New York and Massachusetts, where most of the congestion complained of has taken place, the proportion of illiteracy represents only about 13 per cent.

I am persuaded that this provision of the bill is in principle of very great consequence, and that it is based upon a fallacy in undertaking to apply a test which is not calculated to reach the truth and to find relief from a danger which really does not exist. This provision of the bill is new, and it is radical. It goes to the heart of the measure. It does not permit of compromise, and, much as I regret it, because the other provisions of the measure are in most respects excellent and in no respect really objectionable, I am forced to advise that you do not approve this bill.

Very sincerely yours,

CHARLES NAGEL, Secretary.

The PRESIDENT.

During the reading of Secretary's Nagel's letter.

Mr. O'GORMAN. I should like to have the reading of the letter suspended now, and move that the Senate adjourn until 12 o'clock to-morrow.

The motion was not agreed to.

After the reading of Secretary Nagel's letter.

Mr. DU PONT. Mr. President, I do not like to detain the Senate at this late hour, and I shall do so only for a moment. I desire to say that I disapprove of the illiteracy clause in the pending bill, and shall therefore vote to sustain the President's veto.

Some years ago I had occasion to examine the muster rolls of the continental line of the Revolutionary Army, and I discovered that in many companies as high as 75 or 80 per cent of the soldiers were illiterates and foreigners. If those men—those illiterates, those foreigners—were then good enough to risk their lives in assisting to obtain our independence, it seems to me that the same class of men are now good enough to assist in the development of this great country by their labor on the farms, in the mines, and in every other department where labor is so much needed.

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. STONE. Mr. President—

Mr. LODGE. The yeas and nays, of course, are necessary under the Constitution.

The PRESIDENT pro tempore. The Constitution requires that the vote in such a case shall be taken by yeas and nays.

Mr. STONE. I will ask the Senator from Massachusetts [Mr. LODGE] to adjourn the further consideration of this bill until to-morrow at some hour when we may agree to vote. There are some Senators who would like to make observations in opposition to the bill. I do not know whether there are any who wish to speak in favor of it. For myself, I desire to say a few words in support of the President's veto, but I would rather the matter should go over until some hour to-morrow.

Mr. LODGE. Mr. President, if we can agree to vote to-morrow I shall be very glad to comply with the suggestion of the Senator from Missouri. The bill and the message of the President are now the unfinished business of the Senate, and, therefore, would come up to-morrow at 2 o'clock. Therefore I ask unanimous consent that, not later than 5 o'clock to-morrow, a vote be taken on the question of sustaining the veto.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts?

Mr. CLAPP. Mr. President, I shall object to any unanimous-consent agreement. Let us proceed with this matter and dispose of it.

The PRESIDENT pro tempore. Objection is made.

Mr. LODGE. I have nothing further to do, then, of course, but to keep the matter before the Senate, though I do not like to interfere with other business. I wish to say to the Senator from Minnesota that the suggestion did not come from me, but it came from the opponents of the bill.

Mr. CLAPP. I did not mean that in any such sense.

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. CLARKE of Arkansas. I believe there is one motion which can be made by which we can attend to the matter tomorrow, and I move that the Senate adjourn.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Arkansas. [Putting the question.] The noes appear to have it.

Mr. MARTINE of New Jersey. I call for the yeas and nays, Mr. President.

The yeas and nays were ordered; and, being taken, resulted—yeas 25, nays 58, as follows:

YEAS—25.

Brady	du Pont	Martine, N. J.	Stephenson
Brown	Fletcher	Myers	Stone
Catron	Gronna	O'Gorman	Townsend
Chamberlain	Kenyon	Paynter	Williams
Clarke, Ark.	Kern	Pomerene	
Culberson	Lippitt	Shively	
Cullom	Martin, Va.	Smith, Md.	

NAYS—58.

Ashurst	Curtis	McCumber	Smith, Ariz.
Bacon	Dillingham	McLean	Smith, Ga.
Bankhead	Dixon	Nelson	Smith, Mich.
Borah	Fall	Oliver	Smith, S. C.
Bourne	Gallinger	Overman	Smoot
Bradley	Gardner	Owen	Sutherland
Brandegee	Gore	Page	Swanson
Bristow	Guggenheim	Penrose	Thomas
Burnham	Jackson	Percy	Thornton
Burton	Johnson, Me.	Perkins	Tillman
Clapp	Johnson, Ala.	Poindexter	Webb
Clark, Wyo.	Jones	Richardson	Wetmore
Crane	La Follette	Root	Works
Crawford	Lea	Sheppard	
Cummins	Lodge	Simmons	

NOT VOTING—12.

Briggs	Foster	Kavanaugh	Reed
Bryan	Gamble	Massey	Warren
Chilton	Hitchcock	Newlands	Watson

So the Senate refused to adjourn.

Mr. STONE. Mr. President, I should like to have the bill read by the Secretary for the information of the Senate. I am a little apprehensive that some, if not most, of the Senators have not read the bill.

The PRESIDENT pro tempore. The Senator from Missouri requests that the bill shall be read. That order will be made, in the absence of objection.

Mr. LODGE. Mr. President, I do not know of any rule that compels the reading of the bill. It is perfectly familiar to Senators, I think, and I do not wish to have the time consumed uselessly. If Senators wish to speak, that is one thing, but I do not think we should have documents read, and I object.

The PRESIDENT pro tempore. Objection to the reading is made.

Mr. STONE. I can read the bill.

Mr. LODGE. I know the Senator can read it, but I do not want to put him to that trouble. I should like very much if we could make the agreement which I have proposed, which was, in fact, suggested by the Senator from Missouri. I do not think it is possible to take a vote at this late hour, if there are Senators who desire to speak, and so I will renew the request, if it be agreeable to the Senator from Missouri.

Mr. STONE. If the Senator will pardon me, there are two or three Senators who desire to address the Senate on the pending question, and after conference with the Senator from Massachusetts, in charge of the measure, it was agreed between them and him that we would adjourn until 12 o'clock to-morrow, and that the vote should be taken not later than 5 o'clock. I believe it can be taken much earlier than 5 o'clock. There is certainly no disposition, so far as I am advised—and I think I can speak with confidence—on the part of anyone merely to delay the consideration and final disposition of this question; but there is reason in all things; and I join with the Senator from Massachusetts in again asking the Senate to allow this matter to go over until to-morrow with an assurance that there is no disposition to obstruct the early disposition of it.

Mr. LODGE. Mr. President, I renew the request, and I hope the Senator from Minnesota will allow us to adopt that course. It is the quickest way of disposing of the matter. We shall gain nothing by sitting here this evening, in my opinion. I

renew the request, which is, in brief, that we shall vote on the bill to-morrow, not later than 5 o'clock.

Mr. CLAPP. Will the Senator make it 3 o'clock?

Mr. LODGE. I am perfectly willing to make it 3 o'clock, if that is agreeable.

Mr. STONE. If we can begin a little earlier than 2—

Mr. LODGE. The bill can be taken up immediately after the routine morning business and voted on not later than 3 o'clock.

Mr. STONE. If we can begin at 1—

Mr. KERN. Make it 4.

Mr. NELSON. Mr. President, will the Senator from Massachusetts yield to me?

Mr. STONE. What is the need of a controversy here about half an hour?

Mr. LODGE. Exactly.

Mr. STONE. Several Senators desire to be heard, not extensively, but within reasonable limits. My friend from Minnesota is so generous and fair in all things that I am sure I need only to present the matter to him.

Mr. NELSON. Will the Senator from Missouri yield to me?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. STONE. I do.

Mr. NELSON. It is very important that we should dispose of the appropriation bills. Therefore I would suggest that unanimous consent be asked that we take up this bill to-morrow, immediately after the reading of the Journal, and dispose of it by a final vote before 3 o'clock, or not later than 3 o'clock.

Mr. LODGE. That is all right.

Mr. STONE. That is satisfactory to me.

Mr. OLIVER. Mr. President, there are quite a number of committee reports that have been delayed, and on that account there ought to be a short time allowed for routine morning business.

Mr. LODGE. That will come immediately after the vote. It will not cut off the routine morning business.

Mr. SMOOT. That will be all right.

Mr. LODGE. It will not cut it off if the vote is taken at 3 o'clock.

The PRESIDENT pro tempore. Will the Senator from Massachusetts restate his request?

Mr. LODGE. I ask that to-morrow, immediately after the reading of the Journal, the immigration bill, with the President's objections, be taken up, and that the vote upon it be taken not later than 3 o'clock.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts?

Mr. CLAPP. I objected to the other suggestion not for purposes of delay, but because I thought we ought to go to work and dispose of this matter. I do not want to stand against the will of the Senate. We have an immense amount of work yet before us at the present session. If it is the sense of the Senate that we should pass upon this matter at 3 o'clock to-morrow, while I deprecate that policy, I shall not any further interpose an objection.

Mr. CLARK of Wyoming. Mr. President, I rise to a parliamentary inquiry. Will the taking up of this bill by unanimous consent cut off morning business to-morrow?

Mr. LODGE. No.

Mr. CLARK of Wyoming. I am asking the Chair.

The PRESIDENT pro tempore. It would preclude the presentation of morning business, except by unanimous consent, after the disposition of this measure.

Mr. CLARK of Wyoming. I supposed that was true; and in that event, unless the request for unanimous consent is so amended that we can take up the morning business, I shall have to object.

Mr. LODGE. I thought it would be open to morning business. I will add to the request, then, that after the disposition of this question the morning business shall be disposed of.

The PRESIDENT pro tempore. Is there objection to the modified request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

INCOME TAX.

The PRESIDENT pro tempore presented a joint resolution passed by the Legislature of Wyoming, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

THE STATE OF WYOMING,

* Office of the Secretary of State.

UNITED STATES OF AMERICA, State of Wyoming:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following copy of senate joint resolution No. 2,

adopted by the Legislature of the State of Wyoming, has been carefully compared with the original, filed in this office on the 6th day of February, A. D. 1913, and is a full, true, and correct copy thereof:
Senate joint resolution ratifying an amendment to the Constitution of the United States of America granting power to Congress to levy a tax on incomes.

Whereas both Houses of the Sixty-first Congress of the United States of America at its first session by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:
A joint resolution proposing an amendment to the Constitution of the United States.

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

"ART. XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration."

Therefore be it

Resolved by the Senate of the State of Wyoming (the House of Representatives concurring). That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Wyoming.

That certified copies of this preamble and joint resolution be forwarded by the secretary of state of this State to the President of the United States, Secretary of State of the United States, to the Presiding Officer of the United States Senate, to the Speaker of the House of Representatives of the United States, and to each Senator and Representative of the United States, and to each Senator and Representative in Congress from the State of Wyoming.

By the president:

BIRNEY H. SAGE.

By the speaker:

MARTIN L. PRATT.

10.52 a. m., February 3, 1913.

JOSEPH M. CAREY, Governor.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 10th day of February, A. D. 1913.

[SEAL.]

FRANK L. HOUX.

Secretary of State.

By F. H. WESCOTT.

Deputy.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial adopted by the Legislature of Idaho, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

[Certificate of certified copy.]

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Wilfred L. Gifford, Secretary of State of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of House joint memorial No. 1; by Mason; passed the house January 23, 1913; passed the Senate January 31, 1913; which was filed in this office on the 5th day of February, A. D. 1913, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 7th day of February, A. D. 1913, and of the independence of the United States of America the one hundred and thirty-seventh.

[SEAL.]

WILFRED L. GIFFORD,
Secretary of State.

House joint memorial 1.

To the honorable the Senators and Representatives of the United States in Congress assembled:

Your memorialists, the Legislature of the State of Idaho, respectfully represent that—

Whereas a bill, known as the "three-year homestead bill," was passed by the Senate of the National Congress on February 5, 1912, said bill being without any requirements as to the cultivation of homesteads; and

Whereas the said bill was afterwards amended in the National House of Representatives so as to require cultivation, and was finally approved on June 6, 1912; and

Whereas said cultivation clause works a hardship upon settlers who have taken up or who will take up homesteads in the timbered sections of the State of Idaho and in other Western States in that those settlers who are dependent upon their own resources and labor to maintain their families and to improve their homesteads can not comply with the provisions of said law;

We therefore pray and earnestly urge that relief be granted to these homesteaders by appropriate amendment, so as to make the provisions of the said law applicable to the timbered sections of this and other Western States.

The Secretary of State of the State of Idaho is hereby instructed to forward copies of this memorial to the Senate and House of Representatives of the United States, and copies of the same to our Senators and Representatives in Congress.

This memorial passed the house of representatives on the 23d day of January, 1913.

C. S. FRENCH,

Speaker of the House of Representatives.

This memorial passed the Senate on the 31st day of January, 1913.

HERMAN H. TAYLOR,

President of the Senate.

I hereby certify that the within house joint memorial originated in the house of representatives during the twelfth session of the Legislature of the State of Idaho.

[SEAL.]

DAVID BURRELL,

Chief Clerk of the House of Representatives.

The PRESIDENT pro tempore presented a joint memorial of the Legislature of Idaho, which was ordered to lie on the table and to be printed in the RECORD, as follows:

[Certificate of certified copy.]

STATE OF IDAHO.

Department of State.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 2, by committee on privileges and elections, recommending the passage of the Kenyon-Sheppard bill—passed the house January 27, 1913; passed the senate February 3, 1913—which was filed in this office on the 5th day of February, A. D. 1913, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 7th day of February, in the year of our Lord one thousand nine hundred and thirteen and of the independence of the United States of America the one hundred and thirty-seventh.

[SEAL.]

WILFRED L. GIFFORD,

Secretary of State.

House joint memorial 2.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislature of the State of Idaho, respectfully represent that—

Whereas a bill is now pending in Congress having for its purpose the guaranteeing to the respective States the fullest jurisdiction over all intoxicating liquors consigned to them from the time they enter the State, said bill being known as the Kenyon-Sheppard bill;

Whereas we believe that under the present laws the State is seriously handicapped in carrying out its policies relative to the liquor traffic, and that the passage of such act would be of great benefit to the several States: Now therefore

Your memorialists urgently recommend said bill be enacted into a law at the earliest possible time.

The secretary of state of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States and copies of the same to our Senators and Representatives in Congress immediately upon the passage of the same.

This house joint memorial passed the house of representatives on the 27th day of January, 1913.

C. S. FRENCH,

Speaker of the House of Representatives.

This house joint memorial passed the senate on the 3d day of February, 1913.

HERMAN H. TAYLOR,

President of the Senate.

I hereby certify that the within house joint memorial originated in the house of representatives during the twelfth session of the Legislature of the State of Idaho.

[SEAL.]

DAVID BURRELL,

Chief Clerk of the House of Representatives.

The PRESIDENT pro tempore presented a joint resolution passed by the Legislature of Ohio, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

House joint resolution 11.

Joint resolution relative to funds in the Federal Treasury and to provide for the distribution and use of the income therefrom.

Whereas there was on deposit in the Federal Treasury at the close of business January 21, 1913, to the credit of the general revenue fund the sum of \$136,120,738; and

Whereas the sum of \$136,120,738 represents the normal credit balance of such fund; and

Whereas the amount of such credit balance is not at this time nor prior hereto has ever been in active circulation; and

Whereas the amount of such fund should be loaned to the banking institutions of the various States on the basis of competitive bidding; and

Whereas the general business, manufacturing, commercial, and agricultural interests of Ohio, as well as of every other State, would be greatly benefited through the investment, use, and privilege of such Federal credit balance; and

Whereas the amount of revenue that should be obtained from the use of such Federal Treasury balance should be credited to the respective States in which such funds are employed; and

Whereas the total amount of interest paid by the banks of the respective States to the Federal Government should be credited to the respective States employing such fund; and

Whereas the amount so credited to such respective States should be used in constructing and maintaining highways: Therefore be it

Resolved by the General Assembly of the State of Ohio, That the Congress of the United States be, and is hereby petitioned to enact statutes providing for the deposit of funds in the Federal Treasury in any of the banks of the United States upon competitive bidding as to interest, and upon approved security. And that the income from such deposits be credited to the treasurer of the State in the respective States in which such funds were on deposit; and be it

Resolved, That the income from such deposits as are credited to the treasurer of such States having employed such funds be credited to the highway construction and improvement funds to be used as are other funds for such construction and improvement purposes; and be it further

Resolved, That the secretary of state be, and is hereby, directed to forward duly authenticated copies of this resolution to the President of the United States Senate and to the Speaker of the House of Representatives of the United States, with the request that the same be laid before the Senate and House for prompt consideration.

C. L. SWAIN,

Speaker of the House of Representatives.

HUGH L. NICHOLS,

President of the Senate.

Adopted January 20, 1913.

UNITED STATES OF AMERICA,

STATE OF OHIO,

Office of the Secretary of State.

I, Chas. H. Graves, secretary of state of the State of Ohio, do hereby certify that the foregoing is an exemplified copy, carefully compared by

me with the original rolls now on file in this office and in my official custody as secretary of state and found to be true and correct, of a joint resolution adopted by the General Assembly of the State of Ohio on the 29th day of January, A. D. 1913, entitled "Joint resolution relative to funds in the Federal Treasury, and to provide for the distribution and use of the income therefrom."

In testimony whereof I have hereunto subscribed my name and caused the great seal of the State of Ohio to be affixed at Columbus, Ohio, this 13th day of February, A. D. 1913.

[SEAL.]

CHAS. H. GRAVES,
Secretary of State.

The PRESIDENT pro tempore presented a telegram, in the nature of a petition, from Local Union No 242, United Mine Workers' Association of Iowa, praying that an investigation be made by Congress of the conditions in the strike zone of the West Virginia coal fields, which was referred to the Committee on Education and Labor.

He also presented the petition of John Buzzuffi, of New York, N. Y., and telegrams in the nature of petitions from the Polish National Alliance and the Polish Alma Mater of America, praying Congress to sustain the President's veto of the immigration bill, which were ordered to lie on the table.

Mr. TILLMAN. I present a concurrent resolution adopted by the Legislature of South Carolina, which I ask may be printed in the RECORD and be referred to the Committee on Military Affairs.

There being no objection, the concurrent resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

A concurrent resolution.

Be it resolved by the house of representatives (the senate concurring). That the United States Senators and Representatives in Congress for South Carolina be, and they are hereby, requested to approve and use their influence in securing the passage of the Pepper militia pay bill, now pending in Congress, if consistent with their views as to the desirability of the legislation.

That the clerk of the house is instructed to forward a copy of this resolution to the Senators and Representatives in Congress from this State.

The house agrees to the resolution and orders that it be sent to the senate for concurrence.

By order of the house:

JAMES A. HOYT,
Clerk of the House.

The Senate agrees to the resolution and orders that it be returned to the house with concurrence.

By order of the senate:

W. M. MANN,
Clerk of the Senate.

Mr. GROUNNA. I present several telegrams, in the nature of petitions, praying that the Congress sustain the veto of the President of the immigration bill. I ask that the telegrams lie on the table and be printed in the RECORD.

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

NEW YORK, February 16, 1913.

Hon. ASLE J. GROUNNA,

United States Senate, Washington, D. C.:

The Hebrew Sheltering and Immigrant Aid Society, composed of American citizens in all parts of the country, respectfully prays that you exercise your functions as a representative of the people in Congress and refuse to pass the immigration bill (S. 3175) over the veto of His Excellency William H. Taft, President of the United States. This bill contains uncalled-for drastic provisions, which are bound to exclude from our shores decent law-abiding men and women for no good reason. No matter what the motives of the authors, this bill is based upon false notions. We are convinced as an organization, that has worked among immigrants for a quarter century and is coming in daily contact with every strata of immigration, that our immigrants in this country have made good. In their loyalty to the United States they rank next to none. In their patriotism and devotion to the principles of liberty they occupy the same place as any patriotic native American. They appreciate our glorious institutions more than a great many Americans who can trace their ancestry back for several generations. They have not given cause for the Congress of the United States to legislate for the exclusion from our shores of their kind. We are satisfied that the calm judgment of the American people is not in favor of the further restriction of immigration. Our laws provide sufficiently against the incoming of the mentally and physically unsound, and these laws are rigidly enforced by the United States Government. Our country is large enough and there are enormous stretches of land lying bare that are awaiting the human hand and brain to develop them. We pray that you do not permit the spirit of "narrow nativism" to override the just veto of the Chief Executive of this Nation.

Respectfully,

LEON SANDERS, *President.*
JACOB MASSEL, *Secretary.*

CHICAGO, ILL., February 17, 1913.

Hon. A. J. GROUNNA,
Washington, D. C.:

Hope the veto of the immigration bill will be sustained.

A. V. EILERT,
Secretary and Treasurer Skandinavien.

— NEW YORK, February 14, 1913.

Senator ASLE J. GROUNNA,
United States Senate, Washington, D. C.:

I trust that you will do all that lies in your power to sustain the President's veto of the immigration bill.

LOUIS MARSHALL,
President American Jewish Committee.

Mr. GROUNNA presented a memorial of the General Federation of Women's Clubs of North Dakota, remonstrating against the transfer of the control of the national forests of the United States to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Kulm, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the congregation of the Seventh-day Adventist Church of Kenmare, N. Dak., and a memorial of the congregation of the Seventh-day Adventist Church of Max, N. Dak., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of G. A. Fraser, Fargo, N. Dak., praying for the passage of the so-called Owen health bill, which was ordered to lie on the table.

Mr. FLETCHER presented a memorial of the Board of Trade of Tampa, Fla., and a memorial of sundry citizens of Miami, Fla., remonstrating against the enactment of legislation providing for the Federal regulation of pilots and pilotage, which were referred to the Committee on Commerce.

Mr. CULLOM presented a memorial of members of the Woman's Club of Chicago, Ill., remonstrating against the enactment of legislation transferring the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of sundry citizens of Illinois, praying for the enactment of legislation to increase the compensation paid to railroads for carrying the mails, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the Trades and Labor Council of Danville, Ill., favoring the strict enforcement of legislation providing for the inspection of locomotive boilers and safety appliances for railway equipment, etc., which were referred to the Committee on Interstate Commerce.

Mr. SMITH of South Carolina presented a concurrent resolution passed by the general assembly of the State of South Carolina, favoring the passage of the so-called Pepper militia pay bill, which was referred to the Committee on Military Affairs.

Mr. ASHURST presented resolutions adopted by the Phoenix and Maricopa County Board of Trade, of Phoenix, Ariz., recommending that the present area of Indian reservations in the Salt River Valley and in the vicinity of the Salt River Valley be not extended, and favoring the adoption of a plan for the reduction rather than the extension of the Indian reservations, which were referred to the Committee on Public Lands.

Mr. ROOT presented a memorial of the congregation of the Seventh-day Adventist Church of the Bronx, New York, and memorials of sundry citizens of Rome and Oneida, N. Y., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. DU PONT, from the Committee on Pensions, to which was referred the bill (S. 8438) granting an increase of pension to Annie G. Hawkins, reported it without amendment and submitted a report (No. 1211) thereon.

Mr. BOURNE. From the Committee on Post Offices and Post Roads I report back favorably with amendments the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, and I submit a report (No. 1212) thereon.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. GAMBLE. From the Committee on Indian Affairs I submit a report (No. 1213) to accompany the bill (H. R. 26874) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, which I ask may be printed.

The PRESIDENT pro tempore. The report will be received and printed.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 8404) for the relief of Jeanie G. Lyles, reported it without amendment and submitted a report (No. 1214) thereon.

Mr. OLIVER, from the Committee on Manufactures, to which was referred the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or

transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, reported it with amendments and submitted a report (No. 1216) thereon.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to which was referred the bill (S. 4681) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., to authorize a change in the permanent system of highway plans, to provide for the condemnation of certain streets, and for other purposes, reported it with amendments and submitted a report (No. 1215) thereon.

PAY OF OFFICERS OF THE NAVY.

Mr. SMITH of Maryland. From the Committee on Naval Affairs I report back favorably without amendment the bill (S. 7278) providing that the pay of officers of the Navy commence from the date they take rank as stated in their commissions, and I submit a report (No. 1217) thereon. I ask unanimous consent for the present consideration of the bill.

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

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that all officers of the Navy who, since the 3d day of March 1890, have been advanced or may hereafter be advanced in grade or rank pursuant to law shall be allowed the pay and allowances of the higher grade or rank from the dates stated in their commissions.

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

JOHN K. WREN.

Mr. BRISTOW. From the Committee on Military Affairs I report favorably without amendment the bill (H. R. 22939) for the relief of John K. Wren, and I submit a report (No. 1220) thereon. I ask unanimous consent for the present consideration of the bill.

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

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that in the administration of the pension laws John K. Wren, who served in Company D, Sixty-sixth Regiment Ohio Volunteer Infantry, shall be held and considered to have been honorably discharged from said company and regiment on the 16th day of December, 1863. But no rights or benefits under any law shall accrue to John K. Wren prior to the passage of this act.

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

WILLIAM KAISER.

Mr. BRISTOW. From the Committee on Claims I report favorably without amendment the bill (H. R. 16127) for the relief of William Kaiser, and I submit a report (No. 1218) thereon. I ask unanimous consent for the present consideration of the bill.

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

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Treasury to pay to William Kaiser \$565.04, the amount lost by him while postmaster at Faribault, Minn., through the failure of the First National Bank of that city.

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

CHRISTIAN HEDGES.

Mr. KENYON. On behalf of the senior Senator from Montana [Mr. DIXON] I report back favorably from the Committee on Military Affairs the bill (H. R. 19191) for the relief of Christian Hedges, and I submit a report (No. 1219) thereon. I ask unanimous consent for the present consideration of the bill.

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

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in the administration of the pension laws Christian Hedges, late captain Company G, Seventh Regiment Iowa Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from military service of the United States as a member of said regiment on the 6th day of July, 1864. But no pension shall accrue prior to the passage of this act.

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

DEPARTMENT OF LABOR.

Mr. BORAH. Mr. President, I give notice that to-morrow, immediately following the disposition of the unanimous-consent agreement as to the veto message on the immigration bill, I shall move to take up and consider Calendar No. 856, being the bill (H. R. 22913) to create a department of labor.

Mr. SMOOT. I ask the Senator from Idaho if he intends his notice to interfere with the consideration of the District appropriation bill.

Mr. BORAH. I do not care to modify my notice. We can dispose of that question when the time comes.

Mr. SMOOT. I merely desire to call attention to it, Mr. President.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. PAYNTER:

A bill (S. 8477) to authorize and direct the Commissioners of the District of Columbia to cause to be removed all obstructions from West Virginia Avenue, in the city of Washington, in, the District of Columbia; to the Committee on the District of Columbia.

By Mr. CLAPP:

(By request:) A bill (S. 8478) to provide for the sale and conveyance of the inherited Indian lands; to the Committee on Indian Affairs.

A bill (S. 8479) granting a pension to William A. Gray; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 8480) to construe the name of E. T. Bourger, as the same appears in the report of Hawkins-Taylor Commission in relation to Company F, Osage County Battalion, Missouri Home Guards, to refer to Joseph Bourgeret, of Osage County, Mo.; to the Committee on Military Affairs.

A bill (S. 8481) granting a pension to Louisa Squires; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 8482) for the relief of James P. Ruggles, and others; to the Committee on Claims.

By Mr. TOWNSEND:

A bill (S. 8483) granting an increase of pension to Thomas W. Michael (with accompanying paper); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 8484) to amend the charter of the East Washington Heights Traction Railroad Co.; to the Committee on the District of Columbia.

By Mr. BORAH:

A bill (S. 8485) granting an increase of pension to Marsena De Witt McKane (with accompanying papers); and

A bill (S. 8486) granting a pension to Sarah R. Vancouver (with accompanying papers); to the Committee on Pensions.

By Mr. WEBB:

A bill (S. 8487) to prevent the desecration of the flag of the United States and to provide punishment therefor; to the Committee on the Judiciary.

By Mr. CHILTON:

A bill (S. 8488) for the relief of Anthony Lawson; to the Committee on Claims.

A bill (S. 8489) granting a pension to George W. Cook;

A bill (S. 8490) granting a pension to A. T. Landress (with accompanying paper); and

A bill (S. 8491) granting an increase of pension to Samuel W. Ake (with accompanying paper); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 8492) granting an increase of pension to David S. Fairchild; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 8493) granting an increase of pension to Emsey O. Young; to the Committee on Pensions.

A bill (S. 8494) for the relief of Charles Ashwell and others (with accompanying paper); to the Committee on Claims.

By Mr. LA FOLLETTE:

A bill (S. 8495) granting an increase of pension to Elisha L. Ashley; to the Committee on Pensions.

By Mr. BRYAN:

A bill (S. 8496) to amend section 8 of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes"; and

A bill (S. 8497) to repeal section 3 of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1900"; to the Committee on Post Offices and Post Roads.

By Mr. SMITH of Maryland:

A bill (S. 8498) for the relief of John E. Semmes, receiver of the Columbian Iron Works & Dry Dock Co., of Baltimore, Md.; to the Committee on Claims.

By Mr. BRISTOW:

A bill (S. 8499) granting an increase of pension to George W. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 8500) establishing compensation of certain customs officials; to the Committee on Finance.

A bill (S. 8501) granting an honorable discharge to George W. Biggs; to the Committee on Military Affairs.

A bill (S. 8502) granting an increase of pension to Harrison D. Boyer (with accompanying papers);

A bill (S. 8503) granting an increase of pension to Peter Banks (with accompanying papers);

A bill (S. 8504) granting an increase of pension to Margaret A. Pepper (with accompanying papers); and

A bill (S. 8505) granting an increase of pension to William H. Jackson (with accompanying papers); to the Committee on Pensions.

By Mr. NEWLANDS:

A joint resolution (S. J. Res. 161) granting permission to the Woman's Titanic Memorial Association to erect a memorial structure in Potomac Park, in the city of Washington; to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMITH of Maryland submitted an amendment proposing to appropriate \$80,000 for the construction of a post-office building at Cambridge, Md., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. BRISTOW submitted an amendment proposing to appropriate \$1,575.55 for a pavement in front of the post office and courthouse at Salina, Kans., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. ROOT submitted an amendment proposing to appropriate \$350,000 to acquire, by purchase, condemnation, or otherwise, part of the block on which the post office in the Borough of Brooklyn, city of New York, N. Y., is located, etc., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment proposing to appropriate \$75,000 for the purchase of a site and the erection thereon of a suitable building for the use and accommodation of the city of Waverly, N. Y., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also submitted an amendment relative to a reissuance of Treasury drafts, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate \$15,000 to increase the limit of cost for the public building at York, Pa., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

He also (by request) submitted an amendment relative to the retirement of officers of the Navy now on the retired list who prior to June 30, 1911, became incapacitated for active service by reason of physical disability incurred in line of duty, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to appropriate \$225 to pay James F. Belford for services rendered as secretary to the Commission to Investigate the Pneumatic-Tube Postal System, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—HARRY M. OSBORNE.

On motion of Mr. GUGGENHEIM, it was

Ordered, That the papers accompanying the bill S. 737, Sixty-second Congress, first session, granting a pension to Harry M. Osborne, be withdrawn from the files of the Senate, no adverse report having been made thereon.

THE INITIATIVE AND REFERENDUM.

Mr. OWEN. I offer a substitute for Senate resolution No. 413, and ask that it be read, lie on the table, and be printed.

The resolution (S. Res. 413) was read, ordered to lie on the table, and to be printed, as follows:

Resolved, That the system of direct legislation, such as the optional initiative and referendum adopted by Oklahoma, Oregon, California, Washington, Arizona, Utah, Colorado, Montana, North Dakota, South Dakota, Missouri, Arkansas, Nebraska, Wisconsin, Ohio, and Maine, is in harmony with and makes more effective the representative system and the principle of the sovereignty of the people upon which this Republic was founded and is not in conflict with the republican form of government guaranteed by the Constitution.

Mr. OWEN. I desire to give notice that on Monday next, after the disposition of the regular routine morning business, I shall address the Senate upon the resolution.

EULOGIES ON THE LATE VICE PRESIDENT.

Mr. SMOOT submitted the following concurrent resolution (S. Con. Res. 41), which was read, considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed and bound, under the direction of the Joint Committee on Printing, 14,100 copies of the proceedings and the eulogies delivered in Congress on James Schoolcraft Sherman, late Vice President of the United States, with illustration, of which 4,000 copies shall be for the use of the Senate, 8,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senators and Representatives of the State of New York, and 100 copies, bound in full morocco, for the use of Mrs. James Schoolcraft Sherman: *Provided*, That there shall be included in such publication the proclamation of the President and the proceedings in the Supreme Court of the United States upon the death of Vice President Sherman, and an account of the funeral services at Utica, N. Y.

CONDITIONS IN THE CITY OF MEXICO.

Mr. ASHURST. I submit a resolution and ask that it lie on the table and be printed.

The resolution (S. Res. 464) was read and ordered to lie on the table and to be printed, as follows:

Whereas according to the best information obtainable by the American people and by the Senate of the United States, American citizens now residents of the City of Mexico, capital of the Republic of Mexico, have been compelled to take refuge within the American Embassy, to escape the dangers of a warfare now being conducted in the Republic of Mexico;

Whereas Americans and other noncombatants have been wounded and killed while within the shelter of their own homes and while seeking safety in the residences of the official representatives of their respective Governments; and

Whereas the American Embassy has been under fire and the life of the American ambassador and his family and other American citizens gathered there for safety have been and are jeopardized, and assaults have been made upon official representatives of the Government of the United States; and

Whereas official communications between the American Government and its diplomatic representatives in the city of Mexico are either censored or garbled by and under authority of the Government of Mexico, and foreign Governments appear to look to the Government of the United States to protect life and property and maintain a state of law and order; and

Whereas the President of the United States is quoted as having stated that Congress must share with him whatever action may be taken with regard to the present deplorable state of affairs in Mexico: Therefore be it

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interests, to transmit to the Senate full and complete copies of all correspondence, cables, telegrams, and other communications received by him or by the Department of State or by the Department of the Navy relative to conditions in the City of Mexico, and copies of all instructions sent to the American diplomatic representatives and officers of the Army and Navy in command of vessels or military forces that have been placed under orders and directed to hold themselves in readiness to protect American interests, copies of such communications and orders being necessary to the end that Congress may properly assume whatever responsibility the President at any time may believe Congress should share with him.

CONDITIONS IN PAINT CREEK, W. VA., COAL FIELDS.

Mr. BORAH submitted the following resolution (S. Res. 463), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a committee of three Members of the Senate be appointed by the President of the Senate to make a thorough and complete investigation of the conditions existing in the Paint Creek coal fields of West Virginia, for the purpose of ascertaining—

1. Whether or not a system of peonage is maintained in said coal fields.

2. Whether or not access to post offices is prevented; and if so, by whom.

3. Whether or not our treaty obligations with other countries are being violated; and if so, by whom.

4. If any or all of those conditions exist, the causes leading up to such conditions.

5. Whether or not the Commissioner of Labor or any other official or officials of the Government can be of service in adjusting such strike.

6. Whether or not parties are being convicted and punished in violation of the laws of the United States.

Said committee, or any subcommittee thereof, is hereby empowered to sit and act during the session or recess of Congress, or of either House thereof, at such time and place as it may deem necessary; to require, by subpoena or otherwise, the attendance of witnesses and the production of papers, books, and documents; to employ stenographers to take and make a record of all evidence taken and received by the committee, and keep a record of its proceedings; to have such evidence,

record, and other matter required by the committee printed and suitably bound; and to employ such assistance as may be deemed necessary. The chairman of the committee, or any member thereof, may administer oaths to witnesses. Subpoenas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. The claim that any testimony or evidence given may tend to incriminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceedings, except in prosecuting for perjury committed in giving such testimony. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any questions pertinent to the investigation herein authorized, shall be deemed guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not more than \$1,000 nor less than \$100 and imprisoned in a common jail for not more than one year nor less than one month, as provided in section 102 of the Revised Statutes of the United States.

The expenses thereof shall be paid from the contingent fund of the Senate on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Contingent Expenses.

EIGHT-HOUR LAW.

MR. BORAH. I ask the Chair to lay before the Senate the action of the House on the disagreeing votes on House bill 18787.

THE PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon public works of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

MR. BORAH. I ask that the Senate concur—

MR. BURTON. I ask that the matter may go over.

THE PRESIDENT pro tempore. It will go over.

MR. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 58 minutes p. m., Monday, February 17) the Senate adjourned until to-morrow, Tuesday, February 18, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, February 17, 1913.

The House met at 12 o'clock noon.

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

We bless Thee, Infinite Spirit, our heavenly Father, that we may touch hearts with Thee and feel the influx of Thy spirit mingling with our spirit and thus consciously renew our relationship with Thee, be strengthened, purified, ennobled, and led forward to new victories, new achievements in the work Thou hast given us to do. For Thine is the kingdom and the power and the glory forever. Amen.

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

INCOME TAX.

THE SPEAKER. The Chair will announce to the House, to save the trouble of reading a long document, that he has received a communication from the secretary of state of Wyoming announcing that the legislature of that State has ratified the income-tax amendment.

The communication is as follows:

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.
UNITED STATES OF AMERICA, State of Wyoming:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following copy of senate joint resolution No. 2, adopted by the Legislature of the State of Wyoming, has been carefully compared with the original, filed in this office on the 6th day of February, A. D. 1913, and is a full, true, and correct copy thereof:

Senate joint resolution ratifying an amendment to the Constitution of the United States of America granting power to Congress to levy a tax on incomes.

Whereas both Houses of the Sixty-first Congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

A joint resolution proposing an amendment to the Constitution of the United States.

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

"Art. XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionments among the several States and without regard to any census or enumeration":

Therefore be it

Resolved by the Senate of the State of Wyoming (the house of representatives concurring). That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislature of the State of Wyoming.

That certified copies of this preamble and joint resolution be forwarded by the secretary of state of this State to the President of the United States, Secretary of State of the United States, to the Presiding Officer of the United States Senate, to the Speaker of the House of Representatives of the United States, and to each Senator and Representative of the United States, and to each Senator and Representative in Congress from the State of Wyoming.

By the president:

BIRNEY H. SAGE.

By the speaker:

MARTIN L. PRATT.

10:52 a. m., February 3, 1913.

JOSEPH M. CAREY, Governor.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 10th day of February, A. D. 1913.

[SEAL.]

FRANK L. HOUX,

Secretary of State.

EXTENSION OF REMARKS.

MR. SHARP. Mr. Speaker, I ask unanimous consent that there may be printed in the RECORD an article by Mr. Alfred W. Lawson, of New York, the editor and proprietor of the monthly magazine Aircraft. This article upon the subject of aviation is very interesting and illuminating and contains in it much that is of valuable information. I deem this request not inappropriate at this time, inasmuch as the subject of aerial navigation as it concerns a means of national defense and attack, will be, I believe, one of the features of the forthcoming naval appropriation bill. Other bills involving different phases of this subject are also in course of preparation and will claim our attention during the next Congress. While the zeal of the author has led him to make some recommendations with which we may not all fully agree, yet I believe his suggestions are timely and of much value, not only to Congress but to the country at large. Indeed, I believe Congress is fast coming to appreciate the importance of this new field of enterprise in its varied possibilities.

THE SPEAKER. The gentleman from Ohio asks unanimous consent to print in the CONGRESSIONAL RECORD an article by Mr. Alfred W. Lawson on the subject of flying machines.

MR. MANN. Mr. Speaker, reserving the right to object, how long is this article?

MR. SHARP. I should think it would take probably three columns of the CONGRESSIONAL RECORD. I have made no estimate.

MR. MANN. If the gentleman will make his request that he have leave to extend his remarks in the RECORD by printing this article, I shall have no objection.

THE SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection? [After a pause.] The Chair hears none.

The article is as follows:

A RECOMMENDATION TO CONGRESS.

(By Alfred W. Lawson.)

To the Members of the House of Representatives and the United States Senate:

As a private citizen I beg leave to address you, both individually and collectively, upon a subject which I consider of vital importance to this glorious Nation, upon a subject which, although new and little understood at present, must within a very short period take its place at the very head of human interest and progress. I allude to air craft and air navigation.

I want to point out to you a few facts in connection with what has already been accomplished in this new method of transportation and what reasonable development may be expected in the immediate future, and I want to show you with facts and figures and argument just why it becomes necessary at this time for Congress to give this subject most careful consideration and bring to bear upon it that rare good judgment and foresight which anticipates and avoids difficulties with preparedness, and thereby demonstrates the wisdom that distinguishes the preeminent minority from the eminent majority. In offering this address, gentlemen, I fully recognize the great number and variety of present-day problems you have to occupy your time, and, of course, it would be unreasonable to expect that you had given any especial attention to the development or the possibilities of air transportation during its embryo state; nor could you have been expected to do so when taking into consideration that the majority of our American publicists have seen fit to only spread broadcast the grime and sensational side of the subject, and thereby harass American progress, in contradistinction to the attitude of the publicists of European countries, who endeavor to educate their people in the scientific and industrial value of the movement.

So I address you, gentlemen, as one who has given much time and thought to this great subject—a specialist in this line, you might say—and give you the benefit of five years' constant investigation of the matter, summed up in the fewest possible words and relating only to that which concerns the people of the United States the most. I address you as one who knows.

I speak not as the elastic dreamer, who overleaps at a bound all the obstacles which naturally block up the passageway of progress and which require years to remove, nor as the habitual doubter who, with eyes in the back of his head, can see nothing to the fore, and naturally scouts and denies the possibilities of progress of any nature whatsoever.

I speak as one who has studied closely the lines of air-craft development, its possibilities and probabilities, and calculated conservatively regarding the time necessary to overcome certain mechanical and human obstacles while attaining its natural and healthy growth. By knowing the facts and carefully weighing the theories I have obtained a perspective from which my views on the subject should be as clear

on what has already taken place and that which should follow—as effects follow causes—as it is possible for a frail mentality to acquire.

I may say here that owing to my having acted in the capacity of editor in chief of two aeronautical periodicals during the past five years my opportunities have been unusually extended for obtaining authoritative information as well as the views of the best-informed men throughout the entire world upon the different phases of the movement, which practically enables me to arrive at very substantial conclusions.

So, to begin with, I will state that the time has now arrived for this Nation to start the construction of a great aerial fleet, both for offensive and defensive purposes. In fact, in view of the great progress already made by other nations along this line, further delay on our part must be considered little short of criminal negligence. Delay is jeopardizing the best interests of our people in general and the efficiency of our Army and Navy in particular. For every year we delay now two or more years will be required later to overtake other nations, who now lead us and who are increasing that lead with every setting of the sun.

As I write the United States of America stands thirteenth on the list of Governments who have made expenditures for the purpose of aerial development. China still ranks below us, but so pitifully insignificant have been the American appropriations for this work that China could overtake and go beyond us in a day.

It can be seen from the table which accompanies this address that Germany leads the countries of the world in governmental expenditures, having to date spent approximately \$12,000,000 for their aeronautical equipment, and if you will pause momentarily to compare Germany's \$12,000,000 with America's \$300,000 expenditure, you can see at a glance the awful inferiority of our position. For this amount Germany has acquired 320 aeroplanes, 22 dirigibles, and 9 great military sheds, as against 19 aeroplanes, 1 puny dirigible, and 1 military shed of the United States Government.

If you compare the United States position with that of France, it is almost as bad, as France has expended approximately \$9,000,000, for which they can show 300 aeroplanes, 19 dirigibles, and 7 sheds.

Russia, Italy, England, Japan, Brazil, Belgium, Greece, Bulgaria, and Spain also outrank us in governmental work. Not only do these countries lead us, but they are running away from us as a greyhound can run away from a snail. Furthermore, almost every little second, third, fourth, and fifth rate country in the world is showing more governmental activity in aeronautics than this Government. For instance, as I speak new reports have just reached me that little Belgium has decided to purchase 27 more aeroplanes, while such countries as Denmark, Greece, etc., are making preparations to acquire large numbers of machines in the near future.

The haste made to equip arially by these different countries, and the feverish haste made by Germany and France in particular, with Japan just getting a flying start, has more significance than the average mind comprehends. There are great scientists and famous war strategists in harness to-day who will tell you that within a few years "that country's air fleet which controls the air above will control the ground or water below"; and whether or not their predictions will be fulfilled the fact remains that there are at least a half dozen countries who are now preparing for just such a state of affairs.

The purpose of this address, however, is not to delve so much into the future as it is to show you just what exists at present and what could happen now in case war broke out between the arially armed foreigner and the arially unarmed United States. Germany, for instance, could play havoc with this country if war broke out to-day. Yes, within 30 days they could have within our shores and right up over our heads at least 10 great armor-clad air cruisers of the Zeppelin and Schuette-Lanz types and 200 or more of the latest pattern war aeroplanes. How, you ask? The easiest way possible. These 10 great air cruisers could be accompanied across the ocean by a flotilla of steamships with supplies, just as a fleet of naval vessels are accompanied by colliers and supply ships on their long voyages.

They could be reprovisioned, resupplied, and recharged with hydrogen gas as often as necessary en route by these supply ships, and again innumerable times while standing off our very shores, say, a hundred miles away and out of sight of our forts and fleets. (The word airship should only be used when referring to a rigid dirigible—that is to say, it should depend upon solid structure, a hull braced from the inside, for its rigidity, instead of depending on the pressure of the gas itself. It should have separate and independent gas chambers, which should perform the same functions as the air-tight compartments of an ocean steamship, and be able to carry a large number of passengers. It is about as foolish to call one of those little two or three passenger-carrying dirigible balloons as an airship as it would be to refer to a two or three passenger-carrying motor boat as a steamship. To call an aeroplane an airship shows absolutely no aeronautical breeding whatsoever.) These airships, which have a radius of action of about 1,200 miles, and are capable of staying in the air for 48 hours without the necessity of having to be restocked with gasoline or hydrogen, could float over our forts and fleets as though they never existed and find their way right to the very hearts of our great cities. New York, Boston, Philadelphia, Baltimore, or Washington could be put in a terrible state of panic by the very knowledge of these monsters being above them loaded with explosives and rapid-firing guns such as all the latest German air cruisers are now fitted with.

It would require but two or three of these great ships of the air to float over Washington and lay its magnificent public buildings in waste. They could pour down shot and shell, in fact, tons of ignitable explosives right over the Halls of Congress themselves, and the strangest part of the whole affair would be our absolute helplessness to prevent it. They could come and go by day or by night without opposition by merely rising high enough. All they would have to do would be to discharge their cargo of explosives and return over our great fortresses, without fear or harm, to their ocean convey, reload, and repeat the operation as often as time would allow.

Furthermore, while Germany also has a great naval fleet that could back them up, even this would be hardly necessary, for the reason that a few air scouts could find and remain in constant touch with our own warships, and by wireless telegraphy post their convoy steamships as to their location and movements, thereby enabling the cheaper, unarmed supply ships to keep out of the way of the high-priced war vessels.

Besides the 10 big, powerful armor-clads of the air (Zeppelin and Schuette-Lanz types), each of the Germany supply ships would be accompanied by many hydroaeroplanes, to be utilized for scout work as well.

Such feats could be performed to-day; what I am saying is not relating to the future. Germany has these airships now; they are armed, tried, proved, officered, manned, and being experimented with

constantly, and with each and every day's development Germany is getting nearer and nearer to the vital points of America, from a war viewpoint, while the great strides they have already made and are still making over there are so far in advance of us that even if we begin immediately to push forward it will require years before we can overtake them.

I do not want to overload you with statistics, but can not resist the temptation to call your attention to some figures recently compiled by the Zeppelin Co. concerning the performances of their airships from January 1, 1912, to December 1, 1912, which will give some idea of the magnitude of air traffic as now practiced in Germany.

Out of 334 days Zeppelin airships were operated during 308 days, with the total number of hours in the air 1,167, during which time a distance of 41,145 miles were covered and 10,291 people carried (4,682 passengers and 5,609 crew).

One single airship—the *Viktoria Luise*—made 225 trips, with a total duration of 497 hours, covering 17,737 miles in an air line and carrying 4,336 people (2,409 crew and 1,927 passengers).

It might also be stated here that during all of these trips, or any others made by the Zeppelin ships previously, there has never occurred one fatal accident—read again, very slowly and thoughtfully, during the many years of experimentation, and in many cases accidents to the ships, of the hundreds of trips made and tens of thousands of miles covered and tens of thousands of passengers carried, not one life was lost from a Zeppelin airship. Strange, isn't it, especially after your favorite editor has been repeatedly telling you how man's efforts to navigate the air was draining the population of the world.

Aerial fleets and expenditures of the different Governments (approximate).

Country.	Govern- ment aero- planes.	Govern- ment dirig- ibles.	Govern- ment ex- penditures.
1. Germany.....	320	22	\$12,000,000
2. France.....	300	19	9,000,000
3. Russia.....	150	10	6,000,000
4. Italy.....	125	8	4,000,000
5. Austria.....	100	7	3,000,000
6. England.....	60	6	2,500,000
7. Japan.....	50	4	1,000,000
8. Belgium.....	40	2	800,000
9. Brazil.....	18	3	500,000
10. Bulgaria.....	35	—	350,000
11. Greece.....	30	—	325,000
12. Spain.....	20	2	310,000
13. United States ¹	19	1	300,000
14. Roumania.....	14	—	200,000
15. Denmark.....	10	1	150,000
16. Holland.....	8	—	100,000
17. Turkey.....	6	—	80,000
18. Mexico.....	6	—	70,000
19. Norway.....	5	—	60,000
20. Servia.....	3	—	50,000
21. Argentina.....	3	—	40,000
22. China.....	2	—	30,000
23. Montenegro.....	1	—	15,000

¹ The estimate on the United States includes the appropriation of March 3, 1911, for \$125,000 and that of August 24, 1912, for \$100,000 as well as allowing \$75,000 expenditure of the Navy to date.

It must be understood that with air craft was born an entirely new science of engineering and navigating and that airship engineers and navigators of the air must be educated and developed with the same care and attention that is bestowed upon marine engineers and navigators—in fact more so, because it requires a higher developed mentality to succeed in the new order of things.

Great air cruisers can not be built in a day, neither can men be trained to man them in a day. It requires years of actual experimentation through a course of development from the seed upward.

An idea prevailed in the British Navy a short time ago that an airship could be built by British engineers to equal or surpass the qualities of a German Zeppelin. Yes, the product of the English constructors, who had never built airships before, was to be as good or better than the product of the Germans who had spent years in the accumulation of practical experience in airship construction and operation. So an order was given to one of the largest engineering concerns in England for a great Zeppelin type, rigid airship. Well, the ship was built according to the specifications of some men who had spent much valuable time in figuring and theorizing, but who, unfortunately, had had no actual training or experience, with the result that while it looked like a Zeppelin it acted quite differently when let loose into the great highway above. To be short, it lacked the main essentials of a Zeppelin—knowledge and experience gained from years of trials and failures—and upon one of its first test trials it came to an untimely end by breaking into two separate and distinct parts.

Just what happened in England is just what would no doubt happen in America if one of our great engineers in some other line undertook to build a "Zeppelin" or a "Schuette-Lanz" without first passing through a long course of airship study, experimentation, and some failures. Our greatest engineer in any other line would be a mere novice in airship construction. In fact, he would probably be worse than a novice because he would try to inject his old methods and principles into an entirely new dimension.

So with Germany several years in the lead in airship construction and air navigation, enjoying the benefit of a great fighting fleet of air cruisers manned by crews trained right up to the minute and America without an air fleet, without airship constructors, and without men educated and trained in air navigation, this country, in case of war with Germany would present about as pitiable a sight during the conflict as that presented by the savage Filipino tribesmen who undertook to fight with their bows and arrows and antiquated firearms our trained American soldiers with their up-to-date quick-firing guns.

Now, if Germany with a great aerial fleet could blind us with a rain of fire and explosives from above to-day, Japan could do the same thing to-morrow, for that country is even now stealthily collecting a fleet of both aeroplanes and dirigibles, and what is more, they are experimenting with them and training their best men to handle them. The Japanese fleet could lay off of any of our western coast cities from Seattle to

Panama and by utilizing the very latest up-to-date aeroplanes and airships could fly over our forts and fleets as though they never existed. Luckily for us Japan has not made the great strides in aerial methods that Germany has yet. She started later; in fact, she started later than the United States, but within one short year she has outdistanced us in governmental appropriations for aeronautical work at a ratio of about 8 to 1.

If Japan keeps up this ratio of aerial progress within the next five years, and the United States persists in remaining inactive as it has done almost entirely during the past four years, Japan will have gained an advantage, from a war standpoint, which it will require at least from 5 to 10 years of our best efforts to overcome, while, if war broke out between the two countries in the meantime, we surely would have to pay a terrible penalty for our procrastination.

Not only does the expenditure of huge sums of money by the different Governments for aerial purposes develop war strength for those countries, but it also aids in the development of their industrial side as well. For instance, because the Government of France spent several millions of dollars for the purchase of aeroplanes, the manufacturers of aeroplanes in France secured a tremendous advantage over the aeroplane manufacturers of the United States for the simple reason that it gave the Frenchmen a home market to dispose of their machines and consequently that much more money to carry on the work with. This naturally induced some of the greatest engineers in France to enter the industry, and when it was found that the Government spent its money for flying machines capital in quantity then became available for building and experimental purposes, with the result that the American manufacturer with little or no capital at his disposal and no governmental market for his product found great difficulty in trying to compete in the world's market with his French rival, who was nursed, so to speak, upon governmental supplies during his infancy period. So it can readily be seen that the knife is cutting both ways against America—it cuts both in war and industry.

Therefore for the reasons mentioned and many other good reasons I could offer, if I could but have your time and attention, I herewith recommend that Congress immediately appropriate the sum of \$10,000,000 for the purpose of creating an adequate American aerial fleet of both aeroplanes and airships, together with their necessary equipment as well as the cost of their operation.

And, furthermore, I recommend that Congress immediately pass a bill giving both the Army and Navy the power to enlist a sufficient number of officers and men to be educated in the theory and trained in the practice of aerial maneuvers.

I also recommend that the duty be taken off foreign airships (rigid dirigibles) for a period of two years from date in order to stimulate the importation of a few of these Leviathans which would eventually lead to their construction in this country.

And, again, I recommend that suitable provision be made to subsidize airships, either manufactured or operated by properly organized companies in the United States of America, that their ships of the air can be utilized by this Government in case of war or during maneuvers in times of peace. These airships, of course, at other times would be used for passenger-carrying service between important points.

While I recommend the temporary suspension of the tariff from airships (rigid dirigibles) for the reason that we have no concerns in this country who have demonstrated their ability to construct them, still I would like to have it distinctly understood that I am in favor of a heavy tariff being placed on aeroplanes, for the reason that there are a number of well-organized, well-equipped American concerns capable of building aeroplanes equally as good, if not better, than the foreigners, and as home industries should be encouraged in the United States as they are encouraged in other countries, I furthermore recommend that every heavier-than-air machine, whether it be of the overland or over-water variety, purchased by the United States Government, must be made in whole or in part entirely upon United States soil. For our air fleet in war will eventually develop only that efficiency that we are capable of putting into it ourselves, and it is a thousand times better for this Government to purchase now even a slightly inferior flying machine from a home manufacturer, and thus enable him to enlarge and improve his efficiency with the use of the purchase money, than to buy a better machine from a foreign concern, thus enabling it to still further increase its power over the American manufacturer with the use of our capital. This rule should be made effective at least until such time as the infant industry in America has developed to a point where it can maintain its standard without favor.

The policy of this country should be to have as efficient an air force as any other country in the world, and in order to do so we must figure on overtaking the countries who are now leading us. To overtake Germany, for instance, would require at least five years' time, so that if this should be our aim, in order to do so by the year of 1919, we must arrange a progressive policy in aeroplane and airship addition which will permit us to catch up instead of falling further behind. At a very conservative estimate I place the German air fleet in the year of 1919 at more than 100 dirigibles and more than 1,500 aeroplanes, so that if we intended to catch her or take a leading position with the great aerial powers of the world it will be necessary for us to outline our policy and begin work along this line at once with these figures as the goal.

No less than 150 aeroplanes and 2 rigid dirigibles should be added to our forces this year, with at least three military airship sheds. One of these sheds should be erected in the Panama Canal Zone, while one should be located somewhere along the North Atlantic coast, and the other somewhere on the Pacific seaboard.

Above all things it should not be forgotten that suitable provision must be made immediately for the enlistment of a large enough force of officers and men to be thoroughly trained in up-to-date airmanship. At the present time Germany has over 300 trained aeroplane pilots, in addition to several hundred trained men for the navigation of airships—an air force that altogether exceeds 600—whereas we have in our United States service less than a dozen trained airmen, and, worse still, no provision has yet been made for that purpose. The few members that can be spared for that sort of work by the Signal Corps in the Army or those taken from the ranks of Navy officers make up our entire air force.

It is to be hoped, therefore, gentleman that the foregoing recommendations will receive your most earnest consideration and support, and that the position, honor, and power of this country may not be further jeopardized through lack of progressive action.

No man can serve his country in a more worthy manner than by adding his mite toward the development of nature's latest and greatest gift to mankind—the power to navigate the air.

Respectfully submitted,

ALFRED W. LAWSON,

HOMESTEAD ALLOTMENTS, CHOCTAW AND CHICKASAW NATIONS.

The SPEAKER. The Clerk will report the first bill on the Unanimous Consent Calendar.

The Clerk read as follows:

A bill (H. R. 25507) to authorize certain changes in homestead allotments to the Choctaw and Chickasaw Nations in Oklahoma.

Mr. BROUSSARD. Mr. Speaker, when the House adjourned the other day the bill H. R. 25762 was under consideration, and on my motion it was passed without prejudice for consideration this day.

The SPEAKER. What was the statement of the gentleman?

Mr. BROUSSARD. I stated, Mr. Speaker, that on the last unanimous-consent day the House had under consideration the bill H. R. 25762. It was not completed, and it was passed on my motion for consideration this day without prejudice, so that that bill is the unfinished business of the last unanimous-consent day.

Mr. MANN. Mr. Speaker, there was no unfinished business on unanimous-consent day.

The SPEAKER. It seems to the Chair the gentleman from Louisiana is mistaken about what happened. That bill was called up and the gentleman asked to pass it over without prejudice. That is all that was done to it.

Mr. BROUSSARD. Well, does not it come up as the first thing this morning?

The SPEAKER. It would come up in its natural place on the calendar, wherever that is.

Mr. BROUSSARD. All right, Mr. Speaker.

The SPEAKER. There is no such thing as unfinished business on Unanimous Consent Calendar. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 25507) to authorize certain changes in homestead allotments of the Choctaw and Chickasaw Indians in Oklahoma.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to set aside from the homestead allotment of the Choctaw and Chickasaw Indians in Oklahoma, duly and legally enrolled as of one-half or more Indian blood, a homestead of 80 acres, which shall be subject to all the restrictions now prescribed by law for homesteads of Choctaw and Chickasaw allottees of one-half or more Indian blood.

SEC. 2. That all restrictions upon lands belonging to allottees of less than three-quarters Indian blood, as shown by the tribal rolls, which are by this act changed from homestead to surplus allotments, shall immediately after such change as made be removed.

SEC. 3. That by and with the consent of the allottee the Secretary of the Interior is hereby authorized and directed to cause to be sold, at a fair price, all or any portion of the surplus allotments of the Choctaw and Chickasaw allottees of three-quarters or more Indian blood and pay over to such allottee or his guardian not less than one-fourth of the proceeds of such sale, and to invest and reinvest the remainder of such proceeds in permanent improvements upon the remaining unsold homestead, or as the best interest of such allottee may require, with authority to pay over all or any part thereof to such allottee in the discretion of the Secretary of the Interior.

SEC. 4. That the Secretary of the Interior be, and he is hereby authorized to prescribe such rules, regulations, terms, and conditions, not inconsistent with this act, as he may deem necessary to carry out its provisions: *Provided*, That final payment by the purchasers of land hereunder shall not be deferred longer than five years after the sale is made, and interest on such deferred payments shall not be charged to exceed 5 per cent per annum: *Provided further*, That nothing contained herein shall be construed to prohibit the Secretary from removing restrictions upon such allottees as may, in his opinion, be fully competent, nor to impose restrictions removed from land by or under existing law.

Mr. BURKE of South Dakota. Mr. Speaker, the bill which has been called is a bill of the gentleman from Oklahoma [Mr. CARTER], who is absent in Oklahoma at present by consent of the House. The chairman of the committee that reported this bill does not happen to be present, and I ask unanimous consent that the bill be passed over.

Mr. GARRETT. Mr. Speaker, reserving the right to object, will the gentleman state what effect that will have, as this is the last unanimous-consent day—

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. GARRETT. Mr. Speaker, I reserved the right to object.

Mr. MANN. I was going to call the attention to what effect it would have and then object. The rule provides that the Unanimous Consent Calendar is called on suspension day. The last six days of the session are suspension days, and the Unanimous Consent Calendar, therefore, is on call on the last six days of the session.

The SPEAKER. Is the gentleman certain of that?

Mr. MANN. I am absolutely certain of it.

The SPEAKER. That unanimous-consent business is in order on the last six days?

Mr. MANN. I am, Mr. Speaker, and the practice in the last Congress was, not that unanimous-consent bills were taken up every day immediately after the reading of the Journal when nobody demanded the regular order, but that the Unanimous Consent Calendar, during the six days, was called when it was convenient for the House or when anybody demanded the regu-

lar order. And as no one can tell when the Unanimous Consent Calendar will be called during the last six days, I shall object to passing over any bill on the Unanimous Consent Calendar to-day.

Mr. BURKE of South Dakota. The question I will submit is in the form of a parliamentary inquiry. The gentleman from Illinois [Mr. MANN] says that the Unanimous Consent Calendar will be in order on the last six days, and therefore he proposes to object to all bills on the Unanimous Consent Calendar to-day where there is a request to pass them over without prejudice. My parliamentary inquiry is, Can not a bill which has been on the calendar only once be placed upon the calendar again if it goes off by objection to-day?

The SPEAKER. Of course it can.

Mr. GARRETT. Mr. Speaker, if the gentleman will permit, I understood the gentleman from Illinois [Mr. MANN] to state that during the last six days it would not be possible to know at what hour or what time the Unanimous Consent Calendar might be called.

Mr. MANN. I take it that under the rule it could be required to be called at the time fixed by the rule. As a matter of convenience in the House during the last six days of the last Congress the only time we had practically was where during the last six days the Unanimous Consent Calendar was called at the convenience of the House.

Mr. GARRETT. The rule, of course, provides that on the days when it is in order to move to suspend the rules that the Unanimous Consent Calendar shall be called immediately after the approval of the Journal?

Mr. MANN. Yes; I understand. I object.

The SPEAKER. We might as well have this matter settled. If this rule is construed literally, then the last six days you will not do anything except to call this Unanimous Consent Calendar and have suspension of the rules?

Mr. MANN. If the Chair will permit, if this rule should be construed literally, and anyone should insist on the regular order during the last six days for the calling of the Unanimous Consent Calendar, it would not take more than about two minutes to dispose of all the bills on it, because all the bills would be objected to as soon as the number and the title were read.

The SPEAKER. Everybody understands the last six days will be largely taken up with appropriation bills and conference reports.

Mr. MANN. Undoubtedly. There was no trouble in the working of the rule before, and I apprehend there will be no trouble again.

Mr. NORRIS. And I would like to suggest, Mr. Speaker, that these motions must be on the calendar at least seven days.

Mr. GARRETT. Three days.

Mr. NORRIS. Three days. So that by mere lapse of time if the calendar is once cleared, you will not be able to put any of them on again.

Mr. HARDWICK. If the gentleman from Illinois will permit, I want to suggest that while motions to suspend the rules are in order during the last six days as well as unanimous consents, according to the calendar, yet neither one of them would interfere in the slightest with the consideration of conference reports on appropriation bills. It is a matter for consideration of the Chair. They are not of higher privilege than the consideration of conference reports or appropriation bills. The latter two would come first, I think.

The SPEAKER. Has the gentleman read the rule?

Mr. HARDWICK. Yes, sir.

Mr. MANN. I suggest to the Speaker no one can hold up the House by the Unanimous Consent Calendar or by demand for the regular order, because if anyone demands to do that it is a very short shift to dispose of the Unanimous Consent Calendar by objection.

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] object to that bill?

Mr. MANN. I did, and to its being passed over.

The SPEAKER. Did he object to its being passed over without prejudice?

Mr. MANN. I objected to its being passed over without prejudice and I objected to its consideration.

Mr. CLAYTON. Mr. Speaker, may I ask the gentleman from Illinois a question? There was some confusion in the House and some of us over here did not perhaps catch the gentleman's statement. We desire to know whether the gentleman stated that he would object to every bill which would be called up to-day under unanimous consent?

Mr. MANN. Oh, not at all. I said that I should object to bills being passed over without prejudice.

Mr. CLAYTON. Now I understand the gentleman. There was so much confusion that I could not hear the gentleman's statement.

The SPEAKER. That bill will be stricken from the calendar, and the Clerk will report the next one.

STANDARD BARREL FOR DRY COMMODITIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23113) to fix the standard barrel for fruits and vegetables.

The title of the bill was read.

Mr. TUTTLE. Mr. Speaker, I ask unanimous consent that the Clerk read the committee substitute in lieu of the original bill.

The SPEAKER. The gentleman from New Jersey [Mr. TUTTLE] asks unanimous consent that the substitute be read in lieu of the original bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the substitute.

The Clerk read as follows:

That the standard barrel for fruits, vegetables, and other dry commodities shall be of the following dimensions when measured without distension of its parts: Diameter of head inside of staves, 17 $\frac{1}{2}$ inches; distance between heads, inside measurement, 26 inches; the outside bille or circumference shall not be less than 64 inches; and the thickness of staves not greater than four-tenths of an inch: *Provided*, That any barrel of a different form having the same distance between heads and a capacity of 7,056 cubic inches shall be a standard barrel.

SEC. 2. That it shall be unlawful to sell, offer, or expose for sale in any State, Territory, or the District of Columbia, or to ship from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to a foreign country, a barrel containing fruits or vegetables or any dry commodity of less capacity than the standard barrel defined in the first section of this act or subdivision thereof known as the half barrel; and any person guilty of a violation of any of the provisions of this act shall be liable to a penalty of \$1 and costs for each barrel so unlawfully sold or offered for sale or shipped, as the case may be, to be recovered at the suit of the United States in any court of the United States having jurisdiction: *Provided, however*, That no barrel shall be deemed below standard within the meaning of this act when shipped to any foreign country and constructed according to the specifications or directions of the foreign purchaser, if not constructed in conflict with the laws of the foreign country to which the same is intended to be shipped.

SEC. 3. That reasonable variations shall be permitted, and tolerances shall be established by rules and regulations made by the Director of the Bureau of Standards and approved by the Secretary of Commerce and Labor. Prosecutions for offenses under this act may be begun upon complaint of local sealers of weights and measures, or other officers of the several States and Territories appointed to enforce the laws of the said States or Territories, respectively, relating to weights and measures: *Provided, however*, That nothing in this act shall apply to barrels used in packing or shipping cranberries or commodities sold exclusively by weight.

SEC. 4. That this act shall be in force and effect from and after the 1st day of July, 1913.

Mr. HAY. Mr. Speaker, I reserve the right to object.

Mr. AUSTIN. Mr. Speaker, I am going to insist on an objection to all reservations of points of order on all of these bills.

The SPEAKER. Is there objection?

Mr. FIELD. I object, Mr. Speaker.

The SPEAKER. The bill will be stricken from the calendar. The Clerk will report the next one.

EFFICIENCY OF PERSONNEL OF NAVY AND MARINE CORPS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24225) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899.

The Clerk began the reading of the bill.

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. AUSTIN. Mr. Speaker, there will be no reservations of any points of order on any of these bills. I give notice now.

Mr. GARNER. The bill has not been read yet.

Mr. MANN. I was reserving the right to object for the purpose of asking one question, whether the author of the bill would be willing to substitute a repealing clause for the "plucking board" section instead of the proposition to amend it, because I shall object unless the section can be repealed.

The SPEAKER. The Chair does not know who is the author of the bill.

Mr. AUSTIN. I demand the regular order, Mr. Speaker.

Mr. GARNER. Let the bill be read.

The SPEAKER. The regular order is the reading of this bill.

Mr. MANN. I object.

The SPEAKER. Objection is made, and the Clerk will report the next one.

BRIDGE ACROSS MISSISSIPPI RIVER, BATON ROUGE, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25762) for the construction of a bridge across the Mississippi River at or near Baton Rouge, La.

The Clerk read the bill, as follows:

Be it enacted, etc. That the Baton Rouge Bridge & Terminal Co., a corporation organized under the laws of the State of Louisiana, its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge, and all approaches thereto, across the Mississippi River at or near the city of Baton Rouge, La., at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That said bridge shall be so constructed, maintained, and operated that, in addition to its use for railroad trains and trolley cars, it shall provide for a separate roadway and approaches and continuous use by the public as a highway bridge, to be used for all kinds of highway traffic and travel, for the transit of which reasonable rates of toll may be charged and received, but no rate for passage of a single passenger on a railroad train shall exceed 25 cents.

Sec. 2. That the Interstate Commerce Commission shall have authority to make rules and regulations for the use of this bridge by any other common carrier engaged in interstate commerce at any time any other such common carrier may desire to use it jointly, and the Interstate Commerce Commission is authorized to fix charges for any such joint use, and such charges shall be based upon the relation that the proportionate use of each carrier bears to the interest of the net income from the sale of bonds to the amount of the actual cost of construction.

Sec. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Louisiana [Mr. BROUSSARD].

Mr. AUSTIN. I demand the regular order.

The SPEAKER. The regular order is demanded. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, I do not desire to use all the time to which I would be entitled. I rise merely for the purpose of asking a question which was not thoroughly answered when this bill was up for consideration before. If the gentleman from Louisiana [Mr. BROUSSARD] will kindly consent to answer, I think the matter can be settled very quickly. This bridge is to be constructed across the Mississippi River about 2,500 miles from its source. It is to be at substantially the lower terminus of this great inland waterway. Much money has been appropriated by the Government for the improvement of the Mississippi River for navigation purposes, and the expenditure of much more money is contemplated. I want the gentleman to state, if he will, whether the construction of this bridge at this point will impede navigation or interfere with the work that is being done for the prevention of floods or will in any way impair the results of the enormous expenditure upon the Mississippi River or the expenditure which is contemplated.

Mr. BROUSSARD. The construction of this bridge will not do any of the things which the gentleman inquires about, and the report of the engineer, which is embodied in the report of the committee upon the construction of the bridge, states that the bridge to be constructed upon plans to be approved by the Chief of Engineers will not interfere with navigation or with the use of the money expended for the improvement of the river.

Mr. MOORE of Pennsylvania. Then I understand the gentleman brings the bill into the House with the assurance of the War Department that the navigation of the Mississippi will not in any way be impeded?

Mr. BROUSSARD. Yes. Here is the report of the engineer:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, August 15, 1912.

Respectfully returned to the Secretary of War.

The accompanying bill (H. R. 25762, 62d Cong., 2d sess.) authorizing the construction of a bridge across the Mississippi River at or near Baton Rouge, La., is in the usual form and makes ample provision for the protection of navigation interests.

So far as those interests are concerned, I know of no objection to its favorable consideration by Congress.

W. H. BIXBY,
Chief of Engineers, United States Army.

Mr. MOORE of Pennsylvania. One further question. Has the gentleman fully considered, or have his constituents fully considered, the possible danger that a bridge constructed at this point might be in the event of floods?

Mr. BROUSSARD. Yes; and that is all provided for.

Mr. MOORE of Pennsylvania. There will be no backing up or overflowing of the land by reason of the construction of the abutments of the bridge?

Mr. BROUSSARD. No; it is proposed to build that bridge at least 125 feet above the water level, and I learned from the engineer's office that the span must be at least 1,000 feet, which is 220 feet wider than the span of the bridge at St. Louis, so that there will be no obstruction to navigation.

Mr. MOORE of Pennsylvania. Mr. Speaker, I have no objection.

The SPEAKER. It is too late to object anyway. The Clerk will report the first amendment.

The Clerk read as follows:

Amend, page 1, lines 6 and 7, by striking out after the word "bridge" in line 6, the comma and the words "and all approaches thereto."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, strike out all of section 2.

The amendment was agreed to.

The Clerk read the next amendment, as follows:

Page 2, line 20, strike out the figure 3 and insert the figure 2.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. BROUSSARD, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

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

H. R. 27941. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1914.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 14053. An act to increase the pension of surviving soldiers of Indian wars in certain cases.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3873. An act for the relief of Lewis F. Walsh;

S. 4030. An act for the relief of Sylvester W. Barnes;

S. 186. An act for the relief of Francis Grinstead, alias Francis M. Grinstead;

S. 5262. An act for the relief of Sylvester G. Parker;

S. 2733. An act for the relief of the estate of Almon P. Frederick; and

S. 104. An act for the relief of Carl Krueger.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 14053. An act to increase the pensions of surviving soldiers of Indian wars in certain cases.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Army appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill by title and read the amendments.

The Clerk read the title of the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914.

Mr. HAY. Mr. Speaker, I did not want to have the amendments read. I wanted to save time.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. RODDENBERY. Mr. Speaker, I object, in order that the bill may go to the committee.

The SPEAKER. The gentleman from Georgia objects.

Mr. HAY. Mr. Speaker, I ask unanimous consent that the bill may be printed with the Senate amendments numbered.

Mr. MANN. If it is referred to the committee, it does not require unanimous consent.

Mr. HAY. I ask that it be referred to the Committee on Military Affairs.

The SPEAKER. It is referred to the Committee on Military Affairs.

The Clerk will report the next bill.

EXCHANGE OF CONVEYANCES.

The next business on the Calendar for Unanimous Consent was the bill (S. 1589) to authorize the exchange of conveyances between the Florida East Coast Railway Co. and the United States.

The Clerk read the bill, as follows:

Be it enacted, etc. That the Secretary of War be, and he is hereby authorized and empowered to exchange conveyances with the Florida East Coast Railway Co. for the adjustment of a boundary line between the military reservation of Key West Barracks, on the island of Key West, Fla., and the land in front of said reservation filed in by said railway company under permission of the Secretary of War, as authorized by law, in accordance with the memorandum of agreement between

said railway company and Maj. George G. Bailey, quartermaster, United States Army, dated December 5, 1910, which agreement is hereby ratified.

The SPEAKER. Is there objection?

Mr. HAMLIN. Reserving the right to object, Mr. Speaker, I think we ought to have some little explanation of this bill. I hold the report in my hand, and it gives no sort of information, except that the committee has considered it and reports it favorably.

Mr. SPARKMAN. It is true, Mr. Speaker, that the House committee report is very meager and gives no information as to the purpose of the measure; but it is a Senate bill, and the Senate committee's report is quite full and instructive.

Mr. HAMLIN. Then the Senate report ought to have been incorporated in the House report.

Mr. SPARKMAN. I agree with the gentleman. The purpose of the bill is, as the Senate report shows, to carry into effect an agreement entered into between the East Coast Railway Co., on the one hand, and the War Department, representing the Government, on the other. It seems that under a provision that was incorporated in the Army appropriation bill of 1907 the East Coast Railway Co. went upon land in front of what is known as the barracks in Key West.

Mr. HAMLIN. Is it a military reservation?

Mr. SPARKMAN. It was hardly a military reservation; it was submerged land in front of the military reservation. The Government had obtained this submerged land partly from the Government and partly, as I understand, from the State of Florida, which is the owner of all the submerged land within the 3-mile limit from shore. This was a little cove running up in front of the island of Key West. Other islands lie to the northward of that, some short distance away, and this submerged land lies between the main island and the smaller islands.

The State of Florida in two or three acts divested itself of the ownership of this property and vested it in the United States Government. When the East Coast Railway Co. was preparing to go into Key West, finding it difficult to obtain land there for its purposes, the island being very small and land being scarce, it sought to go upon this submerged land and obtained permission to use a part of this submerged land for terminal purposes, the Government having no special use for it. In addition to this, so I am told—I do not know it of my own knowledge—the Florida Legislature passed some law vesting in the railway company the title to other lands lying contiguous to that owned by the Government.

Mr. HAMLIN. Then it is the purpose of this bill to give the East Coast Co. title to land there?

Mr. SPARKMAN. The chief purpose is to establish a boundary line between the military reservation which has been partly filled in by the railroad company and the land owned by it in front of the military reservation.

Mr. MANN. If the gentleman from Florida will allow me, is not the purpose of the bill to establish the boundary line between the military reservation and the land of the Florida East Coast Railway Co., which is a very irregular boundary line, running in and out? The company is now filling in land on both sides of that irregular boundary line at their expense by agreement with the Government, and is not the only purpose of this act to make a comparatively straight boundary line without the Government losing any amount of property?

Mr. SPARKMAN. That is the purpose of the measure, and, as I understand it, the filling is already made, the Government getting the benefit of a part of the fill.

Mr. HAMLIN. Mr. Speaker, I have no objection.

Mr. MANN. Mr. Speaker, reserving the right to object, I think that unanimous consent should be asked to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The Chair will put that after consent has been given to consider the bill.

Mr. MANN. But I will have to object, unless the gentleman makes the request.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Florida asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

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

On motion of Mr. SPARKMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CERTAIN TRACTS OF LAND IN CALIFORNIA AS PROPOSED FOREST RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26737) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations."

The Clerk read the title to the bill.

Mr. MANN. Mr. Speaker, as there is a similar Senate bill further down on the calendar, I shall object to this.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

COMPENSATION OF UNITED STATES GOVERNMENT CIVILIAN EMPLOYEES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20995) granting to the civilian employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

The SPEAKER. Is there objection?

Mr. EDWARDS. Mr. Speaker, reserving the right to object, I would like to get some information about this bill.

Mr. MANN. Mr. Speaker, reserving the right to object, it is very evident that this bill would require consideration and that we would not be able to pass it under a day.

Mr. CLAYTON. Mr. Speaker, I think the gentleman from Illinois is correct about that, but the gentleman from Ohio [Mr. HOWLAND] reported this bill from the Committee on the Judiciary, and I would like to have him make a statement in regard to it.

Mr. MANN. I would vote for the passage of the bill, but it is evident that it would take a day for its consideration. Therefore I feel constrained, owing to the condition of the calendar, to object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

UNITED STATES COURT AT OPELIKA, ALA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27827) to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc. That section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"Sec. 70. The State of Alabama is divided into three judicial districts, to be known as the northern, middle, and southern districts of Alabama. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Culman, Jackson, Lawrence, Limestone, Madison, and Morgan, which shall constitute the northeastern division of said district; also the territory embraced on the date last mentioned in the counties of Colbert, Franklin, and Lauderdale, which shall constitute the northwestern division of said district; also the territory embraced on the date last mentioned in the counties of Cherokee, DeKalb, Etowah, Marshall, and St. Clair, which shall constitute the middle division of said district; also the territory embraced on the date last mentioned in the counties of Blount, Jefferson, and Shelby, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Walker, Winston, Marion, Fayette, and Lamar, which shall constitute the Jasper division of said district; also the territory embraced on the date last mentioned in the counties of Calhoun, Clay, Cleburne, and Talladega, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Bibb, Greene, Pickens, Sumter, and Tuscaloosa, which shall constitute the western division of said district. Terms of the district court for the northeastern division shall be held at Huntsville on the first Tuesday in April and the second Tuesday in October; for the northwestern division, at Florence on the second Tuesday in February and the third Tuesday in October: *Provided*, That suitable rooms and accommodations for holding court at Florence shall be furnished free of expense to the Government; for the middle division, at Gadsden on the first Tuesdays in February and August: *Provided*, That suitable rooms and accommodations for holding court at Gadsden shall be furnished free of expense to the Government; for the southern division, at Birmingham on the first Mondays in March and September, which courts shall remain in session for the transaction of business at least six months in each calendar year; for the Jasper division, at Jasper on the second Tuesdays in January and June: *Provided*, That suitable rooms and accommodations for holding court at Jasper shall be furnished free of expense to the Government; for the eastern division, at Anniston on the first Mondays in May and November; and for the western division, at Tuscaloosa on the first Tuesdays in January and June. The clerk of the court for the northern district shall maintain an office, in charge of himself or a deputy, at Anniston, at Florence, at Jasper, and at Gadsden, which shall be kept open at all times for the transaction of the business of said court. The district judge for the northern district shall reside at Birmingham. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Autauga, Barbour, Bullock, Butler, Chilton, Coosa, Covington, Crenshaw, Elmore, Lowndes, Montgomery, and Pike, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Coffee, Dale, Geneva, Henry, and Houston, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Chambers, Lee, Macon, Randolph, Russell, and Tallapoosa, which shall constitute the eastern division of said middle judicial district. Terms of the district court for the northern division shall be held at Montgomery on the first Tuesdays in May and December; for the southern division, at Dothan on the first Mondays in June and December; and for the eastern division, at Opelika on the first

Mondays in April and November: *Provided*, That suitable rooms and accommodations for holding court at Opelika shall be furnished free of expense to the Government. The clerk of the court for the middle district shall maintain an office in charge of himself or a deputy at Dothan, and shall maintain an office in charge of himself or a deputy at Opelika, which said offices at Dothan and Opelika shall be kept open at all times for the transaction of the business of said divisions. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Baldwin, Choctaw, Clarke, Conecub, Escambia, Mobile, Monroe, and Washington, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Dallas, Hale, Marengo, Perry, and Wilcox, which shall constitute the northern division of said district. Terms of the district court for the southern division shall be held at Mobile on the fourth Mondays in May and November; and for the northern division at Selma on the first Mondays in May and November.

THE SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

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

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

WILLIAM C. GORGAS AND OTHERS.

The next business on the Calendar for Unanimous Consent was H. J. Res. 365, to permit Col. William C. Gorgas and certain other officers of the Medical Corps and certain officers of the Engineer Corps of the Army to accept service under the Republic of Ecuador.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of War is authorized to grant Col. William C. Gorgas and not exceeding two other officers of the Medical Corps and not exceeding three officers of the Engineer Corps of the Army leave of absence, without pay, and that they be permitted to assist the Republic of Ecuador in an advisory or other capacity in connection with the improvement of sanitary conditions in said Republic and to accept compensation therefor. The permission hereby granted shall be held to terminate at such date or dates as the Secretary of War may determine: *Provided*, That the United States shall not be liable for any expenditure hereunder, nor shall any money heretofore appropriated in connection with or for the construction of the Panama Canal be expended for purposes of sanitation outside of the Canal Zone.

With the following committee amendments:

Strike out all after the resolving clause and insert:

"That the Secretary of War, upon any future request of the Government of Ecuador, is authorized to grant Col. William C. Gorgas and not exceeding two other officers of the Medical Corps and not exceeding three officers of the Engineer Corps of the Army leave of absence, without pay, and that they be permitted to assist the Government of Ecuador in an advisory capacity in connection with the improvement of sanitary conditions in said Republic and to accept compensation therefor: *Provided*, That said compensation to said officers shall not exceed the amount paid to them on the Isthmus of Panama in connection with the construction of the Panama Canal: *And provided further*, That the United States shall not be liable for any expenditure hereunder, nor shall any money heretofore appropriated in connection with or for the construction of the Panama Canal be expended for purposes of sanitation outside of the Canal Zone, except within the cities of Panama and Colon and other regions subject, under the terms of the treaty with Panama concluded November 18, 1903, to the authority of the United States for the construction, maintenance, operation, sanitation, and protection of the Panama Canal and other works necessary therefor, and hereafter the Secretary of War is directed to report to Congress all moneys spent for sanitation purposes in the cities of Panama and Colon and in the other regions subject under the treaty aforesaid to the authority of the United States.

"SEC. 2. That the permission hereby granted shall be held to terminate at such date or dates as the Secretary of War may determine."

THE SPEAKER. Is there objection?

Mr. CARY. Mr. Speaker, reserving the right to object, I would like to hear from somebody having the resolution in charge.

Mr. SHERLEY. Mr. Speaker, the purpose of the resolution is expressed in the language of the resolution. Ecuador has asked permission of the Federal Government to lend her certain officers who have had experience in sanitation work for the cleaning up of one of her cities which is badly in need of such work being done, and which is a menace to-day to the health of all neighboring cities and countries and particularly to the health of the Panama Canal Zone. The purpose of the resolution is to authorize these officers to accept this employment under Ecuador at the expense of that country and without expense to this country in the performance of this work of sanitation.

Mr. NORRIS. I will state to the gentleman from Wisconsin that they could not do that under the Constitution without an act of Congress.

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

Mr. SHERLEY. Yes.

Mr. MANN. What object is there in restricting the work these gentlemen may do to working in an advisory capacity?

Mr. SHERLEY. I understand that is the character of the work they want of these officers. Just why it is necessary to put in the word "advisory" I am not myself advised. The bill was introduced by the chairman of my committee, who is not able to be on the floor at the present time.

Mr. MANN. The gentleman will notice on page 2 of the resolution, in lines 17 and 18, the following language:

Provided, That said compensation to said officers shall not exceed the amount paid to them on the Isthmus of Panama.

There might be some question in reference to that, especially as these officers might not have been employed on the Isthmus of Panama. Would it not be better to change that and make it read:

Provided, That the rate of compensation paid to such officers shall not exceed the rate paid to them or similar officers on the Isthmus of Panama.

Mr. SHERLEY. I see no objection to that amendment.

Mr. MANN. That would be clear and the other would not.

Mr. SHERLEY. I think it is contemplated to detail men now on the Isthmus, and the matter might be cured by simply putting in the word "now," so that it would read:

Shall not exceed the rate now paid to them.

The gentleman's amendment is satisfactory, however.

Mr. NORRIS. What is the object of limiting their compensation to this amount?

Mr. SHERLEY. That amendment came from the Committee on Military Affairs, and I assume that it was to avoid temptation to any officers to extend their leave beyond that required in the doing of the particular work to be done that there should not be an inducement of extra pay.

Mr. NORRIS. On the other hand, unless they could get some extra pay, there would, of course, be no probability that the officers would want to go.

Mr. SHERLEY. There is no question about the willingness of the officers to undertake the work. While the committee was at Panama this matter came up, but there was no authority by which Col. Gorgas could be sent there. But knowing the importance of doing the work, he was sent down after an informal conference between the Secretary of War and the Members of Congress then on the zone, and I have now an amendment which I desire to offer to the second section which I will ask to have read and then explain the purpose of it.

Mr. MANN. Mr. Speaker, reserving the right to object, let us hear that amendment.

THE SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out section 2 on page 2 and inserting the following:

"Sec. 2. The permission hereby granted shall be held to terminate at such date or dates as the Secretary of War may determine, and to authorize and sanction the payments already made by the Government of Ecuador to Col. William C. Gorgas and Maj. Robert E. Nobel, Medical Corps, United States Army, one civil engineer and one clerk, in connection with their recent visit of investigation to Ecuador."

Mr. MANN. That is all right.

Mr. SHERLEY. I will say in explanation of the amendment that there was no authority whereby these gentlemen could go there and accept compensation, but the matter was urgent. The situation there is one fraught with danger to Panama and to other countries near Ecuador. For that reason we felt that the circumstances were such as to warrant Col. Gorgas and his men being sent there. This is work so important that we would insist on its being done if necessary, and when we found the country not only willing to do it but asking the loan of these men, we felt it proper to enable them to undertake that work.

Mr. MANN. Regular order!

THE SPEAKER. Is there objection?

Mr. PRINCE. Mr. Speaker, reserving the right to object, I want to be heard.

THE SPEAKER. The other gentleman from Illinois [Mr. MANN] demands the regular order.

Mr. MANN. I will waive that for the moment.

Mr. PRINCE. Mr. Speaker, as a member of the committee I think I ought to be heard on this.

THE SPEAKER. The gentleman will proceed; the Chair is simply construing the rules of the House.

Mr. PRINCE. Mr. Speaker, I think the House ought to know something about this matter intelligently when they vote on it.

Mr. BUTLER. The House will not vote on it; the gentleman from Illinois [Mr. MANN] has demanded the regular order.

Mr. PRINCE. Did the gentleman from Illinois demand the regular order?

Mr. MANN. I thought the gentleman wanted the bill considered.

Mr. PRINCE. No; I do not.

Mr. MANN. Is the gentleman going to object to it?

Mr. PRINCE. I think the House ought to know something about it before it is voted on.

Mr. MANN. The House will know that after it is considered. Does my colleague intend to object at the end?

Mr. SHERLEY. Mr. Speaker, I have no desire to prevent some debate of the matter if permission is given to consider it, and I suggest to the gentleman that it is a matter that the House ought to have an opportunity to consider.

Mr. PRINCE. Mr. Speaker, I do not want to object to the consideration of the bill, but I want to let the House know what they are doing when they vote on this bill.

Mr. SHERLEY. I am perfectly willing to give the gentleman such time as is within reason.

Mr. PRINCE. Mr. Speaker, if I am recognized as a member of the Committee on Military Affairs, I claim my own time.

The SPEAKER. The gentleman understands the rule.

Mr. PRINCE. I do.

The SPEAKER. If we get consideration of this bill, why, then the man who is in charge has an hour, and if he does not move the previous question, then, when he gets through with his hour—

Mr. MANN. May I ask my colleague how much time he desires to consume?

Mr. PRINCE. I do not think I will consume over five minutes—

Mr. SHERLEY. I will say to the gentleman—

Mr. PRINCE (continuing). Not to exceed 10 minutes.

Mr. SHERLEY. I will say to the gentleman I can assure him at least 10 minutes.

Mr. PRINCE. I do not want more than that.

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

Mr. SHERLEY. Now, Mr. Speaker, I yield five minutes to the gentleman from Illinois.

Mr. PRINCE. Mr. Speaker, Guayaquil, Ecuador, is two and a half days' sail from the Canal Zone. True it is that it is a spot or place much infected by mosquitoes. Our quarantine laws protect us amply from Guayaquil or from any pestiferous places—that is, in South American countries. We have a hundred million people or thereabouts.

Ecuador has 4,000,000 people. The South American Republics now feel very unkindly toward our desire to get into some of their territory. When this bill appeared before the Committee on Military Affairs, there came representatives from the South American countries finding considerable fault with this proposition. It was alleged, and as to the truth of it I am not prepared to say, that there was a sanitary commission organized with a view to going down there and getting unreasonable concessions and at the same time drawing large, exorbitant, and inconceivable pay for services rendered.

The Committee on Military Affairs, after looking it over, substituted the amendment which we thought would probably cure the trouble that might arise, if any should arise. The old Government of Ecuador did permit some of our officers to go there, and they were anxious to have them come there for sanitation purposes. The new Government of Ecuador does not feel kindly disposed toward this proposition, but on account of their being small and helpless they dare not raise a hand against our going there in this way. In order to put the burden upon them and not to make it harder for commerce and for our people to do business with the South American Republics, we put in this provision that the Secretary of War, upon any future request of the Government of Ecuador, was authorized to grant it. It was intimated to us, if we made no limitation as to the expense, that there was an opportunity for officers to go and receive an enormous pay for services performed by them there. We then limited that so that it would be the same pay as was received on the Panama Canal. We made the wisest provisions we could, and finally agreed to the amendment that we have offered to the House.

Now comes another amendment to section 2, to approve and authorize friendly acts of some of our officers, and to pay them for services rendered to a defunct Government—one that has been defeated by the people. A new Government has been put in control in Ecuador.

Mr. SHERLEY. If the gentleman will permit, he misunderstood the entire purport of the amendment read.

Mr. PRINCE. I want to be correct.

Mr. SHERLEY. The gentleman is aware that Col. Gorgas and certain officers who have gone there went as the result of the invitation of the then Government of Ecuador?

Mr. PRINCE. The defeated Government.

Mr. SHERLEY. The now defeated Government. But at the time they went at the authorization and at the request of the Government of Ecuador. We are not putting an obligation upon Ecuador, and neither are we putting an obligation upon the Treasury of the United States; but they went, as the gentleman is aware, without authority of this Government. They had no right to go except by the authority of Congress. But

those of us who knew the situation, and the administration itself, took the responsibility of telling these officers to go, and they obeyed the orders that were given them. The whole purpose of section 2 is to ratify their having gone, but it in no way affects the internal policy of Ecuador. And I entirely agree with the gentleman that this country ought not to force its services upon Ecuador, although I am also of the opinion that if Ecuador or any other country fails to maintain sanitary conditions, so as to remove a menace to the commerce and the health of this or any other nation, such other nation, being imperiled by their failure, ought to take very stringent action in the way of quarantine to bring about a change of affairs.

Mr. PRINCE. Have we not ample authority under the quarantine law to do so?

Mr. SHERLEY. Unquestionably, and would do it if it became necessary. But there is nothing in this instance or in this amendment that seeks in any way to interfere with Ecuador's internal policy or to force her into the doing of something she does not want to do.

The SPEAKER. The time of the gentleman from Illinois [Mr. PRINCE] has expired.

Mr. SHERLEY. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. PRINCE. If these gentlemen went there without the authority of the President or of Congress, but at the mere ipse dixit of some other people, and they now come in and approve of the thing they did, we will find that it will be like another case where we have invited the nations of the world to participate, and the argument is made that we must therefore make appropriations. We have ratified their going, and therefore we must pay them for the service they have rendered. That is the next step, as we move along in a legislative sense.

Now, all I desire to say, Mr. Speaker, is this: Our country is, in my judgment, going out into the world as a big policeman. Our place is at home, notwithstanding the rumbles down there in Mexico. [Applause.] Our place is here, minding our own business. We had our election here in this country, and it was by ballots, and we announced the result on the floor of this House last week, and the country acquiesced in it. Their method seems to be by bullets, and if our bystanders are in the way when they are electing their men down there in those foreign countries, let them get out of the way and not ask to have American blood and American bone and American manhood sent there for the benefit of American exploiters, to destroy their lives, as seems to be in the air. [Applause.]

Mr. HAMILTON of Michigan. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. PRINCE. Yes.

Mr. HAMILTON of Michigan. I wanted to ask the gentleman how he squares this expression of his views with our obligation under the Monroe doctrine? We, by the Monroe doctrine, do not recognize with equanimity the interference of foreign nations on this hemisphere, so that it is considered that a certain obligation devolves upon us to try to maintain conditions here in this hemisphere. Is the gentleman in favor of abrogating the Monroe doctrine?

Mr. PRINCE. If the proposition is ever brought into this House that we shall intervene or take control or send our troops down there, to stay from 5 to 10 years, at a cost of hundreds of millions of dollars and thousands of lives, when that question comes up I will meet it. But now I am talking on another question. You may go on and do this. I am not going to object. But I think the place of American officers, educated by our Government, is to attend to American business and to do the business of our country. We educate them at our expense. Now, here is proposed to be formed a sanitary commission of our officers. There is a demand for officers all the time. There is a demand on the Committee on Military Affairs for more officers, and as soon as we give more officers they want to go outside and do work that properly belongs to the civilians of this country. The work of sanitation belongs to civilians, and the work of engineering belongs to the civilians of this country, and it seems to me that, while I am not going to object to this bill, I will hesitate whether I shall support it or not when it comes up for passage. [Applause.]

Mr. SHERLEY rose.

Mr. MANN. Mr. Speaker, will the gentleman from Kentucky [Mr. SHERLEY] yield to me to offer an amendment?

Mr. SHERLEY. Yes.

Mr. MANN. I move, Mr. Speaker, to amend the committee amendment by striking out, on page 2, lines 17 and 18, the words "that said compensation to said officers shall not exceed the amount paid to them," and insert the language that I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 2, by striking out, after the word "therefor," the remainder of line 17 and all of line 18, and inserting the following: "The rate of compensation paid said officers shall not exceed the rate paid to them or similar officers."

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] is recognized.

Mr. SHERLEY. Mr. Speaker, I ask for a vote on that amendment.

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

Mr. PRINCE. Mr. Speaker, I should like to be heard on that for a moment.

Mr. SHERLEY. Just a moment, Mr. Speaker. I yielded to the gentleman time with the idea of getting the bill through. If the gentleman wants to take additional time, I shall move the previous question upon that amendment and the amendment I now offer because, in justice to the House, I must go forward—

Mr. PRINCE. My purpose is not delay. I have never tried that during my service in the House and never intend to. I want to ask the gentleman from Illinois what is the present compensation of each one of these officers.

Mr. SHERLEY. I do not suppose the gentleman from Illinois can answer that offhand. The salary of Col. Gorgas, one of the commissioners, is the salary of a commissioner, which is \$14,000 a year. The gentleman is aware that these gentlemen receive under the canal government certain pay, which is in some instances in excess of the pay they would receive as Army officers. The purpose of the bill as reported, and of the amendment of the gentleman from Illinois, was simply to make certain that they should not get anything in excess of the sum they are now receiving.

Mr. PRINCE. That is, in excess of at least \$14,000, with other privileges, which bring it up close to \$20,000 a year.

Mr. SHERLEY. No; nothing like that. Col. Gorgas is the only man who is getting \$14,000 a year, and he is not getting privileges amounting to \$20,000 a year, and this would not authorize any privileges.

Mr. PRINCE. As a colonel in the Army, what is his pay?

Mr. SHERLEY. The gentleman knows that as well as I do. He is a member of the Committee on Military Affairs.

Mr. PRINCE. That is all I care to say.

Mr. SHERLEY. I ask for a vote.

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

The amendment to the amendment was agreed to.

Mr. SHERLEY. I offer the amendment which I have sent to the Clerk's desk, an amendment to the committee amendment, to strike out paragraph 2 and insert.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out section 2 of the amendment and insert the following:

"SEC. 2. The permission hereby granted shall be held to terminate at such date or dates as the Secretary of War may determine, and to authorize and sanction the payments already made by the Government of Ecuador to Col. William C. Gorgas and Maj. Robert E. Noble, Medical Corps, United States Army, one civil engineer, and one clerk, in connection with their recent visit of inspection to Ecuador."

Mr. SLAYDEN. Mr. Speaker, I supported this measure in the committee, and I think it ought to pass; but I never have had brought to my attention before the fact that payments had already been made to officers of the Army without the consent of Congress, except in an instance in Cuba, which Congress acted upon, and which we received assurances at the time would not happen again.

Mr. SHERLEY. The gentleman from Texas may not have been present when I made my statement. This is what occurred: Here was a situation where it was exceedingly important that sanitary work should be done—

Mr. SLAYDEN. I recognize the importance of sanitary work. That is admitted.

Mr. SHERLEY. Congress was not in session. The Government of Ecuador had placed at the disposal of this Government a large sum of money to undertake this work. The gentleman is aware that there was no authority for our detailing this officer. The Secretary of War happened to be on the Isthmus at the time. There were a number of Members of Congress there. We talked the thing over informally. We recognized that there was no direct authority, but we believed that the situation was unique enough and important enough to warrant his letting these men go for the purpose of making a preliminary survey.

Mr. SLAYDEN. He must have recognized the fact that there is a direct prohibition of law against it.

Mr. SHERLEY. It entailed no payment upon the Government, and it was work that was very important in connection with the Panama Canal itself. We said to the Secretary informally, and that was the consensus of opinion of all the Members there, that under the circumstances we felt that he would be warranted in letting Col. Gorgas go there. He having gone under the instruction of his commander in chief, the administration having sent him and having consulted us, we did not feel that, in a matter which was done so openly, Congress would refuse.

Not long ago we had a situation in connection with the floods in the Mississippi. The Government turned in and sent down provisions and men without any authority of law. It is not a good practice. It is a practice that ought not to be enlarged, but it is a practice that, I submit, under certain circumstances has been and is warranted; and that was so in this case, in the judgment of those who were called upon to act under all these circumstances.

Mr. SLAYDEN. Mr. Speaker, I recognize the desirability of having the ports of Ecuador and all other Central American countries clean and free from menace to the Canal Zone—

Mr. MANN. This is not a Central American country.

Mr. SLAYDEN. But it is a serious fact when a high executive officer, for the second time, authorizes a deliberate violation of the law, and I think it ought to be a matter of record.

Mr. MANN. Will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. MANN. Did not an executive officer violate the law when Galveston was flooded and when the Mississippi River was flooded, and when something occurred up in Alaska?

Mr. SLAYDEN. How did he violate the law when Galveston was flooded?

Mr. MANN. They gave sustenance to the people and sent tents there without authority of law, and afterwards got it ratified by Congress, just as they did with relation to the floods of the Mississippi River last spring, and in Alaska, and as we did in San Francisco.

Mr. SLAYDEN. Now, if the gentleman will let me have a minute of my own time—

Mr. MANN. I did not know that the gentleman had any time. I thought the gentleman from Kentucky had the floor.

Mr. SLAYDEN. I arose to address the House on the amendment, which I had a right to do, I suppose.

Mr. MANN. Not without being recognized by the Chair.

Mr. SLAYDEN. I simply wanted to direct attention to the fact that Members of Congress have authorized a deliberate violation of law.

Mr. SHERLEY. Mr. Speaker, for my part I am here now ready to assume what responsibility there may be. I am a respecter of law; but not such a respecter of law as to disregard the common sense of such a situation, but to exercise common sense with other Members who had the responsibility put upon us. We assumed it, and I ask this Congress to ratify what I believe was a sensible action, whatever force or action was placed upon us. We did not seek the situation, but it was put up to us to decide. It was in the interest of humanity; it was in the interest of health; it was in the interest of common sense. I ask for a vote.

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

The amendment to the amendment was agreed to.

The SPEAKER. The question now is on the amendment as amended.

The amendment as amended was agreed to.

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

On motion of Mr. SHERLEY, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

MANILA HEMP (H. DOC. NO. 1401).

The SPEAKER laid before the House the following message from the President of the United States, which was ordered printed and referred to the Committee on Ways and Means:

To the House of Representatives:

The following resolution was adopted by the House of Representatives February 10, 1913:

Resolved, That the President of the United States be, and he is hereby requested to advise the House, if in his judgment not incompatible with the public interest, as to the facts regarding the exemption of American importers of Manila hemp from payment of the export tax thereon, stating, as nearly as may be practicable, what amounts of money have

been refunded to such importers by virtue of said exemption since the act of Congress of March 8, 1902, known as the Philippine tariff act, up to the present time, and to whom said amounts have been refunded.

An export tax was imposed on hemp, among other products of the Philippine Islands, prior to American occupation and has been continued by each of the several revisions of the tariff of the Philippine Islands since. It was fixed by act No. 230 of the Philippine Commission, revising and amending the tariff laws of the Philippine Archipelago, which was enacted September 17, 1901, at 75 cents per 100 kilos, or \$7.50 per metric ton, and this rate has been continued in subsequent Philippine tariffs.

Prior to the passage of the act of March 8, 1902, this export tax was imposed on all manila hemp shipped from the Philippine Islands, whatever might be the destination. This was but one of the several articles on which duty was imposed, and it was, in general, regarded as being the article which was most able to bear the export duty, manila hemp being a natural monopoly of the Philippine Islands and it being impossible to replace it by any other fiber in many of the uses to which it is put.

By the act of March 8, 1902, "Temporarily to provide revenues for the Philippine Islands, and for other purposes," the act of the Philippine Commission, heretofore referred to, was confirmed, including the provisions imposing an export tax, but it was provided that the rate of duty paid upon products of the Philippine Archipelago coming into the United States should be less any duty or taxes levied, collected, and paid thereon upon shipment thereof from the Philippine Archipelago, and that this practical exemption of the export tax on shipments to the United States might be extended to articles coming in free under the United States tariff there was added this final provision to section 2 of the act of March 8, 1902:

But all articles, the growth and product of the Philippine Islands, admitted into the ports of the United States free of duty under the provisions of this act and coming directly from said islands to the United States for use and consumption therein shall be hereafter exempt from any export duties imposed in the Philippine Islands.

This section has its principal application in the importation into the United States of manila hemp. The only statement with reference to the specific object of the legislation is that of the chairman of the Committee on the Philippines of the Senate in reporting this bill on January 21, 1902.

Briefly, the objects as stated were to distribute the export tax remitted by increasing the price to the producer of hemp in the islands and decreasing the price of raw material to the manufacturer and of his product to the user of cordage in the States.

The loss to the Philippine treasury was to be more than made up by the provision of section 4 of the act that—

all duties and taxes collected in the United States upon articles coming from the Philippine Archipelago and upon foreign vessels coming therefrom shall not be covered into the general fund of the Treasury of the United States, but shall be held as a separate fund and paid into the treasury of the Philippine Islands, to be used and expended for the government and benefit of said islands.

Under the act of March 8, 1902, regulations were put in effect requiring that on exportation from the Philippine Islands, whatever its destination, the export duty on hemp should be paid, and that on submission of proper evidence within a period of two years thereafter that the hemp so exported had proceeded directly to the United States and had been consumed by manufacture therein, the amount of the export duty collected was refunded. The United States Navy, which is a regular purchaser of hemp, was exempted from this payment. Herewith is a copy of the regulations governing under the act of March 8, 1902. This will explain why the remission of this tax became known as a refund.

Those observing the practical application of the law in the islands believed that the remission of the export duty on hemp shipped directly to the United States for consumption therein did not increase the price to the producer, in so much as the purchase of hemp for export to the United States was made in competition with purchase for export to foreign countries, which paid the export duty provided in the Philippine tariff.

On the other hand, the amount of the export tariff remitted was a direct loss of that amount to the Philippine treasury, and the authorities in the Philippine Islands, to whom the treasury of the Philippine Islands was the first consideration, believing that this remission of the export duty was of no benefit to the hemp producer in the Philippine Islands and that it was a direct loss to the Philippine treasury, recommended, in reports covering several years, the abolition of this remission of export in favor of American consumers of hemp. Annexed hereto, marked "A," are collected these recommendations.

In 1904, when the War Department and the Philippine Government took up the study of a revision of the Philippine tariff, it was decided to recommend, among other changes, the aboli-

tion of this refund of the export tax on hemp, and the draft of a proposed tariff which was submitted by the War Department omitted this provision for a refund. It, however, was not approved by Congress, and the bill as passed, which was the act of Congress of March 3, 1905, embodied in section 13 the provision of the act of March 3, 1902, with reference to the exemption from export duties imposed by the Philippine Islands on all articles the growth and product of such islands admitted into the ports of the United States free of duty.

At the same session of Congress (58th Cong., 3d sess.) the Ways and Means Committee reported a bill (H. R. 17752) to amend the act of March 8, 1902 (H. Rept. 4867, 58th Cong., 3d sess.), which bill, however, as reported—though it did not pass—continued the exemption of export duties in the Philippine Islands in favor of exporters of the United States. The minority reported as a substitute House bill 18678, section 2 of which contained this provision:

All articles the growth and product of the Philippine Islands admitted into the ports of the United States free of duty under the provisions of this act, and coming directly from said islands to the United States for use and consumption therein, shall be hereafter exempt from any export duties imposed in the Philippine Islands—which is identical with the exemption provision in the act of March 8, 1902, and in the act of March 3, 1905.

Notwithstanding the position taken by Congress, the Philippine Commission continued in its annual report to recommend the abolition of this exemption.

In 1909, when the revision of the Philippine tariff was again taken up, the Philippine Government submitted a proposed draft of a tariff act which eliminated this exemption. The discussion which followed in the hearings on this subject developed the fact that Congress would not waive the exemption of the export tax, and that the only way in which the Philippine Government could avoid this would be by abandoning the export duty altogether. That government was unwilling to do this, fearing that the loss of revenue which would result therefrom, added to the loss which would result from the admission into the Philippine Islands free of duty of American goods, would reduce the revenues of the government below the minimum necessary for its support. The 1909 tariff act contained, in section 13 thereof, the provision exempting from the export tax articles the growth and product of the Philippine Islands coming directly from said islands to the United States.

The foregoing is a recitation of the facts. It is believed that this exemption works no injury to the producer of hemp in the Philippine Islands but is a direct loss to the Philippine treasury of the amount of the exemption; that the exemption does not increase the price of hemp received by the producer nor does it decrease that price. In fact, the producer of hemp in selling it does not know, in the general case, whether it is later to be exported to the United States with an exemption of the export duty or to Great Britain with a payment of the export duty.

It may well be that the export tax itself falls directly on the producer of hemp, but the amount of the burden thus imposed on him can not be increased by the partial exemption in favor of American-consumed hemp.

After the passage of the tariff act of 1909, and when it had been rather fairly put to the Philippine Government that it could exempt the producer of hemp, if it saw fit, from the export tax, but that it could not, even though the tax were continued, impose that tax on hemp shipped direct to the United States for consumption therein, that Government ceased to repeat the recommendation which it had made for a number of years for the abolition of the exemption in favor of the American manufacturers.

After the enactment of the tariff act of August 5, 1909, the regulations governing the remission of export duty were modified, so that instead of requiring the payment of the export duty on hemp shipped direct to the United States a bond to secure the payment in case the hemp was not used in manufacture in the United States within two years was required, the bond being released on the submission of the requisite evidence that the hemp had been shipped direct to the United States and had been used for manufacture therein. Herewith is a copy of these regulations.

From these regulations it will be apparent that to answer as was doubtless intended the question as to what amount of moneys had been refunded it is necessary to consider the amount refunded under the act of 1902 until the regulations of 1909 went into effect and thereafter to consider the amount which was not collected due to the exemption of the law. Attached hereto is a table showing by years from 1902 the amount of export duty refunded, and a table showing since 1909 the amount of the duty which was not collected due to the exemption under consideration.

There is attached, marked "R," a list of the shippers of hemp from the Philippine Islands to whom refunds have been made, with an attached list of the factories in the United States in which the hemp was consumed. These statements begin with the year 1905, the first year that such reports were furnished the Bureau of Insular Affairs of the War Department. The statistics are given in bales. The bale is approximately 127 kilograms in weight.

It is believed that the recapitulation attached to each of the annual or quarterly tables will give the information desired, but the entire report in each case is inclosed, giving all the details on which the refund was based.

There is inclosed herewith a statement showing the collections in the United States held as a separate fund and paid into the treasury of the Philippine Islands under the provisions of section 4 of the act of March 8, 1902. These amounts are the collections which it was contemplated would more than supply the loss to the Philippine treasury of the hemp refunds. It will be observed that prior to the passage of the tariff act of 1909 the loss to the Philippine treasury was so met.

In fairness, also, it should be stated that those who have favored this refund have justified it on the grounds—

First. That it was unfair to admit an article into the United States free of duty, and at the same time, for the benefit of another Government, to place an export tax on this article at its point of origin.

Second. That by this preferential treatment of hemp exported to the United States the manufacturer of hemp in the United States was relieved of the condition which had hitherto existed of having the price of hemp controlled in London and of very generally having this hemp transshipped from London.

Third. That it increased the amount of freight which came direct from the Philippine Islands to the United States, and to this extent was a benefit to shipping engaged in the American-Philippine trade.

Fourth. That it decreased the price of cordage to the users thereof in the United States.

WM. H. TAFT.

THE WHITE HOUSE, February 17, 1913.

CLERKS OF UNITED STATES DISTRICT COURTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21226) providing for compensation for clerks of United States district courts.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, reserving the right to object, while I am in favor of the principles involved in this bill it is perfectly apparent that it would take all the balance of the day for its consideration without finishing it. I think at this time it has no place on the Unanimous Consent Calendar, and purely in the interest of orderly procedure of business in the House, I shall be compelled to object.

Mr. CLAYTON. Mr. Speaker, just a moment. I think the gentleman from Illinois is correct in his statement as to the length of time it would require to consider this bill. I think the bill ought to be considered carefully. I realize that it is not entirely perfect, and I know that there ought to be some amendments adopted.

I agree with the statement that the gentleman from Illinois has made. I ask unanimous consent that I may print in the RECORD as a part of my remarks a portion of the report that I made on this bill. I think it is in the interest of good legislation that the bill do pass. The United States marshals and district attorneys are now on salaries, and I think the tendency of all modern legislation in all of the States is to take officers off from the fee system and put them on a salary basis.

Mr. MANN. I entirely agree with the gentleman from Alabama and congratulate his committee on bringing this bill before the House. I hope at the next Congress it will receive early consideration.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD by printing a portion of the report. Is there objection?

There was no objection.

The following is the report by Mr. CLAYTON:

The Committee on the Judiciary, having had under consideration House bill 21226, providing for compensation of clerks of United States district courts, report it back with the following amendments, with the recommendation that the several amendments be agreed to and that the bill as amended do pass.

OFFICE OF CLERK OF CIRCUIT COURT ABOLISHED.

The judicial code which went into effect January 1, 1912, abolished the office of clerk of circuit court. Prior to that time in many cases the clerk of the circuit court also held the office of clerk of the district court, and received the compensation of both officers, to wit, an amount not over \$7,000 per annum. The clerk of the district court must now in every case discharge all the duties heretofore incumbent upon both

the clerk of the circuit court and the clerk of the district court. Section 839 of the Revised Statutes provides that out of the fees earned by him in his office the clerk of the district court may retain as compensation for his services a sum not to exceed \$3,500, the amount (subject to this limitation) being fixed by the Attorney General as provided in said section. Under the old order which provided for a clerk of the circuit court and a clerk of the district court, there were in some districts more than one clerk of each the circuit court and the district court. Arizona had five district clerks as a Territory. Now, under the joint operation of this bill and the judicial code, the number is reduced to one. New Mexico had seven district clerks as a Territory and now has one. Among districts having more than one may be mentioned the following: The eastern district of Kentucky, where there were six circuit court clerks and six district clerks; western district of Kentucky, where there were four circuit court clerks and four district clerks; and the western district of Virginia, where there were four circuit court clerks and four district clerks. Under the provisions of the judicial code there can be but one clerk in each district, or a total of 79 clerks.

BILLS INTRODUCED TO CHANGE COMPENSATION OF DISTRICT CLERKS.

Bills have been introduced in the Senate and the House of Representatives at this session of Congress to increase the maximum compensation to \$5,000 per annum to be retained by the clerk out of his fees earned. It seems to be generally believed that \$3,500 is in some cases too small a compensation for the clerk who now must discharge all the duties heretofore incumbent upon the two clerks, circuit and district, and in other cases that sum would be excessive compensation.

PURPOSE OF THIS BILL.

This bill has as its prime object the abolition of the existing system of compensating clerks of the district courts out of fees earned by them, and seeks to pay the clerks fixed salaries, similar to the plan now provided for the compensation of district attorneys and district marshals. These latter officers, attorneys and marshals, were put on salaries by the act approved May 28, 1896. (29 Stat. L. p. 179.) It is submitted that this measure is in harmony with that legislation and with like legislation which has been had in recent years in many of the States of the Union.

There has been no change in the method of compensating clerks of district courts since 1853. After careful consideration of all the measures pertaining to the compensation of the clerks of the district courts your committee has reached the conclusion that the salary system is, for many reasons, better than the fee system. By it there would be an improvement in the public service and the Government would be benefited by saving annually of many thousands of dollars.

By the provisions of this bill all the fees of every character received by the clerks of the district courts will be paid into the Treasury of the United States, and the clerks will receive fixed salaries, which are stated in the bill. The information and the reasons which guided the committee in fixing these salaries are stated in the hearings and accompanying documents hereto appended.

By reference to the hearings, which are appended to this report, it will be found that after the payment of the salaries of clerks, deputies, and clerical assistants the United States will receive the services of the clerks without expense, and that fees collected from firms, individuals, and corporations will pay all the expenses of the clerks' offices, including the salaries of deputy clerks, and still leave a substantial balance to be turned into the Treasury. The reform proposed by this bill is, it is believed, worthy of legislative sanction.

The SPEAKER. The gentleman from Illinois objects and the bill will be stricken from the calendar.

MEMORIALS TO THOMAS JEFFERSON AND ALEXANDER HAMILTON.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28468) providing for the erection of memorials to Thomas Jefferson and Alexander Hamilton in the District of Columbia.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, I object.

Mr. BURNETT. Mr. Speaker, I object.

The SPEAKER. The gentleman from Indiana and the gentleman from Alabama object. The bill will be stricken from the calendar.

STEAM YACHT "DIANA."

The next business on the Calendar for Unanimous Consent was the bill (S. 1653) to provide American register for the steam yacht *Diana*.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, I object.

Mr. EDWARDS. I object.

The SPEAKER. The gentleman from Massachusetts and the gentleman from Georgia object. The bill will be stricken from the calendar.

WALLKILL VALLEY CEMETERY ASSOCIATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28469) granting two condemned cannon to the Wallkill Valley Cemetery Association, of Orange County, N. Y.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to donate to the Wallkill Valley Cemetery Association, of Orange County, N. Y., two condemned bronze or brass cannon for use in connection with a monument in memory of the men of Company H, One hundred and twenty-fourth New York Volunteer Infantry, who died in the service of the United States during the Civil War. Such donation shall be made subject to the rules and regulations of the War Department, and the Government shall be put to no expense in connection therewith.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. BRADLEY. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill for amendment.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

PATENT OFFICE FEES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28268) to amend sections 4931 and 4934 of the Revised Statutes of the United States.

The Clerk read the bill, with the committee amendments.

The SPEAKER. Is there objection?

Mr. PICKETT. Mr. Speaker, I object.

The SPEAKER. The gentleman from Iowa objects, and the bill will be stricken from the Calendar for Unanimous Consent.

UNITED STATES COURT AT JONESBORO, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28335) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 71 of chapter 5 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 71. The State of Arkansas is divided into two districts, to be known as the eastern and western districts of Arkansas. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, Columbia, Nevada, Ouachita, Union, and Calhoun, which shall constitute the Texarkana division of said district; also the territory embraced on the date last mentioned in the counties of Polk, Scott, Yell, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson, which shall constitute the Fort Smith division of said district; also the territory embraced on the date last mentioned in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy, which shall constitute the Harrison division of said district. Terms of the district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the Fort Smith division, at Fort Smith, on the second Mondays in January and June; and for the Harrison division, at Harrison, on the second Mondays in April and October. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Lee, Phillips, St. Francis, Cross, Monroe, and Woodruff, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Independence, Cleburne, Stone, Izard, Sharp, and Jackson, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Crittenden, Clay, Craighead, Greene, Mississippi, Poinsett, Fulton, Randolph, and Lawrence, which shall constitute the Jonesboro division of said district; and also the territory embraced on the date last mentioned in the counties of Arkansas, Ashley, Bradley, Cleot, Clark, Cleveland, Conway, Dallas, Desha, Drew, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lincoln, Lonoke, Montgomery, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, and White, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October; for the northern division, at Batesville, on the fourth Monday in May and the second Monday in December; for the Jonesboro division, at Jonesboro, on the second Monday in May and the fourth Monday in November; and for the western division, at Little Rock, on the first Monday in April and the third Monday in October. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Little Rock, at Helena, at Jonesboro, and at Batesville, which shall be kept open at all times for the transaction of the business of the court. And the clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Fort Smith, at Harrison, and at Texarkana, which shall be kept open at all times for the transaction of the business of the court."

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

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

RESTORING CERTAIN LANDS TO PUBLIC DOMAIN.

The next business on the Calendar for Unanimous Consent was the bill (S. 7448) restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. MILLER. Mr. Speaker, I will ask the gentleman to re-serve his objection.

Mr. MANN. Mr. Speaker, I reserve the objection for a moment.

Mr. EDWARDS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Georgia objects, and the bill will be stricken from the calendar.

IOWA TRIBE OF INDIANS, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was House resolution 773, referring the bill (H. R. 27995) for the relief of the Iowa Tribe of Indians in Oklahoma to the Court of Claims.

The SPEAKER. Is there objection?

Mr. ELLERBE. Mr. Speaker, I object.

The SPEAKER. The bill will be stricken from the calendar.

TAX ON ADULTERATED BUTTER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27279) to amend the second clause of section 4 of chapter 784 of the United States Statutes at Large, volume 32, page 195.

The SPEAKER. Is there objection?

Mr. THOMAS. Mr. Speaker, I object.

Mr. KINKAID of Nebraska. Mr. Speaker, if it is not too late, will the gentleman withhold his objection to permit an explanation?

The SPEAKER. Does the gentleman withhold his objection or make it?

Mr. THOMAS. No, sir; I do not. I have read the bill.

The SPEAKER. The gentleman from Kentucky objects, and the bill will be stricken from the calendar.

ESTABLISHING IN THE BUREAU OF STATISTICS A DIVISION OF MARKETS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5294) to establish in the Bureau of Statistics, in the Department of Agriculture, a division of markets.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think it was the general understanding in the House when the agricultural bill passed, carrying the item of \$50,000 for this purpose, that this bill would not be considered for passage at this session, and as that item went into the agricultural appropriation bill I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

PUBLICITY IN TAKING EVIDENCE.

The next business on the Calendar for Unanimous Consent was the bill (S. 8000) providing for publicity in taking evidence under the act of July 2, 1890.

The bill was read.

The SPEAKER. Is there objection?

Mr. GREENE of Massachusetts. Mr. Speaker, I object to this bill.

Mr. NORRIS. Will the gentleman withhold his objection?

The SPEAKER. The gentleman objects, and the bill will be stricken from the calendar.

DESERT-LAND ENTRIES, CHUCKAWALLA VALLEY, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26943) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The bill will be stricken from the calendar.

EXCHANGE OF SCHOOL LANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5068) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes.

The bill was read.

The SPEAKER. Is there objection?

Mr. MARTIN of South Dakota. Mr. Speaker, I reserve the right to object—

Mr. AKIN of New York. I object, Mr. Speaker.

The SPEAKER. The gentleman from New York objects, and the bill is stricken from the calendar.

STATUE TO THOMAS JEFFERSON.

The next business on the Calendar for Unanimous Consent was the bill (S. 745) providing for the erection of a statue to Thomas Jefferson, at Washington, D. C.

The bill was read.

The SPEAKER. Is there objection?

Mr. COX. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. GARRETT). The gentleman from Indiana objects and the bill will be stricken from the calendar.

MINING EXPERIMENT STATION, HELENA, MONT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25990) to establish a mining experiment station at Helena, Lewis and Clark County, Mont., to aid in the development of the mineral resources of the United States, and for other purposes.

The bill was read.

Mr. GREEN of Iowa. Mr. Speaker, I object.

Mr. COX. Mr. Speaker, I object.

Mr. PRAY. Will the gentleman withhold his objection?

Mr. GREEN of Iowa. Certainly.

The SPEAKER pro tempore. The gentleman from Iowa reserved the right to object?

Mr. GREEN of Iowa. I do, but the gentleman from Indiana also objected.

Mr. PRAY. Will the gentleman from Indiana withhold his objection?

Mr. COX. I think we ought to proceed with this matter, but—

Mr. PRAY. Mr. Speaker, I know there were two or three similar bills which were objected to at the last session. They were all meritorious measures like the one now before the House for Montana. I want to say a word or two about this bill. The Secretary of the Interior very strongly recommends the establishment of such stations to aid in the development of the mineral resources of the Western States. Heretofore most of the work of the Bureau of Mines has been in connection with coal-mining investigations and experiments.

The purpose of this bill is to provide for making inquiries and scientific investigations relative to the mining, preparation, treatment, and utilization of ores and other mineral substances, with a view to improving health conditions, increasing safety, efficiency, economic development, and the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries. It is the desire also to facilitate the proper and efficient development of the resources of the public domain. The principal features of this bill are approved by the Secretary of the Interior and the Director of the Bureau of Mines, under whom the station would be operated. The passage of the measure will unquestionably very materially aid in the further development of the mining industry in the great State of Montana, where the extent and variety of mineral wealth and resources are almost without limit.

A question has been raised at the department as to the specific location of the station in the bill, the suggestion being made that if the selection of site were left to the proper officials of the Government the purposes sought to be accomplished might be carried out with greater efficiency and economy. It was also intimated that a movable station might result in advantage, but no plans have been considered. Whatever course may be adopted later on in this regard the members of the Committee on Mines and Mining were convinced that Helena, the capital city of the State, situated in the heart of a great mining region, would be the logical point for the establishment of an experiment station in Montana. Railroad facilities are such that all mining sections of the State can be easily reached from this locality.

Agriculture and mining are regarded as the two great foundation industries of the country. No complaint is ever heard about the activities of the Agricultural Department in promoting the interests of the farmer. Lasting benefits have been bestowed upon him and great credit is due the Government. The miner should be accorded similar treatment; but until the establishment of the Bureau of Mines, in May, 1910, no special recognition has even been given him by the Government. It was not until the great mine disasters took place during the first session of the Sixtieth Congress that the people of the country were brought to a full realization of the enormous loss of life and waste of resources constantly going on in the mining and metallurgical industries.

Upon the establishment of the bureau the attention of Director Holmes and his assistants was first directed to coal mines, where over 700 lives had been lost within a month in mine fires and explosions. Mine-rescue and first-aid work was begun, and within a short time was extended throughout the United States. One of the mine-rescue cars was stationed at Billings, Mont., in close proximity to the coal fields of Montana and Wyoming. The work carried on is exceedingly important and the results attained during the past two years have fully justified the effort and expense to the Government. During the year 1911 over 50,000 miners attended the lectures and demonstrations given from the mine-rescue cars. With the increasing complexity of mining conditions throughout the country the need of further extending and developing this service will become more apparent. Experiments conducted at a mining station, such as is

proposed by this bill, will in the course of time become indispensable to the mining industry.

There are over 1,500,000 men connected with mining operations in the various States, and thousands of them work under conditions of great hazard and discomfort. Although there are more than 80,000 mines in the country with which these men are associated, it is a significant fact that less than 20 per cent employ more than 10 men to each mine and the great majority employ less than 5 men. The hundreds of applications that are constantly being made to the bureau for information and assistance come very largely from men who are conducting their operations on limited capital.

Complaint was made at first that extension of this work would have a tendency to retard State and private effort. On that subject the Secretary of the Interior, after a careful investigation, made the following statement:

There is no foundation for the fear sometimes expressed that if such investigations as are here recommended be undertaken by the Government private corporations will unload their local problems on the Government laboratories. The result of recent experience has been just the reverse. When, in 1904, the Federal Government began the testing and analyzing of coals and later took up similar investigations of explosives, mine accidents, and mine-rescue work, similar objections were raised in each case; but in every case private corporations and private laboratories have been stimulated to greater activities in the investigation of new problems at their own expense. Nor is there any foundation for the similar objection to the investigation by the Federal Government that this would discourage the States from taking up their own local problems. When the aid of the Federal Government was sought in the establishment of agricultural experiment stations in each of the several States it was claimed that this would discourage similar activity on the part of the States. On the contrary, it has stimulated the States to even greater activity, and after several years of experience and development the aggregate amount now annually expended by the States for buildings and equipment and the maintenance of agricultural experiment stations is far in excess of that now expended by the Federal Government.

Since the establishment of the United States Geological Survey the number as well as the activities of the State geological surveys has largely increased. The testing of coals by the Federal Government has stimulated to similar activity at their own expense not only many private mining companies, but many States, municipalities, private institutions, and private manufacturing corporations.

And so it will be with the investigations of the Bureau of Mines in behalf of the mining industry; they will stimulate local inquiries and investigations by both the State and private corporations; they will neither compete with nor interfere with, but will rather increase, the work of the private laboratories.

I regret that gentlemen have decided to object to consideration of this bill. This is probably the last opportunity that will be given for its consideration at this session, which will expire in a few days.

There are two other bills on this calendar of importance to my State which will be reached later in the afternoon, and I hope they may be given consideration. One is to accept cession by the State of Montana of exclusive jurisdiction over the territory embraced within the Glacier National Park. This bill is strongly recommended by the Secretary of the Interior and is based upon the acts of Congress for the administration of the Yellowstone National Park and Hot Springs Reservation. Without the authority conferred by this bill the Secretary is unable to take care of the park property and protect the fish and game within the park boundaries. I read a communication recently from Supt. Galen, of the Glacier Park, urging favorable action on this bill and stating that it was absolutely necessary for the proper discharge of the duties imposed upon him.

A similar House bill which I reported from the Public Lands Committee was placed on this calendar at the last session, but was objected to on the ground that it would consume too much time in consideration under unanimous consent. Inasmuch as the bill was read at length to the House at the last session very little time ought to be required to act upon it this afternoon. The other bill referred to provides for the opening of the abandoned Fort Assinniboine Reservation to homestead settlement, and is supported by a favorable report from the Secretary of the Interior and a unanimous report from the Committee on the Public Lands. This reservation was abandoned by the War Department and turned over to the Interior Department a year ago last November. It consists of about 175,000 acres of arid land, and is situated 50 miles south of the Canadian line, about 7 miles from the city of Havre. In addition to the usual land-office fees a charge of \$2.50 per acre is made upon applications filed within six months subsequent to the date of opening. A tract of land consisting of 640 acres, embracing the Government buildings at Assinniboine, is reserved from the operation of this act for the purpose of enabling the State of Montana to establish an agricultural, manual training, or other educational or public institution. The Secretary's favorable recommendation is in harmony with his report proposing a similar grant of lands within the former Lemhi Reservation to the State of Idaho. Both bills are meritorious and ought to have favorable action at this session.

The SPEAKER pro tempore. The gentleman from Iowa objects and the gentleman from Indiana [Mr. COX] also objects, and the bill will be stricken from the calendar.

RELEASING CLAIM OF UNITED STATES TO LOT 306, PENSACOLA, FLA.

The next business on the Calendar for Unanimous Consent was the bill (S. 5377) releasing the claim of the United States Government to lot No. 306 in the old city of Pensacola.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from New York objects, and the bill will be stricken from the calendar.

RELEASE OF LANDS IN THE OLD CITY OF PENSACOLA.

The next business on the Calendar for Unanimous Consent was the bill S. 5378, an act releasing the claim of the United States Government to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola.

The bill was read, as follows:

Be it enacted, etc. That the United States hereby remises, releases, and quitclaims unto George W. Wright, Mattie La Rua, the heirs of W. D. Chipley, and the heirs of William Fisher, and their assigns, all that portion of the fractional block bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, Escambia County, Fla.

Also the following committee amendments were read:

Strike out all after the enacting clause down to and including line 9 and insert:

"That the Secretary of the Interior be, and he is hereby authorized and directed to issue a patent remising, releasing, and quitclaiming forever all right, title, claim, and interest of the United States of America in and to that portion of land, being a fractional block, bounded on the north and east by Bayou Cadet, on the west by Cevallos Street, and on the south by Intendencia Street, in the old city of Pensacola, in the county of Escambia and the State of Florida, to such person or persons, firms or corporations, as shall make proof that he himself, or he and his grantor or grantors, has had continuous possession thereof under claim of ownership during the last 20 years next before the passage of this act. Such patent, however, shall be subject to any public easement or other adverse right suffered or granted by the patentee or his grantors.

The SPEAKER pro tempore. Is there objection?

Mr. MICHAEL E. DRISCOLL. I object.

Mr. MANN. Will the gentleman reserve the right to object?

Mr. MICHAEL E. DRISCOLL. I thought you wanted to save time.

Mr. MANN. I do not wish to save time at the expense of a bill that ought to be passed. I have no interest in this bill, but it ought to be passed.

The SPEAKER pro tempore. Does the gentleman from New York [Mr. MICHAEL E. DRISCOLL] object?

Mr. MICHAEL E. DRISCOLL. I reserve the objection.

Mr. MANN. Has the gentleman any special objection to the bill?

Mr. MICHAEL E. DRISCOLL. It looks to me like squatting on the land.

Mr. DENT. May I interrupt the gentleman from Illinois [Mr. MANN]? I reported this bill, but I did not introduce it. The author of it is the gentleman from Florida [Mr. MAYS].

Mr. MANN. This is a Senate bill.

Mr. DENT. I mean that he introduced a similar bill in the House. He is absent now on a Panama trip with a committee. This bill simply undertakes to quiet the title growing out of the occupation of this territory by Spain, and those claiming title have been in the undisputed possession of this property ever since some time during the forties. In fact, the property was divided under decree of partition by the court, as I recall the facts, some time in the early part of the forties. The House bill changes the Senate bill to this extent only. The Senate quitclaims the title in favor of the particular parties now in possession of the property.

Mr. MICHAEL E. DRISCOLL. To save time, I will withdraw the objection.

The SPEAKER pro tempore. Does the gentleman from New York [Mr. MICHAEL E. DRISCOLL] withdraw his objection?

Mr. MICHAEL E. DRISCOLL. I withdraw the objection.

Mr. MILLER. I withhold the right to object.

Mr. AUSTIN. Mr. Speaker, I demand the regular order on this bill.

The SPEAKER pro tempore. The regular order is the objection.

Mr. MILLER. I object.

LAUNCH FOR THE CUSTOMS SERVICE, LOS ANGELES, CAL.

The next business on the Calendar for Unanimous Consent was the bill (S. 3625) for the purchase or construction of a

launch for the customs service at and in the vicinity of Los Angeles, Cal.

The bill and the committee amendment were read.

The SPEAKER pro tempore. Is there objection?

Mr. COX. I object.

Mr. BATHRICK. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. COX] and the gentleman from Ohio [Mr. BATHRICK] object. The Clerk will report the next bill.

SITE FOR IMMIGRATION STATION, BALTIMORE, MD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28280) to authorize the use as a site for the United States immigration station and grounds at the port of Baltimore of a piece of land acquired by the United States about the year 1836 as part of an addition to Fort McHenry, in the State of Maryland, and which is now under the control of the War Department, and authorizing the Secretary of the Treasury to acquire an outlet therefrom to the city streets and to contract and arrange for necessary railroad facilities.

The bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. AKIN of New York. I object.

The SPEAKER pro tempore. The gentleman from New York [Mr. AKIN] objects, and the bill will be stricken from the calendar.

FOREST RESERVATIONS, STATE OF CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 8279) to amend an act approved October 1, 1890, entitled "An act to set apart tracts of land in the State of California as forest reservations."

The bill was read.

The SPEAKER. Is there objection?

Mr. DAVIDSON. Mr. Speaker, I object.

Mr. RAKER. Will not the gentleman kindly reserve his objection for a moment? I would like to say to the gentleman that this is—

Mr. AUSTIN. Mr. Speaker, I demand the regular order.

The SPEAKER. If the gentleman from Wisconsin [Mr. DAVIDSON] insists on his objection, that is the end of it.

Mr. DAVIDSON. I insist on the objection.

Mr. RAKER. Mr. Speaker, I will ask the gentleman if he will not consent to give me two minutes' time in regard to this bill that has just been passed over? I am satisfied if he does there will be no man in the House who will object to it.

Mr. GREEN of Iowa. Regular order!

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. RAKER] may have two minutes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from California [Mr. RAKER] shall have two minutes in which to explain the bill. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I want to say to the House that the main purpose of this bill is to extend the time of leases of land in the Yosemite Valley from 10 years, as it is now, to 20 years, to the end that the Secretary of the Interior may grant a lease to those who are willing to expend from \$250,000 to \$700,000 in putting up a proper hotel and other necessary buildings in that park, with the right to lease under such proper conditions as may be prescribed by the Secretary, and always under his control and reservation, giving the lessee full opportunity to mortgage, subject to the control of the Secretary of the Interior, and when the time expires the private individual who takes the second lease shall pay a reasonable price to the first lessee.

The Secretary of the Interior has been willing and the people of California and the West have been asking for 10 years to get men to take a lease and build such a hotel. Practically all arrangements have been made to the end that there shall be a hotel built there, costing private individuals at least \$500,000, and without a sufficient length of time of 20 years no man will go into that park and put the money in. He can not afford to do it.

The entire State of California and the West are asking and pleading this House to give this legislation in order that the proper improvement may be made, and I earnestly ask the gentleman who made the objection if he can not see his way clear to let this bill pass the House. It has already passed the Senate without amendment, is fully recommended by the Secretary of the Interior and all the officers concerned, and is recommended by all the organizations in the State of California and throughout the West. It is to the interest of the public service and not to the interest of any private individual. The hotel that is there now is a disgrace to this country.

THE SPEAKER. The time of the gentleman from California has expired.

MR. RAKER. Would not the gentleman withhold his objection?

MR. DAVIDSON. No; I insist on my objection.

THE SPEAKER. The gentleman from Wisconsin [Mr. DAVIDSON] insists on his objection, and the bill is stricken from the calendar.

SUNDAY CIVIL APPROPRIATION BILL.

MR. FITZGERALD, chairman of the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union and, with the accompanying report (No. 1526), ordered to be printed.

MR. MANN. Mr. Speaker, I reserve all points of order on the bill.

THE SPEAKER. The gentleman from Illinois [Mr. MANN] reserves all points of order on the bill.

NORTHEASTERN DIVISION, NORTHERN JUDICIAL DISTRICT OF GEORGIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25781) to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc. That section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 77. The State of Georgia is divided into two districts, to be known as the northern and southern districts of Georgia. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Campbell, Carroll, Clayton, Cobb, Coweta, Cherokee, Dekalb, Douglas, Fannin, Fayette, Fulton, Gilmer, Gwinnett, Henry, Milton, Newton, Pickens, Rockdale, and Spalding, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Clarke, Elbert, Franklin, Greene, Hart, Jackson, Morgan, Madison, Oglethorpe, Oconee, and Walton, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Chattohoochee, Clay, Early, Harris, Heard, Meriwether, Marion, Muscogee, Quitman, Randolph, Schley, Stewart, Talbot, Taylor, Terrell, Troup, and Webster, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Bartow, Chattooga, Catoosa, Dade, Floyd, Gordon, Haralson, Murray, Paulding, Polk, Walker, and Whitfield, which shall constitute the northwestern division of said district; also the territory embraced on the date last mentioned in the counties of Hall, White, Lumpkin, Dawson, Forsyth, Banks, Habersham, Stephens, Rabun, Towns, and Union, which shall constitute the northeastern division of said district. Terms of the district court for northern division of said district shall be held at Atlanta on the second Monday in March and the first Monday in October; for the eastern division, at Athens on the second Monday in April and the first Monday in November; for the western division, at Columbus on the first Mondays in May and December; for the northwestern division, at Rome on the third Mondays in May and November; and for the northeastern division, at Gainesville on the fourth Mondays in April and November. The clerk of the court for northern district shall maintain an office in charge of himself or a deputy at Athens, at Columbus, at Rome, and at Gainesville, which shall be kept open at all times for the transaction of the business of the court. The southern district shall include the territory embraced on the said 1st day of July, 1910, in the counties of Appling, Bulloch, Bryan, Camden, Chatham, Emanuel, Effingham, Glynn, Jeff Davis, Liberty, Montgomery, McIntosh, Screven, Tattnall, Toombs, and Wayne, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Baldwin, Bibb, Butts, Crawford, Dodge, Dooly, Hancock, Houston, Jasper, Jones, Laurens, Macon, Monroe, Pike, Pulaski, Putnam, Sunter, Telfair, Twiggs, Upson, Wilcox, and Wilkinson, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Burke, Columbia, Glascock, Jefferson, Jenkins, Johnson, Lincoln, McDuffie, Richmond, Taliaferro, Washington, Wilkes, and Warren, which shall constitute the northeastern division; also the territory embraced on the date last mentioned in the counties of Berrien, Brooks, Charlton, Clinch, Coffee, Decatur, Echols, Grady, Irwin, Lowndes, Pierce, Thomas, and Ware, which shall constitute the southwestern division; and also the territory embraced on the date last mentioned in the counties of Baker, Ben Hill, Calhoun, Crisp, Colquitt, Dougherty, Lee, Miller, Mitchell, Tift, Turner, and Worth, which shall constitute the Albany division. Terms of the district court for the western division shall be held at Macon on the first Mondays in May and October; for the eastern division at Savannah on the second Tuesdays in February, May, August, and November; for the northeastern division, at Augusta on the first Monday in April and the third Monday in November; for the southwestern division, at Valdosta on the second Mondays in June and December; and for the Albany division at Albany on the third Mondays in June and December."

THE SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, page 3, by inserting after the word "November," in line 7, the following: "Provided, That suitable rooms and accommodations for holding court at Gainesville shall be furnished free of expense to the Government."

THE SPEAKER. Is there objection?

MR. WHITACRE. Mr. Speaker, I object.

THE SPEAKER. The gentleman from Ohio [Mr. WHITACRE] objects, and the bill is stricken from the calendar. The Clerk will report the next bill.

MR. MANN. Mr. Speaker, this is one of those bills of which we have passed so many. Is the gentleman from Ohio [Mr. WHITACRE] really objecting to the bill, or objecting to the taking of it up for consideration? Well, if gentlemen are going to object to bills like this that are purely local in a State, dividing up judicial districts—

THE SPEAKER. It is not debatable.

MR. MANN. Well, I know it is not debatable, but I make the point of order that there is no quorum present if gentlemen do not want to be fair.

MR. WHITACRE. Mr. Speaker, I withdraw my objection.

MR. MANN. Then I will withdraw my point of order.

THE SPEAKER. The gentleman from Ohio [Mr. WHITACRE] withdraws his objection, and the gentleman from Illinois [Mr. MANN] withdraws his point of order. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, page 3, by inserting after the word "November," in line 7, the following: "Provided, That suitable rooms and accommodations for holding court at Gainesville shall be furnished free of expense to the Government."

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

The amendment was agreed to.

THE SPEAKER. The question is on the engrossment and third reading of the bill as amended.

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

On motion of Mr. BELL of Georgia, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS MONONGAHELA RIVER, W. VA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27837) to authorize the Buckhannon & Northern Railroad Co. to construct and operate a bridge across the Monongahela River in the State of West Virginia.

The bill was read, as follows:

Be it enacted, etc. That the Buckhannon & Northern Railroad Co., a corporation organized under the laws of the State of West Virginia, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River, near Catawba, from point suitable to the interests of navigation, on the left shore of said river above the mouth of Pricketts Creek, a southern tributary to said river in Paw Paw district, to a point on the right shore of said river above the mouth of said Pricketts Creek in Winfield district, all in the county of Marion, in the State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906. Said bridge shall be constructed for the passage of railway trains propelled by steam, electric, or other power, and at the option of the corporation for which it is built may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for a reasonable rate of toll, to be fixed by said company and approved by the Secretary of War. Said bridge shall be commenced within one year from the time this act goes into effect and completed within three years thereafter.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 10, after the word "point," insert the words "suitable to the interests of navigation."

Page 2, strike out lines 7 to 16, inclusive.

THE SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

THE SPEAKER. If there be no objection, the committee amendments will be considered as agreed to.

MR. MANN. Mr. Speaker, the first committee amendment ought to be disagreed to.

THE SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 10, after the word "point," strike out the words "suitable to the interests of navigation."

MR. MANN. Mr. Speaker, that language is already in the bill in lines 7 and 8, and ought not to be duplicated.

MR. CULLOP. I should like to call the attention of the gentleman from Illinois to the fact that if I remember correctly, when the bill was considered in the committee, we found that it was necessary to insert this language at that point because of the manner in which it is inserted below. If the gentleman will examine it, he will see that the bill only makes it from a point suitable to the interests of navigation on the left shore.

MR. MANN. This is the form we have always used:

From a point suitable to the interests of navigation on the left side to a point on the right side.

MR. CULLOP. The committee thought otherwise at the time the bill was considered.

Mr. MANN. This is the only time, however, when the committee has ever reported such an amendment.

Mr. CULLOP. And this is the only time, perhaps, in this Congress that a bill in that peculiar language has been presented here.

Mr. MANN. Every bill is in practically the same form.

Mr. CULLOP. Not as this one.

Mr. MANN. As a rule it is from a point on one side of the river to a point on the other side of the river.

The SPEAKER. The question is on the first committee amendment.

The amendment was rejected.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 2, by striking out all of lines 7 to 16, inclusive.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

PERSONNEL OF THE REVENUE-CUTTER SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (S. 7461) construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908.

The bill was read, as follows:

Be it enacted, etc. That in computing the length of service which shall entitle a warrant or petty officer to longevity pay under the eighth section of the act approved April 16, 1908, entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," all service rendered under the official designation of "pilot" in the Revenue-Cutter Service shall be included.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COX. Mr. Speaker, reserving the right to object, I would like an explanation of this bill. I find that the Senate report is about four or five lines long and the House report is eight lines long.

Mr. MANN. I will say to my friend from Indiana that the bill will not bear explanation.

Mr. CALDER. Mr. Speaker, if this bill is enacted into law, it will give to seven men formerly employed as pilots the longevity pay to which they would be entitled if their titles had been properly construed when the law was originally enacted.

Mr. MANN. And it would, as I understand it, allow an increase of longevity pay to these men from 1908 down to date, amounting to in the neighborhood, altogether, of \$13,000 to date, not to mention the amount that might be paid in the future. In my judgment, it is on a parallel with the construction of longevity pay dated from the entrance to Annapolis and West Point, and I think it has gone quite far enough.

Mr. COX. Then, Mr. Speaker, I object.

The SPEAKER. The gentleman from Indiana objects. The bill will be stricken from the calendar.

BRIDGE OVER GREAT KANAWHA RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28187) to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha River, and for other purposes.

The bill was read, as follows:

Be it enacted, etc. That the county court of Kanawha County, W. Va., is hereby authorized to construct, maintain, and operate a wagon and foot bridge and approaches thereto, for the use of the public, across and over the Great Kanawha River, at a point suitable to the interests of navigation, at or near the city of Charleston, Kanawha County, W. Va.

SEC. 2. That the construction, maintenance, and operation of said bridge herein authorized shall be in all respects in accordance with and subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

With the following committee amendments:

Page 1, line 5, strike out the words "wagon and foot."
Page 1, lines 5 and 6, strike out the words "for the use of the public."
Page 1, strike out lines 9 and 10.
Page 2, line 1, strike out "and subject to."
Page 2, add after line 4:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendments were agreed to.

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

BRIDGE ACROSS YELLOWSTONE RIVER, N. DAK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28021) authorizing the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. to build a bridge across the Yellowstone River in sections 15 and 16, township 151 north, range

104 west of the fifth principal meridian, in the State of North Dakota.

The Clerk read the title to the bill.

Mr. STEVENS of Minnesota. Mr. Speaker, I ask unanimous consent to substitute the bill S. 8089, of a similar tenor, on the Speaker's table. This bill is in a long form, while the Senate bill is in the proper form.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to substitute the Senate bill of a like tenor for the House bill, and that the House bill lie on the table. Is there objection?

There was no objection.

The Clerk read the bill (S. 8089) permitting the building of a railroad bridge across the Yellowstone River from a point on the east bank in section 15 to a point on the west bank in section 16, township 151 north of range 104 west of the fifth principal meridian, in McKenzie County, N. Dak., as follows:

Be it enacted, etc. That the consent of Congress is hereby granted to the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., a railway corporation organized under the laws of the States of Michigan, Wisconsin, Minnesota, and North Dakota, its successors or assigns, to build a railway bridge across the Yellowstone River from a point on the east bank in section 15 to a point on the west bank in section 16, township 151 north of range 104 west of the fifth principal meridian, in McKenzie County, N. Dak., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That this act shall be null and void unless the bridge herein authorized be commenced within one year and completed within two years from the date of approval of this act.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MANN. Mr. Speaker, I move to strike out section 2 of the bill. It is already covered by the general bridge law.

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

Mr. HELGESEN. Mr. Speaker, I move to amend by inserting on page 1, line 8, after the word "point" the following words: "at a point suitable to the interests of navigation."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 8, after the word "point" by inserting the words "at a point suitable to the interests of navigation."

The amendment was agreed to.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

ISSUE OF PATENTS AND SURVEYS OF PRIVATE LAND CLAIMS.

The next business on the Calendar for Unanimous Consent was the bill (S. 6781) in reference to the issuance of patents and copies of surveys of private land claims.

The Clerk read the bill at length, with committee amendments.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, does this bill practically accomplish anything except to release to owners of private land claims in New Mexico about \$2,500 which they would otherwise have to pay in order to obtain patents and copies of plats of surveys?

Mr. FERGUSSON. About that amount.

Mr. MANN. Why should we release to these owners of large tracts of land, which they obtained without any consideration in the first place, the payment of that sum of money?

Mr. FERGUSSON. The object is to make uniformity as to the delivery of patents in private land claims. When the private land claim court was created in 1891 that had charge of settling the Spanish claims for New Mexico, it was provided that the United States should pay half and the claimant the other half of the surveys. That was on the theory, as I understand it, that in ascertaining the part of a land claim rejected it was necessary for the Government to ascertain the facts by surveying a large quantity of land owned by the Government, and in order to make it uniform this bill provides that the same method shall be pursued with reference to private land claims—to make it applicable to all other land claims. That seems to be fair and reasonable, because in ascertaining the land that belongs to the individual the Government ascertains the boundaries of its own land. It is of joint benefit to both to have this survey.

Mr. MANN. What is the area of private land claims in New Mexico?

Mr. FERGUSSON. I do not know personally, but the report is full on the subject. It contains two letters from the department.

Mr. MANN. There are millions of acres.

Mr. FERGUSSON. I think this bill will apply—

Mr. AUSTIN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Tennessee demands the regular order, which is to ascertain if there is objection to the present consideration of this bill.

Mr. MANN. I object. I think, Mr. Speaker, we had better keep a quorum in the House as the gentleman from Tennessee seems anxious to get at the public buildings bill.

The SPEAKER. Does the gentleman from Illinois raise the point of no quorum?

Mr. MANN. I do; and I think we will have to keep a quorum here the rest of the afternoon.

Mr. AUSTIN. I think we can keep them here.

Mr. MANN. I would not be surprised.

The SPEAKER (after counting). One hundred and thirty Members present—not a quorum.

Mr. GARRETT. Mr. Speaker, I move a call of the House.

The motion was agreed to.

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

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

Ames	Fairchild	Jones	Peters
Andrus	Farr	Kitchin	Porter
Ansberry	Ferris	Knowland	Pou
Ayres	Flood, Va.	Korbly	Pujo
Barchfeld	Focht	Lafean	Rainey
Broussard	Gardner, N. J.	Lafferty	Randell
Brown	George	Levy	Rauch
Buchanan	Gill	Lewis	Redfield
Burke, Pa.	Gillet	Lindsay	Reyburn
Burleson	Gray	Littleton	Richardson
Carter	Greene, Vt.	McCall	Riordan
Cline	Guernsey	McGuire, Okla.	Scully
Conry	Hamill	Maher	Sims
Copley	Hamilton, W. Va.	Matthews	Smith, J. M. C.
Covington	Hammond	Mays	Speer
Crumpacker	Harris	Moon, Pa.	Stack
Curley	Harrison, N. Y.	Morgan, La.	Stephens, Tex.
Curry	Hart	Morgan, Okla.	Taggart
Danforth	Hawley	Morse	Talbott, Md.
Davenport	Hayes	Murray	Taylor, Ohio
Davis, Minn.	Holland	Nelson	Thayer
Dixon, Ind.	Howell	Olmsted	Tilson
Donohoe	Hughes, Ga.	Palmer	Underwood
Driscoll, D. A.	Hull	Parran	Vare
Ellerbe	Johnson, Ky.	Patten, N. Y.	Wilson, Ill.
Evans	Johnson, S. C.	Pepper	Wilson, N. Y.

The SPEAKER. On this call 277 Members have answered to their names, a quorum.

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

The motion was agreed to.

The doors were opened.

DESERT-LAND ENTRIES IN THE CHUCKAWALLA VALLEY.

The next business on the Calendar for Unanimous Consent was the bill (S. 7875) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. AUSTIN. I object.

The SPEAKER. The gentleman from Tennessee objects, and the bill will be stricken from the calendar.

KIOWA, COMANCHE, AND APACHE CEDED LANDS, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28191) authorizing the extension of payments on certain town lots in the Kiowa, Comanche, and Apache ceded lands in Oklahoma.

The Clerk read the bill with committee amendments.

The SPEAKER. Is there objection?

Mr. AUSTIN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Tennessee objects to the consideration of the bill, and the bill will be stricken from the calendar.

STEAMBOAT INSPECTORS, LOS ANGELES, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28524) to create a board of local inspectors, Steamboat Inspection Service, for the port of Los Angeles, Cal.

The Clerk read the bill.

Mr. AUSTIN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Tennessee objects, and the bill will be stricken from the calendar.

CONTRACTS FOR TRANSFERRING FOREIGN MAIL.

The next business on the Calendar for Unanimous Consent was House resolution 778, directing the Committee on the Post Office and Post Roads to institute and carry forward an investigation into the letting of contracts, and so forth.

The Clerk read the resolution.

The SPEAKER. Is there objection?

Mr. AUSTIN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Tennessee objects, and the resolution will be stricken from the calendar.

HOTEL ON FORT HUACHUCA MILITARY RESERVATION, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (S. 6898) authorizing the Secretary of War to grant permission for the erection of a hotel on the Fort Huachuca Military Reservation, in Arizona.

The bill was read.

The SPEAKER. Is there objection?

Mr. BURNETT. Mr. Speaker, I object.

Mr. HAYDEN. Mr. Speaker, I hope the gentleman will withhold his objection.

The SPEAKER. The gentleman from Alabama objects, and the bill will be stricken from the calendar.

LOAN OF TENTS TO HELLA TEMPLE, DALLAS, TEX.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 143, authorizing the Secretary of War to loan certain tents for use at the meeting of the Imperial Council of the Ancient Arabic Order of the Nobles of the Mystic Shrine, to be held at Dallas, Tex., in May, 1913.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the executive committee of Hella Temple of the Ancient Arabic Order of the Nobles of the Mystic Shrine, at Dallas, Tex., having in charge the arrangements for the meeting of the imperial council of said order, to be held in Dallas, Tex., in May, 1913, such tents, with necessary flies, poles, ridges, and pins for each, as may be required at said meeting: *Provided*, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered to said executive committee of Hella Temple at such time prior to the date of such meeting as may be agreed upon by the Secretary of War and Mike H. Thomas, chairman of said executive committee: *Provided further*, That the Secretary of War shall, before delivering such property, take from said Mike H. Thomas a good and sufficient bond for the safe return of said property in good order and condition, the whole transaction to be without expense to the Government of the United States: *Provided further*, That hereafter no loan of tents shall be made except to the Grand Army of the Republic and the Confederate Veterans Association.

Mr. MANN. Mr. Speaker, reserving the right to object, and reserving a point of order on the bill, I take it that this bill belongs on the Union Calendar, although it is on the House Calendar. Apparently this Senate joint resolution says this is a very wicked thing to do; we will do it now, but we will never do it again. The resolution provides for the loaning of certain tents to an order, and then puts in this provision: "That hereafter no loan of tents shall be made except to the Grand Army of the Republic and the Confederate Veterans Association." If we ought not to make a loan of tents hereafter, then we ought not to make any now.

Mr. BEALL of Texas. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. BEALL of Texas. I think that is a very needless and useless provision, and if unanimous consent is given I shall move to strike out the last proviso.

Mr. MANN. Well, I see that the Masonic order is even stronger in the House than the pork barrel, and I shall not object.

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

Mr. BEALL of Texas. Mr. Speaker, I desire to offer an amendment. I move to amend by striking out all after the word "States," in line 11, page 2, down to the end of the bill.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, strike out the proviso beginning on line 11.

Mr. MANN. Mr. Speaker, I ask to have it read.

The Clerk read as follows:

Provided further, That hereafter no loan of tents shall be made except to the Grand Army of the Republic and the Confederate Veterans Association.

The SPEAKER. Without objection, the amendment will be agreed to.

Mr. FOSTER. Mr. Speaker, I object to that.

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

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

The Senate joint resolution as amended was ordered to be read a third time, was read the third time, and passed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HART, for five days, on account of illness.

To Mr. LITTLEPAGE, for three days, on account of important business.

FORT ASSINNIBOINE MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 5138) authorizing the Secretary of the Interior

to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement.

The bill was read.

The SPEAKER pro tempore (Mr. BARNHART). Is there objection?

Mr. EDWARDS. Mr. Speaker, I object.

The SPEAKER pro tempore. The bill will be stricken from the calendar.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RAKER. I wonder whether or not there is any particular reason that these bills are objected to, or whether the fact that H. R. 28766 might come up to-day has anything to do with the taking of all these bills off the calendar? [Cries of "Regular order!"]

The SPEAKER pro tempore. The Chair can not undertake to say what is in the minds of Members. The regular order is demanded, and the Clerk will report the next bill.

GLACIER NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (S. 7318) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes.

The Clerk began the reading of the bill.

Mr. MANN. Reserving the right to object—

Mr. AUSTIN. Mr. Speaker, I demand the regular order.

Mr. HAMLIN. I think it is not worth while to take up the bill. I shall object to it—

Mr. MANN. It is a wonder the gentleman did not think of that before the reading was interrupted. The bill has only been read about half through. I was going to give a good reason for objecting to it.

Mr. HAMLIN. I do not doubt the gentleman has a good reason—

Mr. CLAYTON. Mr. Speaker—

The SPEAKER. It is not debatable.

Mr. CLAYTON. I know that; but I would like to have one minute to make a statement.

The SPEAKER. The gentleman from Alabama asks unanimous consent to speak for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. CLAYTON. Mr. Speaker, this bill seems to empower the commissioner of the park to try, convict, fine, and imprison for violation of law and park rules without court proceeding and without the intervention of a trial by jury. And therefore, if it had not been objected to, I would have objected to it on that ground.

The SPEAKER. The gentleman from Missouri [Mr. HAMLIN] and the gentleman from Tennessee [Mr. AUSTIN] both object.

Mr. AUSTIN. Mr. Speaker, I did not object to the consideration of the bill. I objected to the reservation of the objection.

DONATION OF CONDEMNED CANNON AND CANNON BALLS.

The next business on the Calendar for Unanimous Consent was the bill (S. 8273) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls.

Mr. MONDELL. Mr. Speaker, I object to the consideration of this bill.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] objects, and the bill will be stricken from the calendar.

COAL LANDS FOR MUNICIPAL PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26200) granting cities and incorporated towns coal lands for municipal purposes.

Mr. AUSTIN. Mr. Speaker, I object to the consideration of this bill.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] objects to the consideration of this bill, and it will be stricken from the calendar.

BRIDGE ACROSS MISSOURI RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28022) authorizing the Minneapolis, St. Paul & Sault Ste. Marie Railway Co. to build a bridge across the Missouri River in sections 14 and 15, township 152 north, range 93 west of the fifth principal meridian, in the State of North Dakota.

Mr. HELGESEN. Mr. Speaker, I ask unanimous consent that the bill S. 8090 be substituted for this one and that the latter lie on the Speaker's table.

The SPEAKER. The gentleman from North Dakota [Mr. HELGESEN] asks unanimous consent that the Senate bill 8090 be substituted for the bill H. R. 28022, they being of similar tenor, and that the House bill lie on the table. Is there objec-

tion? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 8090) permitting the building of a railroad bridge across the Missouri River from a point on the east bank in section 14, Mountrail County, N. Dak., to a point on the west bank of said river in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west of the fifth principal meridian.

Be it enacted, etc., That the consent of Congress is hereby granted to the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., a railway corporation organized under the laws of the States of Michigan, Wisconsin, Minnesota, and North Dakota, its successors and assigns, to build a railway bridge across the Missouri River from a point on the east bank in section 14, Mountrail County, N. Dak., to a point on the west bank of said river in section 15, in McKenzie County, N. Dak., in township 152 north, range 93 west of the fifth principal meridian, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That this act shall be null and void unless the bridge herein authorized be commenced within one year and completed within two years from the date of approval of this act.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. HELGESEN. Mr. Speaker, I move to amend by inserting after the word "point," page 1, line 8, "suitable to the interests of navigation."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 8, after the word "point," insert the words "suitable to the interests of navigation."

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

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

Mr. HELGESEN. Mr. Speaker, I move to strike out section 2, and have section 3 numbered "section 2."

The SPEAKER. The gentleman from North Dakota [Mr. HELGESEN] moves to strike out section 2, and number section 3 as "section 2."

The amendment was agreed to.

The bill as amended was ordered to a third reading, was read a third time, and passed.

DONATION OF CONDEMNED CANNON AND CANNON BALLS.

Mr. MONDELL. Mr. Speaker, I objected a moment ago to the consideration of the bill S. 8273, an act authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls. I withdraw my objection.

The SPEAKER. The bill was ordered stricken from the calendar.

Mr. MANN. It is off the calendar.

Mr. KENDALL. Regular order, Mr. Speaker.

INTERSTATE TELEGRAPH AND TELEPHONE MESSAGES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3010) to fix the requirements governing the receipt, transmission, and delivery, and the preservation of messages of interstate telegraph and telephone companies.

The SPEAKER. Is there objection to consideration of the bill?

Mr. ADAIR. Mr. Speaker, I object.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] objects and the bill is stricken from the calendar.

JUDICIAL DISTRICTS IN IOWA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28635) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary."

Mr. KENDALL. Mr. Speaker, this is a lengthy bill, although it accomplishes only one purpose, namely, the transfer of one county in Iowa from the southern judicial district to the northern judicial district. I make this suggestion, because, if time is to be consumed, it ought to be consumed in the reading of the bill. The judges of both courts in Iowa, and the bar in each division, join in a petition that this bill be passed, and the Department of Justice recommends it.

The SPEAKER. The Clerk will report the bill.

Mr. KENDALL. If it is going to be objected to, the time of the House should not be taken up with it.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 81 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 81. The State of Iowa is divided into two judicial districts, to be known as the northern and southern districts of Iowa. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allamakee, Dubuque, Buchanan, Clayton, Delaware, Fayette, Winneshiek, Howard, Chickasaw, Bremer, Blackhawk, Floyd, Mitchell, and Jackson, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Jones, Cedar, Linn, Johnson, Iowa, Benton, Tama, Grundy, and Hardin, which shall constitute the Cedar Rapids division;

also the territory embraced on the date last mentioned in the counties of Emmet, Palo Alto, Pocahontas, Calhoun, Carroll, Kossuth, Humboldt, Webster, Winnebago, Hancock, Wright, Hamilton, Worth, Cerro Gordo, Franklin, and Butler, which shall constitute the central division; also the territory embraced on the date last mentioned in the counties of Dickinson, Clay, Buena Vista, Sac, Osceola, O'Brien, Cherokee, Ida, Lyon, Sioux, Plymouth, Woodbury, and Monona, which shall constitute the western division. Terms of the district court for the eastern division shall be held at Dubuque on the fourth Tuesday in April and the first Tuesday in December, and at Waterloo on the second Tuesdays in May and September; for the Cedar Rapids division, at Cedar Rapids on the first Tuesday in April and the fourth Tuesday in September; for the central division at Fort Dodge on the second Tuesdays in June and November; and for the western division, at Sioux City on the fourth Tuesday in May and the third Tuesday in October. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Louisa, Henry, Des Moines, Lee, and Van Buren, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Marshall, Story, Boone, Greene, Guthrie, Dallas, Polk, Jasper, Poweshiek, Marion, Warren, and Madison, which shall constitute the central division of said district; also the territory embraced on the date last mentioned in the counties of Crawford, Harrison, Shelby, Audubon, Cass, Pottawattamie, Mills, and Montgomery, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Adair, Adams, Clarke, Decatur, Fremont, Lucas, Page, Ringgold, Taylor, Union, and Wayne, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Scott, Muscatine, Washington, and Clinton, which shall constitute the Davenport division of said district; also the territory embraced on the date last mentioned in the counties of Davis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapello, which shall constitute the Ottumwa division of said district. Terms of the district court for the eastern division shall be held at Keokuk on the second Tuesday in April and the third Tuesday in October; for the central division, at Des Moines on the second Tuesday in May and the third Tuesday in November; for the western division, at Council Bluffs on the second Tuesday in March and the third Tuesday in September; for the southern division, at Creston on the fourth Tuesday in March and the first Tuesday in November; for the Davenport division, at Davenport on the fourth Tuesday in April and the first Tuesday in October; and for the Ottumwa division, at Ottumwa on the first Monday after the fourth Tuesday in March, and the first Monday after the third Tuesday in October. The clerk of the court for said district shall maintain an office in charge of himself or a deputy at Davenport and at Ottumwa, for the transaction of the business of said divisions."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

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

COAL LANDS FOR GRAND JUNCTION, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26189) granting certain coal lands to the city of Grand Junction, Colo.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. BURNETT. I object.

THE LATE SENATOR JEFF DAVIS, OF ARKANSAS.

Mr. MACON. Mr. Speaker, I ask unanimous consent to have an order entered.

The SPEAKER. The Clerk will report the order.

The Clerk read as follows:

Ordered, That Sunday, February 23, 1913, be set apart for addresses upon the life, character, and public services of Hon. JEFF DAVIS, late a Senator from the State of Arkansas.

The SPEAKER. Is there objection to the present consideration of the order? [After a pause.] The Chair hears none. The question is on agreeing to the order.

The order was agreed to.

COUNCIL OF NATIONAL DEFENSE.

Mr. HOBSON. Mr. Speaker, I move that the House take up as the unfinished business the bill (H. R. 1309) to establish a council of national defense.

Mr. HARDWICK. Mr. Speaker, I raise a point of order.

The SPEAKER. What point of order does the gentleman raise?

Mr. HARDWICK. The committees are entitled to the preference to-day, this being the third Monday in the month.

The SPEAKER. It has been decided in a case exactly like this by both Speaker Carlisle and Speaker Reed that a matter such as that of the gentleman from Alabama [Mr. HOBSON] comes up as unfinished business.

Mr. HAY. Mr. Speaker, I demand a second.

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

The SPEAKER. The gentleman will state it.

Mr. MANN. Is not the motion of the gentleman from Alabama [Mr. HOBSON] the unfinished business without being remade so?

The SPEAKER. It is the unfinished business, and the motion has been made.

Mr. FOSTER. I demand a second.

Mr. HARDWICK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. How did it become the unfinished business when it was objected to on the Calendar for Unanimous Consent?

The SPEAKER. Because the House adjourned before a second was obtained.

Mr. HAY. Now, Mr. Speaker, I demand a second.

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. HAY. I object.

The SPEAKER. The Clerk will report the bill, and then the Chair will take notice of the fact that a second has been demanded and refused to be considered as made, and the Chair will appoint tellers. But it is right and proper that the House should know what is in this bill. The Clerk will report it.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby established a Council of National Defense, consisting of the Secretary of War, who shall be president of the council, the Secretary of the Navy, the chairman of the Committee on Appropriations of the Senate, the chairman of the Committee on Foreign Relations of the Senate, the chairman of the Committee on Military Affairs of the Senate, the chairman of the Committee on Naval Affairs of the Senate, the chairman of the Committee on Appropriations of the House of Representatives, the chairman of the Committee on Foreign Affairs of the House of Representatives, the chairman of the Committee on Military Affairs of the House of Representatives, the chairman of the Committee on Naval Affairs of the House of Representatives, the Chief of the General Staff of the Army, the aid for operations of the fleet of the Navy, the president of the Army War College, and the president of the Navy War College.

SEC. 2. That said council shall determine a general policy of national defense and shall recommend to the President, for transmission to Congress, such measures relating to the national defense as it deems necessary and expedient: *Provided*, That in time of war said council shall meet only upon the request of the President of the United States.

SEC. 3. That said council shall meet at least once in each calendar year on such date or dates as it shall fix: *Provided*, That special meetings may be called by the president of the council, except in time of war: *And provided further*, That any member of the Cabinet, any Senator, any Representative, and any officer of the Army, Navy, Marine Corps, or Militia may be called for consultation at any meeting of the council.

SEC. 4. That for carrying out the purposes of this act there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$20,000, to be available until expended, and to be expended upon vouchers signed by the president of the council: *Provided*, That all necessary expenses of the chairmen of committees of the Senate and of the House of Representatives, when called to attend meetings of said council when Congress is not in session, shall be paid from this appropriation, upon approval by the president of the council.

Mr. MANN. Mr. Speaker, I demand a second.

The SPEAKER. A second has already been demanded.

Mr. MANN. I know it was; but that was before the bill was read. But I do not care.

The SPEAKER. The Chair ordered the bill to be read for the information of the House, and the Chair appoints the gentleman from Alabama [Mr. HOBSON] and the gentleman from Virginia [Mr. HAY] as tellers. Those in favor of seconding the motion to suspend the rules and pass the bill will pass between the tellers and be counted.

The House divided; and the tellers reported—ayes 53, noes 81.

The SPEAKER. The House refuses to second the motion to suspend the rules and pass the bill.

OMNIBUS PUBLIC-BUILDINGS BILL.

Mr. BURNETT. Mr. Speaker, I am directed by the Committee on Public Buildings and Grounds to move to suspend the rules and pass the bill H. R. 28766—the omnibus public-buildings bill.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT], by authority of the Committee on Public Buildings and Grounds, moves to suspend the rules and pass House bill 28766, which the Clerk will report.

The Clerk began the reading of the bill.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. FITZGERALD. I object.

The SPEAKER. The gentleman from New York objects.

The Clerk resumed and concluded the reading of the bill, as follows:

Be it enacted, etc., That to enable the Secretary of the Treasury of the United States to give effect to and execute the provisions of existing legislation authorizing the acquisition of land for sites or the enlargement thereof, and the erection, enlargement, extension, remodeling, or repair of public buildings in the several cities hereinafter enumerated, the limit of cost heretofore fixed by Congress therefor be, and the same is hereby increased, respectively, as follows; and the Secretary of the Treasury is hereby authorized to enter into contracts for the completion of each of said buildings within its respective limit of cost, including site:

United States post office at Mobile, Ala., \$75,000.

United States post office and courthouse at Gadsden, Ala., \$8,000.

United States post office and courthouse at Opelika, Ala., \$50,000, and the act of Congress approved June 25, 1910, is hereby amended so as to authorize the Secretary of the Treasury to construct said building in such way as to provide suitable accommodations for the United States courts.

United States post office at Greeley, Colo., \$35,000.

United States post office at La Junta, Colo., \$10,000.

United States post office at Live Oak, Fla., \$15,000.
 United States post office at St. Petersburg, Fla., \$25,000.
 United States post office at Carrollton, Ga., \$7,500: *Provided*, That \$750 of said amount may be used, in the discretion of the Secretary of the Treasury, for the acquisition of additional ground adjoining the present site.
 United States post office at Elberton, Ga., \$6,250.
 United States post office and courthouse at Atlanta, Ga., \$22,500.
 United States post office at Cartersville, Ga., \$6,250.
 United States post office at Mount Vernon, Ill., \$15,000.
 United States post office at La Salle, Ill., \$35,000.
 United States post office at Hopkinsville, Ky., \$20,000.
 United States post office at Middlesboro, Ky., \$25,000.
 United States post office at Georgetown, Ky., \$30,000.
 United States post office at Milford, Mass., \$15,000.
 United States post office at Cadillac, Mich., \$25,000.
 United States post office and courthouse at Detroit, Mich., \$70,000.
 United States post office at Holland, Mich., \$20,000.
 United States post office at Minneapolis, Minn., \$175,000.
 United States post office and courthouse at Chillicothe, Mo., \$65,000, and the act of Congress approved June 25, 1910, is hereby amended so as to authorize the Secretary of the Treasury to construct said building in such way as to provide suitable accommodations for the United States courts.
 United States post office at Tupelo, Miss., \$10,000.
 United States post office at Laurel, Miss., \$20,000.
 United States post office and courthouse at Clarksdale, Miss., \$55,750, and the act of Congress approved June 25, 1910, is hereby amended so as to authorize the Secretary of the Treasury to construct said building in such way as to provide suitable accommodations for the United States courts.
 United States post office at Corinth, Miss., \$3,500.
 United States post office and courthouse at McCook, Nebr., \$25,000.
 United States post office at Morristown, N. J., \$50,000.
 For the acquisition of additional land for enlargement of site for a post office in the Borough of the Bronx, New York City, in the State of New York, \$60,000.
 That the provisions of the acts of Congress approved June 30, 1906, May 30, 1908, and June 25, 1910, for the acquisition of a site and the erection thereon of a public building at Yonkers, N. Y., at a total limit of cost of \$250,000, be, and the same are hereby, amended so as to provide for the acquisition of a site only for said building at a limit of cost of \$250,000, and the appropriations heretofore and to be made under said limit of cost for said site and building are hereby made available for the acquisition of such site only: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected upon the site, when acquired, a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use of the United States post office and other governmental offices, the cost of said building not to exceed \$250,000.
 United States post office at Gastonia, N. C., \$20,000.
 United States post office at Kinston, N. C., \$20,000.
 United States post office at Tarboro, N. C., \$15,000.
 For a site for a post-office building at Lumberton, N. C., \$5,000 in addition to the amount heretofore authorized.
 United States post office at Rocky Mount, N. C., \$16,000.
 United States post office at Piqua, Ohio, \$45,000.
 United States post office at Alliance, Ohio, \$30,000.
 United States post office and courthouse at Dayton, Ohio, \$50,000.
 United States post office and courthouse at Tulsa, Okla., \$114,750.
 United States post office at Reading, Pa., \$70,000.
 United States post office at Hanover, Pa., \$10,000.
 United States post office at Shelbyville, Tenn., \$5,000.
 For additional land for site for United States post office at Winchester, Tenn., \$2,300.
 United States post office and courthouse at Corpus Christi, Tex., \$70,000, and the act of Congress approved June 25, 1910, is hereby amended so as to authorize the Secretary of the Treasury to construct said building in such way as to provide suitable accommodations for the United States courts.
 That the \$90,000 authorized by the act of Congress approved June 25, 1910, for the extension, enlargement, remodeling, or improvement of the appraisers' stores at Galveston, Tex., and \$40,000 in addition thereto, which sum of \$40,000 is hereby authorized, shall be applied to the purposes set forth in the next following three items pertaining to or providing for public buildings at Galveston, Tex., namely:
 For remodeling and reconstruction, for a courthouse, the building now used for appraisers' stores, \$50,000.
 For the purchase of suitable and convenient building and site for an appraiser's store, warehouse, and other purposes, and providing suitable offices therein, \$65,000.
 For rearranging and constructing offices in the third story of the post-office and customhouse building, \$15,000. The act of Congress approved August 24, 1912, authorizing an expenditure of \$8,000 for rented quarters and moving expenses, is hereby repealed.
 United States post office at Cuero, Tex., \$20,000.
 United States post office at Brigham City, Utah, \$20,000.
 United States post office and courthouse at Brattleboro, Vt., \$50,000.
 United States post office and courthouse at Lynchburg, Va., \$25,000.
 United States post office at Moundsville, W. Va., \$25,000.
 United States post office at Sistersville, W. Va., \$10,000.
 Sec. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the enlargement, extension, remodeling, rebuilding, or improvement of the following-named buildings within the respective limits of cost hereby fixed:
 United States post office and customhouse at Oakland, Cal., \$75,000: *Provided*, That this amount, or so much thereof as may be necessary, shall be used for the acquisition of additional land for the enlargement of the present site.
 United States post office, courthouse, and other governmental offices at East St. Louis, Ill., \$125,000.
 United States post office at Evansville, Ind., \$150,000.
 United States post office at New Albany, Ind., \$38,000.
 United States post office and courthouse at Alexandria, La., \$65,000.
 United States post office at Winchester, Ky., \$30,000: *Provided*, That this amount, or so much thereof as may be necessary, shall be used in erecting a second story on the present building, and for necessary changes in said building and in the mechanical equipment, lighting, and plumbing systems thereof.
 United States post office and customhouse at Muskegon, Mich., \$75,000: *Provided*, That not exceeding \$10,000 of this amount may be expended for the enlargement of the present site.
 United States post office at Kirksville, Mo., \$40,000.
 United States post office and courthouse at Lincoln, Nebr., \$175,000.
 United States post office at Poughkeepsie, N. Y., \$68,000, and the Secretary of the Treasury is further authorized, in his discretion, to acquire by purchase, condemnation, or otherwise, out of this amount such additional land as may be necessary for the enlargement of the site for said building.
 For the remodeling, extending, enlarging, or rebuilding the customhouse building at Toledo, Ohio, now used for courts and other Federal offices, \$25,000.
 For the enlargement of the site for a post-office building at Ashland, Ohio, \$10,000.
 United States post office and customhouse at Nashville, Tenn., \$400,000.
 That the present site in each of the cities heretofore mentioned shall not be enlarged by the acquisition of ground under the provisions of this act unless the Secretary of the Treasury is given specific authority herein to enlarge said sites, and where such authority is given the Secretary is authorized to secure, by purchase, condemnation, or otherwise, such additional ground as he may deem necessary, respectively: *Provided*, That the limits of cost hereinbefore respectively fixed shall include all necessary changes in, alterations and repairs of, the above-named buildings, and of the heating, ventilating, and plumbing systems and elevators therein which may become necessary by reason of or incident to the extension, enlargement, remodeling, improvement, or rebuilding of said buildings, or which it may be found expedient or advisable to make to such heating, ventilating, and plumbing systems and elevators because of the enlargement, extension, remodeling, improving, or rebuilding of said buildings; and the annual appropriations for the general maintenance of public buildings under the control of the Treasury Department shall be construed to be available for all other repairs to and equipment of said buildings, grounds, and approaches, and the heating, hoisting, plumbing, and ventilating apparatus thereof.
 SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the erection and completion of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other governmental offices upon ground now owned by the United States or authorized to be acquired in each of the following cities, respectively, within its respective limit of cost hereby fixed:
 United States post office and courthouse at Jasper, Ala., \$100,000.
 United States post office and customhouse at Douglas, Ariz., \$100,000.
 United States post office at Arkadelphia, Ark., \$55,000.
 United States post office at Fordyce, Ark., \$50,000.
 United States post office at Mena, Ark., \$50,000.
 United States post office at Bakersfield, Cal., \$100,000.
 United States post office at Durango, Colo., \$100,000.
 United States post office at Fort Morgan, Colo., \$55,000.
 United States post office at Rockville, Conn., \$55,000.
 United States post office at Greenwich, Conn., \$90,000.
 United States post office at Orlando, Fla., \$60,000.
 United States post office at Barnesville, Ga., \$50,000.
 United States post office at Statesboro, Ga., \$50,000.
 United States post office at Twin Falls, Idaho, \$85,000.
 United States post office at Taylorville, Ill., \$60,000.
 United States post office at Savanna, Ill., \$50,000.
 United States post office at Washington, Ind., \$60,000.
 United States post office at Huntington, Ind., \$95,000.
 United States post office at Washington, Iowa, \$80,000.
 United States post office at Maquoketa, Iowa, \$50,000.
 United States post office at Charles City, Iowa, \$70,000.
 United States post office at Grinnell, Iowa, \$90,000.
 United States post office at Hiawatha, Kans., \$60,000.
 United States post office at Minden, La., \$50,000.
 United States post office at Hammond, La., \$50,000.
 United States post office at Ashland, Ky., \$80,000.
 United States post office at Shelbyville, Ky., \$50,000.
 United States post office at Rumford, Me., \$60,000.
 United States post office at Caribou, Me., \$50,000.
 United States post office at Skowhegan, Me., \$65,000.
 United States post office at Frederick, Md., \$90,000.
 United States post office at Reading, Mass., \$55,000.
 United States post office at Attleboro, Mass., \$100,000.
 United States post office at Newburyport, Mass., \$70,000.
 United States post office at Charlotte, Mich., \$65,000.
 United States post office at Dowagiac, Mich., \$55,000.
 United States post office at Little Falls, Minn., \$85,000.
 United States post office at Montevideo, Minn., \$50,000.
 United States post office at Anoka, Minn., \$50,000.
 United States post office at Bonne Terre, Mo., \$50,000: *Provided*, That the construction of said building shall not be begun until the site for same has been donated and title thereto accepted by the Secretary of the Treasury, as provided in section 25 of the act of Congress approved June 25, 1910.
 United States post office at McComb, Miss., \$50,000.
 United States post office at Holly Springs, Miss., \$45,000, \$2,500 of which may be used, in the discretion of the Secretary of the Treasury, for the acquisition, by purchase, condemnation, or otherwise, of a site, in addition to the sum heretofore authorized for that purpose.
 United States post office at Kalispell, Mont., \$100,000.
 United States post office at Aurora, Nebr., \$50,000.
 United States post office and courthouse at Chadron, Nebr., \$110,000.
 United States post office at Laconia, N. H., \$75,000.
 United States post office at Berlin, N. H., \$65,000.
 United States post office at East Orange, N. J., \$125,000.
 United States post office at Hackensack, N. J., \$100,000.
 United States post office at Woodbury, N. J., \$55,000.
 United States post office at Bayonne, N. J., \$100,000.
 United States post office and courthouse at Las Cruces, N. Mex., \$125,000.
 United States post office at Batavia, N. Y., \$85,000.
 United States post office at Syracuse, N. Y., \$450,000.
 United States post office at Hornell, N. Y., \$85,000.
 United States post office at Waterloo, N. Y., \$55,000.
 United States post office at Salamanca, N. Y., \$75,000.
 United States post office at Burlington, N. C., \$65,000.
 United States post office at Waynesville, N. C., \$65,000.
 United States post office at Shelby, N. C., \$55,000.
 United States post office at Dickinson, N. Dak., \$90,000.
 United States post office at Van Wert, Ohio, \$70,000.
 United States post office at Sidney, Ohio, \$70,000.
 United States post office at Elyria, Ohio, \$100,000.
 United States post office at Fremont, Ohio, \$100,000.
 United States post office at Middletown, Ohio, \$100,000.
 United States post office at Logan, Ohio, \$60,000.

United States post office at Roseburg, Oreg., \$100,000.
 United States post office at Media, Pa., \$60,000.
 United States post office at Dubois, Pa., \$85,000.
 United States post office at Titusville, Pa., \$75,000.
 United States post office at Pottstown, Pa., \$90,000.
 United States post office at Tarentum, Pa., \$60,000.
 United States post office at South Bethlehem, Pa., \$100,000.
 United States post office at Columbia, S. C., \$225,000.
 United States post office at Marion, S. C., \$50,000.
 United States post office at Redfield, S. Dak., \$60,000.
 United States post office at Jellico, Tenn., \$70,000, and the Secretary of the Treasury is authorized and directed to provide in said building suitable quarters for a mine-rescue station.
 United States post office at Maryville, Tenn., \$60,000.
 United States post office at Humboldt, Tenn., \$50,000.
 United States post office at Navasota, Tex., \$50,000.
 United States post office at Belton, Tex., \$55,000.
 United States post office at New Braunfels, Tex., \$50,000.
 United States post office at Beville, Tex., \$50,000.
 United States post office at Yoakum, \$65,000.
 United States post office at El Paso, Tex., \$300,000.
 United States post office at Nacogdoches, Tex., \$55,000.
 United States post office at Brenham, Tex., \$60,000.
 United States post office at Franklin, Va., \$45,000.
 United States post office at South Boston, Va., \$50,000.
 United States post office at Ellensburg, Wash., \$75,000.
 United States post office and customhouse at Aberdeen, Wash., \$112,500.
 United States post office at Seattle, Wash., \$300,000.
 United States post office at Williamson, W. Va., \$50,000.
 United States post office at Buckhannon, W. Va., \$60,000.
 United States post office at Neenah, Wis., \$80,000.
 United States post office at Antigo, Wis., \$70,000.
 United States post office at Merrill, Wis., \$75,000.
 United States post office and courthouse at Madison, Wis., \$550,000, and the Secretary of the Treasury is authorized to expend from this sum such amount as may be necessary for the demolition of the present building, either in whole or in part.

United States post office at Buffalo, Wyo., \$62,500.

Sec. 4. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and to contract for the erection and completion thereon of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other governmental offices in each of the cities enumerated in this section, within its respective limit of cost, including site, hereby fixed:

United States post office at Decatur, Ala., \$65,000.

United States post office at Andalusia, Ala., \$50,000.

United States post office on the State line dividing West Point, Ga., and Lanett, Ala., \$50,000.

United States post office, United States courts and jail at Cordova, Alaska, \$100,000.

United States post office at Marianna, Ark., \$50,000.
 United States post office at Russellville, Ark., \$50,000.
 United States post office at Rogers, Ark., \$70,000.
 United States post office at Red Bluff, Cal., \$60,000.
 United States post office and customhouse at San Pedro, Cal., \$60,000.
 United States post office at San Luis Obispo, Cal., \$80,000.
 United States post office at Willows, Cal., \$75,000.
 United States post office at Glenwood Springs, Colo., \$100,000.
 United States post office at Mystic, Conn., \$55,000.
 United States post office at Branford, Conn., \$55,000.

United States post office and courthouse at Marianna, Fla., \$70,000.

United States post office at Sanford, Fla., \$70,000.

United States post office at Lakeland, Fla., \$75,000.

United States post office at Fitzgerald, Ga., \$75,000.

United States post office at Douglas, Ga., \$55,000.

United States post office at Washington, Ga., \$55,000.

United States post office at Moultrie, Ga., \$65,000.

United States post office at Dawson, Ga., \$60,000.

United States post office at Sandpoint, Idaho, \$70,000.

United States post office at Marion, Ill., \$70,000.

United States post office at Oiney, Ill., \$70,000.

United States post office at Paxton, Ill., \$60,000.

United States post office at Hoopeson, Ill., \$70,000.

United States post office at Charleston, Ill., \$75,000.

United States post office at Batavia, Ill., \$95,000.

United States post office at Metropolis, Ill., \$50,000.

United States post office at Jerseyville, Ill., \$65,000.

United States post office at Aledo, Ill., \$65,000.

United States post office at Valparaiso, Ind., \$95,000.

United States post office at Rochester, Ind., \$70,000.

United States post office at Kendallville, Ind., \$75,000.

United States post office at Bluffton, Ind., \$70,000.

United States post office at North Vernon, Ind., \$60,000.

United States post office at Clinton, Ind., \$80,000.

United States post office at Shelbyville, Ind., \$80,000.

United States post office at Cedar Falls, Iowa, \$95,000.

United States post office at Charlton, Iowa, \$70,000.

United States post office at Carroll, Iowa, \$70,000.

United States post office at Cherokee, Iowa, \$70,000.

United States post office at Glenwood, Iowa, \$50,000.

United States post office at Vinton, Iowa, \$70,000.

United States post office at Cherryvale, Kans., \$60,000.

United States post office at Eldorado, Kans., \$60,000.

United States post office at Pratt, Kans., \$60,000.

United States post office at Thibodaux, La., \$50,000.

United States post office at Glasgow, Ky., \$60,000.

United States post office at Marion, Ky., \$70,000.

United States post office at Saco, Me., \$60,000.

United States post office at Salisbury, Md., \$80,000.

United States post office at Southbridge, Mass., \$80,000.

United States post office at Leominster, Mass., \$90,000.

United States post office at Malden, Mass., on a site to be donated, \$90,000: *Provided*, That the construction of said building shall not be begun until the site for same has been donated and title thereto accepted by the Secretary of the Treasury, as provided in section 26 of this act.

United States post office at Amherst, Mass., \$80,000.

United States post office at Houghton, Mich., \$100,000.

United States post office at Cheboygan, Mich., \$70,000.

United States post office at Wyandotte, Mich., \$75,000.

United States post office at Mount Pleasant, Mich., \$75,000.

United States post office at Bad Axe, Mich., \$55,000.
 United States post office at Bemidji, Minn., \$75,000.
 United States post office at Fairmont, Minn., \$65,000.
 United States post office at St. Peter, Minn., \$60,000.
 United States post office at Liberty, Mo., \$60,000.
 United States post office at Washington, Mo., \$60,000.
 United States post office at Butler, Mo., \$60,000.
 United States post office at Fayette, Mo., \$55,000.
 United States post office at Water Valley, Miss., \$50,000.
 United States post office at Central City, Nebr., \$55,000.
 United States post office at Vineland, N. J., \$70,000.
 United States post office at Montclair, N. J., \$130,000.
 United States post office at Hoosick Falls, N. Y., \$80,000.
 United States post office at Long Island City, N. Y., \$200,000.
 United States post office at Owego, N. Y., \$75,000.
 United States post office at Cohoes, N. Y., \$100,000.
 United States post office at Walden, N. Y., \$65,000.
 United States post office at Saranac Lake, N. Y., \$90,000.
 United States post office at Fort Plain, N. Y., \$65,000.
 United States post office at Thomasville, N. C., \$55,000.
 United States post office at Coshocton, Ohio., \$115,000.
 United States post office at Washington Court House, Ohio., \$80,000.
 United States post office at Martins Ferry, Ohio., \$85,000.
 United States post office at Kenton, Ohio., \$80,000.
 United States post office at Gallipolis, Ohio., \$75,000.
 United States post office at Wilmington, Ohio., \$75,000.
 United States post office and courthouse at Woodward, Okla., \$110,000.
 United States post office at Duran, Okla., \$80,000.
 United States post office at Chandler, Okla., \$55,000.
 United States post office at Loch Haven, Pa., \$100,000.
 United States post office at Pittston, Pa., \$100,000.
 United States post office at Lewistown, Pa., \$75,000.
 United States post office at Indiana, Pa., \$90,000.
 United States post office at Hollidaysburg, Pa., \$80,000.
 United States post office at Berwick, Pa., \$80,000.
 United States post office at Franklin, Pa., \$100,000.
 United States post office at Tamaqua, Pa., \$75,000.
 United States post office at Donora, Pa., \$75,000.
 United States post office at Olyphant, Pa., \$65,000.
 United States post office at Monessen, Pa., \$60,000.
 United States post office at McKees Rocks, Pa., \$80,000.
 United States post office at Waynesburg, Pa., \$75,000.
 United States post office at Sayre, Pa., \$80,000.
 United States post office and customhouse at Beaufort, S. C., \$50,000.
 United States post office at Lancaster, S. C., \$50,000.
 United States post office at Bellefourche, S. Dak., \$75,000.
 United States post office at Franklin, Tenn., \$55,000.
 United States post office at Tullahoma, Tenn., \$50,000.
 United States post office at Athens, Tenn., \$50,000.
 United States post office at Gallatin, Tenn., \$50,000.
 United States post office at Pittsburg, Tex., \$55,000.
 United States post office at Mount Pleasant, Tex., \$55,000.
 United States post office at Commerce, Tex., \$50,000.
 United States post office at Vernon, Tex., \$50,000.
 United States post office at Cameron, Tex., \$55,000.
 United States post office at Comanche, Tex., \$50,000.
 United States post office at St. Johnsbury, Vt., \$100,000.
 United States post office at Waynesboro, Va., \$52,500, \$2,500 of which may be used, in the discretion of the Secretary of the Treasury, for the acquisition, by purchase, condemnation, or otherwise, of a site, in addition to the sum heretofore authorized for that purpose.
 United States post office at Farmville, Va., \$60,000.
 United States post office at Norton, Va., \$75,000, and the Secretary of the Treasury is authorized and directed to provide in said building suitable quarters for a mine rescue station.
 United States post office at Salem, Va., \$65,000.
 United States post office at Front Royal, Va., \$50,000.
 United States post office at Leesburg, Va., \$55,000.
 United States post office at Charles Town, W. Va., \$75,000.
 United States post office at Beaver Dam, Wis., \$80,000.
 United States post office at Burlington, Wis., \$70,000.
 United States post office and customhouse at Mineral Point, Wis., \$60,000.
 United States post office at Tomah, Wis., \$55,000.
 United States post office at Oconto, Wis., \$60,000.
 Sec. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site for the United States post office and other governmental offices in each of the cities enumerated in this section within its respective limit of cost hereby fixed:
 United States post office at Union Springs, Ala., \$5,000.
 United States post office at Albertville, Ala., \$5,000.
 United States post office at Attalla, Ala., \$5,000.
 United States post office at Greenville, Ala., \$5,000.
 United States post office at Sylacauga, Ala., \$5,000.
 United States post office at Nogales, Ariz., \$10,000.
 United States post office at Stuttgart, Ark., \$5,000.
 United States post office at El Dorado, Ark., \$5,000.
 United States post office at Brinkley, Ark., \$5,000.
 United States post office at Modesto, Cal., \$20,000.
 United States post office at Newark, Del., \$5,000.
 United States post office, courthouse, and customhouse, Key West, Fla., \$80,000.
 United States post office at Lake City, Fla., \$7,500.
 United States post office at Toccoa, Ga., \$5,000.
 United States post office at Canton, Ga., \$5,000.
 United States post office at Rossville, Ga., \$5,000.
 United States post office at Sandersville, Ga., \$5,000.
 United States post office at Mendota, Ill., \$10,000.
 United States post office at Hillsboro, Ill., \$10,000.
 United States post office at Genesee, Ill., \$10,000.
 United States post office at Havana, Ill., \$10,000.
 United States post office at Spring Valley, Ill., \$10,000.
 United States post office at Chicago, Ill., \$50,000, and said site shall be located on or near East Sixty-third Street in said city: *Provided*, That the Secretary of the Treasury may, in his discretion, disregard the provisions of law requiring a site to be bounded upon at least two sides by streets, and may further, in his discretion, reduce or entirely dispense with the open space for fire protection.
 United States post office at Woodstock, Ill., \$17,000.
 United States post office at Decatur, Ind., \$10,000.
 United States post office at Linton, Ind., \$8,000.
 United States post office at Noblesville, Ind., \$10,000.
 United States post office at Lebanon, Ind., \$10,000.

United States post office at Greensburg, Ind., \$12,000.
 United States post office at Plymouth, Ind., \$10,000.
 United States post office at Warsaw, Ind., \$10,000.
 United States post office at Salem, Ind., \$5,000.
 United States post office at Fairfield, Iowa, \$10,000.
 United States post office at Oelwein, Iowa, \$8,000.
 United States post office at Marengo, Iowa, \$5,000.
 United States post office at Newton, Iowa, \$10,000.
 United States post office at Madisonville, Ky., \$10,000.
 United States post office at Central City, Ky., \$7,500.
 United States post office at Harrodsburg, Ky., \$10,000.
 United States post office at Eminence, Ky., \$8,000.
 United States post office at Paintsville, Ky., \$5,000.
 United States post office at Pikeville, Ky., \$5,000.
 United States post office at Prestonsburg, Ky., \$5,000.
 United States post office at Murray, Ky., \$5,000.
 United States post office at Hodgenville, Ky., \$5,000.
 United States post office at Elizabethtown, Ky., \$7,500.
 United States post office at Cambridge, Md., \$10,000.
 United States post office at South Framingham, Mass., \$15,000.
 United States post office and customhouse at Benton Harbor, Mich., \$25,000.

United States post office at Centralia, Mo., \$7,500.
 United States post office at Sikeston, Mo., \$7,500.
 United States post office at Westplains, Mo., \$7,500.
 United States post office at Unionville, Mo., \$7,500.
 United States post office at Mountain Grove, Mo., \$7,500.
 United States post office at Lebanon, Mo., \$7,500.
 United States post office at Lamar, Mo., \$10,000.
 United States post office at Salem, N. J., \$10,000.
 United States post office at Bath, N. Y., \$15,000.
 United States post office at Oneida, N. Y., \$15,000.
 United States post office at Lyons, N. Y., \$15,000.
 United States post office at Rutherfordton, N. C., \$5,000.
 United States post office at Mount Olive, N. C., \$5,000.
 United States post office at Edenton, N. C., \$7,500.
 United States post office at Lenoir, N. C., \$8,000.
 United States post office and customhouse at Fargo, N. Dak., \$25,000.
 United States post office at Napoleon, Ohio, \$7,500.
 United States post office at St. Marys, Ohio, \$7,500.
 United States post office at New Philadelphia, Ohio, \$12,500.
 United States post office at Millersburg, Ohio, \$7,500.
 United States post office at Frederick, Okla., \$10,000.
 United States post office at Hobart, Okla., \$10,000.
 United States post office at St. Johns, Oreg., \$5,000.
 United States post office at Tyrone, Pa., \$25,000.
 United States post office at Warren, R. I., \$10,000.
 United States post office at Dillon, S. C., \$5,000.
 United States post office at Huntingdon, Tenn., \$2,500.
 United States post office at Rogersville, Tenn., \$3,000.
 United States post office at Memphis, Tenn., \$40,000.

For the acquisition, by purchase, condemnation, or otherwise of additional ground adjoining the post office and courthouse at Sherman, Tex., \$5,000, or so much thereof as may be necessary.

United States post office at Gilmer, Tex., \$5,000.
 United States post office at Crockett, Tex., \$5,000.
 United States post office at Taylor, Tex., \$5,000.
 United States post office at Orange, Tex., \$10,000.
 United States post office at Coleman, Tex., \$5,000.

For the acquisition, by purchase, condemnation, or otherwise, of additional ground adjoining the post office and courthouse at Dallas, Tex., \$300,000, or so much thereof as may be necessary: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, in lieu of the foregoing, to acquire a new site by purchase, condemnation, or otherwise, for a post office at Dallas, Tex., at a limit of cost not to exceed \$300,000.

United States post office at Nephi, Utah, \$5,000.
 United States post office at West Point, Va., \$5,000.
 United States post office at Colfax, Wash., \$7,000.
 United States post office at New Martinsville, W. Va., \$12,500.
 United States post office on west side at Milwaukee, Wis., \$100,000.
 United States post office at Newcastle, Wyo., \$5,000.

SEC. 6. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, or additional ground adjoining the site already acquired, and to contract for the erection and completion thereof of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office, courts, and other governmental offices at Birmingham, Ala. The cost of said building and addition to site, or new site and building shall not exceed \$1,000,000: *Provided*, That if the Secretary of the Treasury should decide to acquire a new site he may sell the site already acquired at an upset price of not less than \$200,000, at public or private sale, in the discretion of the Secretary of the Treasury at such time and upon such terms as he may deem to be to the best interests of the United States and deposit the proceeds in the Treasury as a miscellaneous receipt.

SEC. 7. That the limit of cost for the acquisition of a site and the erection thereon of a suitable building for the accommodation of the post office and other governmental offices at New Haven, Conn., as provided by the act of Congress approved June 25, 1910, is hereby increased by the sum of \$400,000, or so much thereof as may be realized from the sale of the old post-office and customhouse building and site thereof in the said city of New Haven, as provided in said act of June 25, 1910; and said act of June 25, 1910, is hereby amended so that the Secretary of the Treasury is authorized, in his discretion, to sell said old post-office and customhouse building and site before the completion of the new Federal building, on such terms as the Secretary of the Treasury may deem to be to the best interest of the United States subject to the provision and agreement that possession of same shall not be delivered until said new building is ready for occupancy.

SEC. 8. That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed on square No. 143, in the city of Washington, D. C., a fireproof building of modern office building type of architecture of sufficient area to afford when completed office accommodations for the entire organization at Washington, D. C., of the Geological Survey, Reclamation Service, Indian Office, Bureau of Mines, and such other offices and bureaus of the Interior Department as can be accommodated therein.

That the designs and estimates for said building shall be approved by a board consisting of the Secretary of the Treasury, the Secretary of the Interior, and the Superintendent of the Capitol Building and Grounds.

That for the purpose of beginning the construction of said building the sum of \$500,000 is hereby authorized, and the unexpended balance of the appropriation for the acquisition of said square 143 is hereby made available as a part of said authorization for the employment, without regard to civil-service laws, rules, or regulations, of technical and engineering services in the Office of the Supervising Architect, exclusively to aid in the preparation of such plans and specifications and toward the commencement of the construction of said building.

That the foregoing authorization for the employment of technical and engineering services shall be in addition to and independent of the authorizations and appropriations for personal services for the Office of the Supervising Architect otherwise made: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby authorized shall be constructed or so planned as to cost, complete, including fireproof vaults, heating and ventilating apparatus, elevators, lighting fixtures, and approaches, but exclusive of site, not exceeding \$2,500,000.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purpose within the ultimate limit of cost above mentioned.

SEC. 9. That so much of section 24 of the act of Congress approved May 30, 1908, as provides for the construction of buildings for a customhouse and other governmental offices, except United States courts and post office, and for a building for the United States appraisers' stores at Wilmington, N. C., be, and the same is hereby, amended so as to require that upon the enlarged site of the present customhouse and warehouse in said city the Secretary of the Treasury shall cause to be constructed a suitable and commodious fireproof building for the accommodation of the customs service, the appraisers' stores, the United States courts and court officials, and such other governmental offices, exclusive of the post office, as can be properly and conveniently quartered in said building; and that the limit of cost fixed by said act of May 30, 1908, is hereby extended by the sum of \$118,750, and said act is hereby amended so as to fix the limit of cost for said new customhouse, appraisers' stores, and courthouse and enlargement of site thereof at not exceeding \$418,750; and that the unexpended balances of the appropriations heretofore made pursuant to said section 24 of the building act of May 30, 1908, are hereby made available for the construction of the said building for customhouse, appraisers' stores, and courthouse hereinbefore prescribed; and the Secretary of the Treasury is authorized and directed to enter into contracts for the construction of such building for customhouse, appraisers' stores, and courthouse at Wilmington, N. C., within the limit of cost hereinbefore fixed.

SEC. 10. Post office at Lancaster, Pa., \$80,000, together with the unexpended balance of the amounts heretofore appropriated for additional land and building; all to be available for the acquisition of a new site.

SEC. 11. That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site, or acquire it by condemnation or otherwise, in the city of Akron, Ohio, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the post office and other governmental offices, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed \$400,000. And the Secretary of the Treasury is hereby authorized, when said building is completed and occupied by the United States authorities, to sell the present post-office building and site in said city of Akron at public or private sale, after proper advertisement, on such terms as he may deem to be to the best interests of the United States, to execute a quitclaim deed to the purchaser thereof, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt: *Provided*, That said building and site shall not be sold for any sum less than \$100,000.

SEC. 12. That for the purpose of beginning the construction under the direction of a commission consisting of the Secretary of War, the Secretary of the Navy, and Superintendent of the United States Capitol Building and Grounds, and Ivory G. Kimball, representing the Grand Army of the Republic, of a memorial amphitheater, including a chapel, at the national cemetery at Arlington, Va., and in accordance with the plans of Carrere and Hastings, architects, of New York City, adopted by the commission heretofore appointed, there is hereby authorized the sum of \$250,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum herein named, but the building herein provided for shall be constructed so as to cost, complete, including heating and ventilating apparatus and approaches, \$750,000.

That said commission is hereby authorized to enter into contracts for the construction of said memorial amphitheater and chapel within the ultimate limit of cost above mentioned: *Provided further*, That the said commission may, in its discretion, expend, of the sum hereby authorized, not more than \$75,000 for the purpose of constructing a mortuary chapel, in accordance with the plans of Carrere and Hastings referred to in this act, or to locate the same elsewhere in and upon the Arlington estate, in pursuance of any other plan which may be approved by the commission for that purpose.

SEC. 13. That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to convey by quitclaim deed to the city of Oneonta, N. Y., for street purposes and no other, all the right, title, and interest of the United States of America in and to all or so much of a 10-foot strip of land off the South Main Street side of the Federal building site in said city as he may deem advisable for said street purposes.

SEC. 14. That the Secretary of the Treasury be, and he is hereby, directed to purchase a site, or acquire it by condemnation or otherwise, on land at a convenient point between the incorporated city of Las Vegas, N. Mex., and the incorporated town of Las Vegas, N. Mex., and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the post office, courthouse, and other governmental offices, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of \$125,000, and the post office herein provided for shall be used as a post office and courthouse and for other governmental purposes for both the incorporated city of Las Vegas and the incorporated town of Las Vegas, notwithstanding the general law requiring the maintenance of a post office in each county seat, and the authorization of \$15,000 made for the purchase of a site in the town of Las Vegas is hereby repealed.

SEC. 15. That a commission, consisting of the Secretary of the Interior, the Commissioner of Patents, and the Supervising Architect of the Treasury Department, be, and is hereby, created, which shall cause plans and estimates to be prepared for a building to accommodate the Patent Office of the United States, and report the estimated cost thereof to the Congress, provided that such plans and estimates be

prepared under the direction of the Secretary of the Treasury. And for the preparation of such plans and estimates a sum not to exceed \$5,000 is hereby authorized to be expended for employment of technical and engineering services in the Office of the Supervising Architect. That the foregoing authorization for the employment of technical and engineering services shall be in addition to and independent of the authorization and appropriations for personal services for the Office of the Supervising Architect otherwise made.

SEC. 16. That the Secretary of the Treasury be, and he is hereby, authorized and directed to sell, in whole or in part, the post-office site situated at Liberty Avenue and Sixteenth Street, in Pittsburgh, Pa., at public or private sale, after proper advertisement, at such time and on such terms as he may deem to be to the best interests of the United States, and to execute a quitclaim deed to the purchaser or purchasers thereof, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt: *Provided*, That all the land embraced in said site and shall not be sold for less than an aggregate of \$750,000.

SEC. 17. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site for a suitable building and approaches, for the use and accommodation of the United States post office and other governmental offices in the city of Newark, in the State of New Jersey, the cost of said site not to exceed the sum of \$800,000: *Provided*, That such site shall not be acquired until the Secretary of the Treasury shall have entered into a contract on behalf of the United States with a responsible purchaser for the sale of the site now occupied in said city by the post office at a minimum price of \$1,800,000, such contract to provide for the use by the Government free of rent of said site and buildings thereon for governmental purposes until the completion and occupation by the Government of a building upon the site herein authorized to be acquired: *And provided further*, That the sale of the present site and building thereon shall be made only after proper advertisement and at such time and upon such terms as the Secretary of the Treasury may deem to be for the best interests of the United States, and the Secretary of the Treasury is hereby authorized to execute and deliver to the purchaser a quitclaim deed. The balance of said proceeds in excess of the amount paid for the site is hereby authorized for the construction of a new building complete, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use of the United States post office and other governmental offices, said building to be erected on the site herein authorized to be purchased: *And provided further*, That the Secretary of the Treasury, in his discretion, may disregard the provision requiring 40 feet open space for fire protection.

SEC. 18. That the Secretary of the Treasury be, and he is hereby, authorized and directed to prepare designs and estimates for a fireproof national archives building containing not less than 1,500,000 cubic feet of space, suitable for the orderly storage of records, documents, and other papers which have accumulated in the various executive departments and independent establishments, and in the files of the Senate and House of Representatives and offices of the White House, and are not needed for current use.

That the said designs and estimates shall be prepared with a view to the erection of the said building in the city of Washington, D. C., upon a lot of land large enough to contain ultimately a building embracing 4,000,000 cubic feet of space.

That the said designs and estimates shall make provision for a building capable of subsequent extension without impairing its architectural appearance from a capacity of 1,500,000 cubic feet to a capacity of 4,000,000 cubic feet.

That upon the completion of the said designs and estimates the Secretary of the Treasury shall report to the Senate and House of Representatives the minimum cost of such a building and the minimum cost of a suitable site therefor conveniently located in the District of Columbia.

SEC. 19. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, the land adjoining the present Federal building site in Ardmore, Okla., extending from said site to A Street by a depth of 145 feet in A Street, at a cost not exceeding \$8,000, said sum to be paid out of the balance heretofore authorized for building and site in said city.

SEC. 20. That for the purpose of beginning the construction on the site heretofore procured of a suitable and commodious fireproof building for the accommodation of the United States Subtreasury and other governmental offices at St. Louis, Mo., the sum of \$200,000 is hereby authorized: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, and approaches, but exclusive of site, not exceeding \$1,000,000.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into contracts for the construction of a suitable building for said purpose within the ultimate limit of cost above mentioned.

SEC. 21. That the Secretary of the Treasury be, and he is hereby, authorized and directed to enter into a contract or contracts for the erection and completion of fireproof laboratories and other buildings suitable and necessary for the investigations of the Bureau of Mines, on a site hereinafter provided, in the city of Pittsburgh, Pa., within the total limit of cost hereinafter fixed.

That the said laboratories and other buildings shall be constructed under the direction of and in accordance with plans and estimates to be approved by a board consisting of the Director of the Bureau of Mines, the Chief of Engineers of the Army, and the Supervising Architect of the Treasury, and shall be so constructed as to cost, complete, with the necessary railroad sidings, approaches, plumbing, lighting, heating, ventilating and hoisting apparatus, and other necessary appurtenances, not to exceed the sum of \$500,000, of which amount the sum of \$250,000 is hereby authorized and shall be immediately available for the preparation of plans for said laboratories and other buildings and for carrying forward construction work. And the Secretary of the Treasury is hereby authorized to employ, without regard to civil-service laws, rules, or regulations, and to pay for at customary rates of compensation, out of this authorization, such technical and engineering services as may be recommended by the above board, to serve exclusively in the Office of the Supervising Architect of the Treasury Department to aid in the preparation of plans and specifications for and to supervise the construction of the work herein provided: *Provided*, That the foregoing authorization for the employment of technical and engineering services shall be in addition to and independent of the authorizations and appropriations for personal services for the Office of the Supervising Architect otherwise made.

That the Secretary of War be, and he is hereby, authorized to transfer to the city of Pittsburgh, Pa., or to the board of public education of the said city of Pittsburgh, for public use, that part of the United States arsenal grounds in the city of Pittsburgh lying between Thirty-ninth and Fortieth Streets and between Butler Street and the tract of land transferred by the Secretary of War to the custody and control of the Treasury Department for a marine-hospital site by an instrument dated June 1, 1904, under authority of the sundry civil act of March 3, 1903, the land to be transferred to the said city of Pittsburgh being more particularly described as follows: Beginning at the northwest corner of the said tract of land transferred to the custody and control of the Treasury Department, and running thence along Fortieth Street in a northwesterly direction to the intersection of said street and Butler Street, 1,117 $\frac{1}{4}$ feet, more or less; thence along Butler Street in a southwesterly direction to the intersection of said street and Thirty-ninth Street, 523 feet, more or less; thence along Thirty-ninth Street in a southeasterly direction to southwest corner of the said tract of land transferred to the custody and control of the Treasury Department, 1,100 $\frac{1}{4}$ feet, more or less; and thence along the westerly boundary of said tract of land in a northeasterly direction to the place of beginning, 523 feet, more or less; and containing 134 acres, more or less, on the transfer by the board of public education of the city of Pittsburgh, or by the city of Pittsburgh, to the United States, for the use of the Bureau of Mines, under the Department of the Interior, as a site for the erection of the laboratories and other buildings hereinbefore provided for, of the tract of land in the said city of Pittsburgh, known as the Magee High School site, and lying on Forbes Street and the Baltimore & Ohio Railroad, and more particularly described as follows: Beginning in the center of Boundary Street at its junction with Forbes Street and running north 87 degrees 36 minutes 45 seconds east parallel to Forbes Street for a distance of 536.2 feet, more or less, to a stone monument; thence running south 2 degrees 23 minutes 15 seconds east for a distance of 150 feet, more or less, to a stone monument; thence north 87 degrees 36 minutes 45 seconds east for a distance of 115 feet, more or less, to a stone monument; thence north 2 degrees 23 minutes 15 seconds west for a distance of 58.89 feet, more or less, to a stone monument; thence south 52 degrees 26 minutes 15 seconds east for a distance of 20.80 feet, more or less, to a pin; thence south 50 degrees 41 minutes 15 seconds east for a distance of 413.8 feet, more or less, to a pin; thence south 15 degrees 28 minutes 45 seconds west for a distance of 326.70 feet, more or less, to a pin; thence north 76 degrees 45 minutes west for a distance of 1,144.75 feet, more or less, to the center of Boundary Street; and thence along the center of Boundary Street north 28 degrees 15 minutes east for a distance of 444.38 feet, more or less, to the starting point, and containing an area of 11 $\frac{1}{2}$ acres, more or less: *Provided*, That before the above-described transfer by the Secretary of War to the city of Pittsburgh shall become effective, and as an express further consideration for said transfer, and for the surrender by the United States of a perpetual water supply now obtained from a reservoir located on the lands so to be transferred, the city of Pittsburgh, through its proper officers, shall covenant and agree, at its own expense, and within a reasonable time, to tap, within that part of the Pittsburgh supply depot and reservation between Butler Street and the Allegheny River retained by the United States, the 42-inch water main belonging to the said city which now crosses the said reservation under a revocable license, and thereafter to furnish, free of charge to the United States, all the water needed for all purposes upon the said reservation, and shall also agree to keep its own water main, pipes, hydrants, and other necessary appurtenances now located or hereafter to be located upon the same, in good condition and repair at its own expense.

SEC. 22. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, additional ground adjoining the present site of the post office, customhouse, and courthouse at Utica, N. Y., at a cost not to exceed \$35,000, and that for the purpose of beginning the enlargement, extension, remodeling, repairing, or improvement upon the present site and the enlarged site herein provided for of said post office, customhouse, and courthouse and other governmental offices in said building, the sum of \$180,000 is hereby authorized: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said enlargement, extension, remodeling, repairing, or improvement at the sum hereby named, but the enlargement hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, not exceeding \$363,000.

SEC. 23. That the employment is hereby authorized of an architectural designer at a compensation of \$6,000 per annum, a structural engineering expert at \$5,000 per annum, and a heating, lighting, and ventilating engineering expert at \$5,000 per annum, to serve in the office of the Supervising Architect of the Treasury Department, to assist the Supervising Architect in connection with the designing and standardizing of public buildings authorized to be erected under the control of the Treasury Department and the mechanical equipment thereof, and in connection with architectural and engineering work of said office of unusual magnitude or complication: *Provided*, That such services may be employed without regard to civil-service laws, rules, or regulations, and no person now in the employ of the Supervising Architect's office shall be eligible to such employment: *And provided further*, That the foregoing authorization for the employment of technical experts to assist the Supervising Architect shall be in addition to and independent of the authorizations and appropriations for personal services for the office of the Supervising Architect otherwise made.

SEC. 24. That the limit of cost for the construction of an immigration station at Baltimore, Md., is hereby increased by the sum of \$100,000 and such further sum as may be realized from the sale of the site heretofore acquired for said immigration station. That the piece of ground forming a part of the land acquired by the United States about the year 1836 as an addition to the grounds of Fort McHenry, in the State of Maryland, which is described as follows: "Beginning for the same at the intersection formed by the southwesternmost outline and the southeasternmost outline of the property of the Baltimore Dry Dock Co., as conveyed by George W. McCrary, Secretary of War, to Baltimore Dry Dock Co., March 26, 1879, and recorded in Liber F. A. P., 836, folio 557, of the records of Baltimore City, which point of beginning is the southernmost corner of said Baltimore Dry Dock Co.'s land; thence southeasterly binding on the said southwesternmost outline produced southeasterly in a straight line 230 feet to intersect a line drawn southwesterly from the northwest branch of Patapsco River parallel to the above-mentioned southeasternmost outline of Baltimore Dry Dock Co.'s land and 230 feet therefrom measured at right angles thereto; thence northeasterly reversing said line so drawn and binding thereon 585 feet, more or less, to the northwest branch of Patapsco River; thence northwesterly binding on said northwest branch of Patapsco River 238 feet, more or less, to the above-mentioned southeasternmost outline of Baltimore Dry Dock Co.'s land; thence southwesterly binding

on said southeasternmost outline of Baltimore Dry Dock Co.'s land, 642 feet to the beginning, containing 34 acres, more or less," be, and the same is hereby, set aside and designated as a site for the immigration station to be constructed at the port of Baltimore; and the Secretary of the Treasury is hereby authorized to acquire, by purchase, condemnation, or otherwise, sufficient land along the southwestern boundary of the lot ceded by the United States to the Baltimore Dry Dock Co. and through the land of the Baltimore & Ohio Railroad Co. for an outlet from said immigration site and grounds to the city streets beyond, the said outlet not to cost more than \$20,000, and to be paid for out of the funds authorized for said immigration station; and the Secretary of the Treasury is further authorized to contract and arrange for railroad facilities upon said outlet and immigration site; and the Secretary of the Treasury is further authorized and directed to sell, in such manner and upon such terms as he may deem for the best interests of the United States, the site heretofore acquired for said immigration station in the city of Baltimore, Md.; and to convey the last-mentioned land to such purchaser by the usual quitclaim deed.

SEC. 25. That for the purpose of beginning the enlargement, extension, remodeling, repairing, rebuilding, or improvement, upon the present site, of the United States post office and courthouse at Kansas City, Mo., so as to provide additional and necessary accommodations for the said post office, United States courts, and other governmental offices in said building, the sum of \$150,000 is hereby authorized: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said enlargement, extension, remodeling, repairing, or improvement at the sum hereby named, but the enlargement hereby provided for shall be constructed or planned so as to cost, complete, including fireproof vaults, heating and ventilating apparatus, not exceeding \$500,000.

That the Secretary of the Treasury be, and he is hereby, authorized to enter into contracts for the enlargement, extension, remodeling, repairing, and improvement of said building within the ultimate limit of cost above stated.

SEC. 26. That the Secretary of the Treasury be, and he is hereby, authorized and directed to accept for the United States, by donation, without expense to the United States, a suitable site for the use and accommodation of the post office and other governmental offices at Malden, Mass.

SEC. 27. That section 30 of the act of Congress approved June 25, 1910 (36 Stat. U. S. 696), authorizing the enlargement of the site for the new post office, courthouse, and customhouse at Honolulu, Territory of Hawaii, be, and the same is hereby, amended in so far as to provide that, in addition to the limit of cost fixed for such enlargement of site by said act, the unexpended balance of the original appropriation for site shall be available for the acquisition of said additional land, together with the further sum of \$75,000, which is hereby authorized to be expended from the amount heretofore authorized for the construction of said building, and the limit of cost for such additional land is hereby increased accordingly.

SEC. 28. That the Secretary of the Treasury shall require all owners or agents of sites in each city mentioned in this act, where sites or additions to sites are to be purchased, to submit offers of sale in writing. And in case a site or addition to a site acquired under the provisions of this act contains a building or buildings, the Secretary of the Treasury is hereby authorized, in his discretion, to rent until their removal becomes necessary such of said buildings as may be purchased by the Government, or the land on which the same may be located, where the buildings are reserved by the vendors, at a fair rental value, the proceeds thereof to be deposited in the Treasury of the United States, and a report of the proceedings to be submitted to Congress annually: *Provided*, That each site selected under the provisions of this act shall be bounded upon at least two sides by streets, unless otherwise specifically provided.

SEC. 29. That proposals for the sale of land suitable for all sites, or additions to sites, provided for in this act, respectively, shall be invited by public advertisement in one of the newspapers of largest circulation of said cities, respectively, for at least 20 days prior to the date specified in said advertisement for the opening of said proposals. Proposals made in response to said advertisement shall be mailed and addressed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

SEC. 30. That all buildings authorized to be constructed, enlarged, or extended under the provisions of this act shall, unless otherwise provided herein, be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys: *Provided*, That in exceptional cases and for good cause shown the Secretary of the Treasury may, in his discretion, reduce the open space to less than 40 feet and to any dimensions which he shall deem sufficient to afford fire protection.

THE SPEAKER. Is a second demanded?

MR. FITZGERALD. I demand a second.

MR. BURNETT. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

MR. FITZGERALD. I object.

THE SPEAKER. The gentleman from New York objects, and the Chair appoints as tellers the gentleman from Alabama [Mr. BURNETT] and the gentleman from New York [Mr. FITZGERALD]. Those in favor of seconding this motion will pass between the tellers and be counted.

The House divided; and the tellers reported—ayes 154, noes 30.

THE SPEAKER. The motion to suspend the rules is seconded. There will be 40 minutes' debate, 20 minutes to be controlled by the gentleman from Alabama [Mr. BURNETT] and 20 minutes by the gentleman from New York [Mr. FITZGERALD].

MR. BURNETT. Mr. Speaker, there are several gentlemen, members of the committee, who have asked for time, and for that reason I shall take only seven or eight minutes to explain this bill as briefly as possible. It carries about \$25,643,000.

It has been three years since a public-building bill has been passed. If we had had a bill a year ago, four or five million dollars less would have been necessary to be authorized in this bill.

This is not, as is often thought, an appropriation bill. It does not take presently any money out of the Treasury. It simply authorizes certain sums to be appropriated by the Appropriations Committee on the recommendation of the Secretary of the Treasury, and those appropriations will only be made and the money will only be taken out of the Treasury as the construction of the buildings, the improvement of buildings, or the purchase of sites demands.

It can not be said that this bill is for several reasons in a class with other appropriation bills. For instance, the river and harbor bill is an annual appropriation. As I have said, it has been three years since there has been any authorization for public buildings.

This bill authorizes the construction of a large building for the Geological Survey, the Bureau of Animal Industry, and many other of the offices of the Government in this city. That makes the amount of the bill much larger than it otherwise would have been.

The bill of three years ago carried an authorization for the making of plans and specifications for this building, but there was no authorization for any proposition to be constructed in this city.

Another large proposition is an amphitheater at Arlington, Va., which the committee thought was justified, and that was authorized.

MR. SPEAKER, we have tried to make the bill as fair as possible, considering the various divergent interests of Government service in all parts of the country.

I think this bill is authorized by the caucus action of the Democratic Party. Last summer there was a caucus, and in that caucus it was decided that the omnibus public-building bill should be postponed until this session. With the assurance of the leaders of the party that there would be a bill of this kind at this time, I feel that it would be a breach of faith on the part of our party to disallow it.

MR. SPEAKER, the various objects for which authorizations are made in this bill are as follows:

For increase of limit of cost (under sec. 1)	\$2,356,550
For enlargement, extension, and improvement (under sec. 2)	1,491,000
For buildings upon sites now owned (under sec. 3)	8,420,000
For new buildings and sites (under sec. 4)	9,072,500
For purchase of sites only (under sec. 5)	1,304,000
Under other sections	2,999,750

Total authorization 25,643,800

I reserve the balance of my time.

THE SPEAKER. The gentleman used three minutes and reserves the remainder of his time. The gentleman from New York [Mr. FITZGERALD] is recognized for 20 minutes.

MR. FITZGERALD. Mr. Speaker, I am opposed to this bill. I am not surprised that the gentleman from Alabama announced that he would describe it as briefly as possible. The less said about it, the better for the bill or those who support it. It can not be defended from any standpoint of public necessity. There are now authorized 289 projects which have not yet been started. Ninety buildings heretofore authorized will be started during the next year, and it will take three years to complete the buildings already authorized.

The sham economists who have been talking economy and advocating public-building bills, which fasten obligations upon the Treasury, should either quit talking economy or should attempt to stop the authorizations which make inevitable the expenditure unnecessarily of large sums of public money.

I denounce as indefensible this method of passing a public-building bill. It ties together everybody with an item in it, and makes impossible that scrutiny and close attention to the various items required in a bill coming from a committee appropriating public money.

In the 20 minutes allowed to the opponents of the bill for debate it will be impossible to review all the items in the bill or to do anything but call attention to them. The bill was reported Saturday and it is called up to-day—Monday—under suspension of the rules under which the bill must be taken in its entirety without opportunity for amendment and with only 40 minutes' discussion. It is impossible in the time elapsing since the bill was reported to obtain the information required in order to analyze the bill carefully and to understand its provisions. The report of the committee does not contain any information as to the population of the various places at which buildings are to be erected, the postal receipts of the various communities, or the expenses to which the Government is now subject.

All such information should be contained not only in the report but placed in the RECORD so that the country might be

informed of the manner in which it is proposed to expend \$25,000,000 for public buildings.

If these items could be scrutinized and challenged, many of them could not receive the approval of the House.

In the brief time available I have noted some of the items in this bill to which I wish to call the attention of the House. One for the erection of a building at Jasper, Ala., with a population of 2,500 people, to cost \$100,000. At Arkadelphia, Ark., a population of 2,745, the appropriation is to be \$55,000. Why should a town of 2,500 population get \$100,000 and a town of 2,700 population get \$55,000? The report gives no information. Rockville, Conn., with a population of 7,900, building is limited to cost \$55,000. Greenwich, Conn., with a population of 3,800, limit of cost \$90,000; Orlando, Fla., with 3,800 population, limit of cost \$60,000. Why the difference in the cost of these various buildings? At Las Cruces, N. Mex., the building is to cost \$125,000; the population is 3,836.

At Jellico, Tenn., the building is to cost \$70,000. The post-office receipts at Jellico last year were \$8,424.49, and the cost of rent, fuel, and lights and supplies for the service in rented buildings amounted to \$650. Three per cent on \$70,000, which is a permanent charge on the revenues, excluding the cost of maintenance and service in the building when completed, is \$2,100, or \$1,500 more than the present cost of providing adequately for the public service.

At Maryville, Tenn., with a population of 2,381, the limit of cost is \$60,000. The post-office receipts last year were \$8,183.50. The cost of rent, fuel, and lights in rented quarters the last year was \$400. Three per cent on \$60,000 is \$1,800, the permanent charge, regardless of cost of maintenance, an increase of \$1,400 over the amount required for the proper conduct of the public service.

At Buffalo, Wyo., a town of 1,368 people, the limit of cost is \$62,500.

For a post office at Willows, Cal., with a population of 1,100, the limit of cost is \$75,000 for the building. At Glenwood Springs, Colo., 2,000 population, there is to be appropriated \$100,000 for a building.

At Marianna, Fla., with 1,900 population, \$70,000 is provided for the building. At Marion, Ky., a town of 1,627 persons, the limit of cost is \$70,000. At Leominster, Mass., a town of 17,000 inhabitants, the limit of cost is \$90,000. Bad Axe, Mich., 1,500 population, the limit of cost is \$55,000.

Bellefourche, S. Dak., a town of 1,300 population, the cost is \$75,000.

For a post office at Norton, Va., with a population of 1,800, \$75,000. At Burlington, Wis., with a population of 3,200, \$70,000.

I come now to the purchase of sites upon which public buildings will be authorized in the future.

Paintsville, Ky., population of 942, \$5,000 for a site.

Hodgenville, Ky., with a population of 744, \$5,000 for a site.

Mr. JAMES. Oh, the gentleman is mistaken. Hopkinsville has a population of 8,400.

Mr. FITZGERALD. I am talking about Hodgenville.

Mr. Speaker, this bill contains another innovation. It provides for the construction of a post-office substation in the city of Chicago. I have not been able to ascertain that Congress has ever heretofore erected a postal substation in any city. They are rented. Buildings are erected by private parties and leased to the Government. Never before has the Committee on Public Buildings and Grounds yielded to the demand for substations. I understand, however, that this bill has been so scientifically prepared that it can not be defeated. [Applause and laughter.] The Members on this side will note the alacrity with which Republicans, most of whom have been turned out because of their betrayal of the public trust, applaud that statement. [Laughter.]

Provision is made in the bill for a commission to prepare plans for the construction of a new office for the Patent Office, and no limit of cost is suggested. And yet, Mr. Speaker, the sundry civil bill carries an appropriation for an addition to the building now occupied by the Patent Office, which will furnish ample accommodations and save more than a million dollars. There is no need for another building if the present building be properly arranged and enlarged.

The report accompanying this bill states that nothing was done for Washington in the public-building bill three years ago. That is erroneous. Three years ago authority was given to spend \$200,000 to prepare plans for three great departmental buildings in this city. The plans have practically all been prepared. These buildings are not placed in this bill at this time. Are they to appear in it later, before the session is over?

Let me call attention to an item in my own State. I do so because this bill should be discussed upon the merit of the items, not the criticism of individuals. In New York, near

enough to where I live to attract my attention, is a situation that shows how the public-building bills become indefensible. In 1906 a site and public building were authorized for the city of Yonkers, just north of the line of New York City, to cost together \$170,000. The law has been changed from time to time until in this bill the limit of cost of site alone is placed at \$250,000, and the limit of cost upon the building is placed at \$250,000 additional, so that instead of expending \$170,000 in a community of about 80,000 people, with an income of about \$13,000 in postal receipts, this Congress now proposes to expend \$500,000. Certain information was sent to me from some of the officials of the city—Democratic officials—protesting against this legislation, with which I declined to be burdened, because I knew that under the procedure by which this bill was to be brought before the House it was impossible to discuss any of the various items upon their merits. I believe that the greatest reform the Democratic House can institute, next to defeating such indefensible bills as this one, is to prohibit recognition for the suspension of rules to pass bills of this character. I desire to say to this side of the House that you are placing burdens upon the Treasury for five or six years beyond the present time which will plague you in the future. These items can not be defended. This side of the House will have to meet the record and the charges that will be made after this bill passes. I do not appeal for the defeat of this bill particularly because these items may or may not be defended on their merits, but because nobody can justify authorizing obligations to erect public buildings which can not possibly be commenced inside of three years. This legislation is merely to gratify the unjustifiable desires of communities, or to permit Members to go back to their districts and to assure their constituencies that they have obtained for them improvements which are claimed to be necessary, but which will not be of any value or of any service for four or five years. The bill should be defeated. Its passage can not be justified.

How much time have I used, Mr. Speaker?

The SPEAKER. The gentleman has used 12 minutes.

Mr. FITZGERALD. Mr. Speaker, I reserve the balance of my time.

Mr. ROBERTS of Massachusetts. Mr. Speaker, will the gentleman yield to me to make a request for unanimous consent?

Mr. FITZGERALD. Mr. Speaker, I yield the gentleman one minute.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I ask unanimous consent to strike from the bill an item with regard to my own district, on page 22, lines 11 to 16, inclusive.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to strike from the bill the language which the Clerk will report.

The Clerk read as follows:

Page 22, line 11:

"United States post office at Malden, Mass., on a site to be donated, \$90,000: Provided, That the construction of such building shall not be begun until the site for the same has been donated, and title thereto accepted by the Secretary of the Treasury as provided in section 26 of this act."

The SPEAKER. Is there objection?

Mr. AUSTIN. Mr. Speaker, reserving the right to object, I wish to ask the same privilege for every other Member of this House who is opposed to this bill, that he be allowed to strike from it the proposition that affects his own district.

Mr. BATHRICK. Mr. Speaker, I will ask the gentleman from Massachusetts if he introduced a bill for this project?

Mr. ROBERTS of Massachusetts. I introduced a bill calling for a respectable building, not for a \$90,000 building to be placed on a \$40,000 site to be donated.

Mr. BATHRICK. And the gentleman wants more money instead of less?

Mr. ROBERTS of Massachusetts. I want more money, instead of less, or I want none.

The SPEAKER. The time of the gentleman from Massachusetts has expired. The gentleman from Tennessee asks unanimous consent to amend the request of the gentleman from Massachusetts, by providing that any Member shall have the privilege of having stricken from the bill every item in his own district. Is there objection?

Mr. MANN. Mr. Speaker, I think that is an impracticable way of legislation; hence I object. Gentlemen can make the request for themselves, if they desire. I object.

Mr. ROBERTS of Massachusetts. Mr. Speaker, I renew my request.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to have stricken from the bill the language which was reported by the Clerk. Is there objection?

Mr. RAKER. Mr. Speaker, I object.

The SPEAKER. The gentleman from California objects. The gentleman from New York reserves the rest of his time, seven minutes.

Mr. BURNETT. Mr. Speaker, I yield five minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, during the time of my service in this House I do not recollect a bill of this character ever coming into the House for consideration that some gentlemen from some large city, where they have procured all of the public buildings necessary for the transaction of public business, did not rise and object. I am not going to detain this House long, but I propose to show in the few moments that I have the utter fallacy of the argument of the gentleman from New York [Mr. FITZGERALD]. If he does not know any more about some other things than he knows about these particular items or some of them that he has called to the attention of the House, then the gentleman's ignorance upon some questions would be so densely dark that Egyptian midnight would not be in a class with it. [Laughter.]

The gentleman refers to Jasper, Ala., as a town of 2,500 people which has been given \$100,000 for a site and a building. The gentleman did not tell you that terms of the Federal court are held at Jasper, Ala., and that this authorization takes care of not only the post office but the Federal court which meets in that town.

Mr. FITZGERALD. No; and the gentleman's report does not show it either.

Mr. CLARK of Florida. It does not make any difference about the report; that is the fact, which the gentleman could ascertain.

Mr. CLAYTON. The bill shows it.

Mr. CLARK of Florida. The bill says "United States post office and courthouse, at Jasper, Ala." You will find it on page 11; and the gentleman could have obtained that information by inquiring at the Department of Justice.

Mr. FITZGERALD. The gentleman knows this bill was reported Saturday and was available to-day.

Mr. CLARK of Florida. Then, I want to call the gentleman's attention to another matter. The gentleman made a comparison between that town and the town of Arkadelphia, Ark., where \$55,000 was appropriated for a building. That is simply a post office; there is no court at Arkadelphia, and that makes the distinction between those two towns. The gentleman then referred to Greenwich, Conn., and compared it with a town in my district—Orlando, Fla. He referred to the fact that Orlando had only 3,894 population. That was under the census of 1910. The city of Orlando to-day has fully a population of more than 6,000 and a winter population of at least 20,000 or 25,000, and the postal receipts are twenty-odd thousand dollars. The gentleman referred to Buffalo, Wyo., but he did not tell you that there was a land office at Buffalo, and that was to be taken care of by this authorization.

The gentleman referred to Marianna, Fla., as a small town of 1,900 or 2,000 population, but the gentleman did not tell you that the Federal court is held at Marianna, and that we were building a courthouse as well as a post office at that place. So far as Yonkers, N. Y., is concerned, the gentleman who lives there [Mr. ANDRUS], a member of this committee, is not here; but the fact is, as stated by Mr. ANDRUS, and it supports, Mr. Speaker, the very idea which some of us contend for, that we ought to have annual public building bills, because real estate is advancing at such a rate it is economy for the Government to buy sites in all these towns throughout this country at the earliest opportunity. Mr. Speaker, this bill has been gone into with the utmost care. I admit there are perhaps one or two items in the bill that do not exactly come up to the rules, but in all of these instances there are some peculiar facts which take them out of the rule.

Mr. Speaker, as has been said, it has been three years since an omnibus public building bill has been passed, and during these three years there has been a growth in the country and an enhancement of real estate values, such as has never before been witnessed in a like period in the history of the Republic. As a Democrat, I believe in retrenchment in governmental expenditures, but I believe in sane, common-sense retrenchment, and not in the senseless retrenchment demanded by the yellow journals of the land and the alleged economists in this House. This is the greatest Government on the earth to-day, and this Republic should not occupy the position of tenant anywhere within the confines of its great domain. I want to live to see the day when the Government of the United States will not house a single officer or employee in rented quarters, and I want to see this day come for two reasons:

First. Because from a business standpoint I am convinced that it will be infinitely cheaper for the Government to own all of the property necessary for the transaction of its business than it will be to pay rent; and

Second. Because the occupancy by its officials of buildings owned by the Government inculcates among the people of the various sections of the country a spirit of patriotic pride which is not measureable in dollars and cents. We can save money for the people by occupying our own buildings, and we can knit the affections of the people all over this glorious land in a closer bond of union by rearing in their midst an edifice for the transaction of the public business which, while being useful, will at the same time remind them of the majesty, the glory, and the power of this great Republic.

But, as to this bill, Mr. Speaker, as I have intimated, there may be four or five items in the bill which do not come strictly within the rule, and it would be little short of a marvel if this did not occur in the drafting of a bill of this character. I shall call attention to some more of them, however, which it is claimed should not have been included in this bill and endeavor to demonstrate that the objections made are not well founded.

Rockville, Conn., is referred to as a place of 7,900 population, where \$55,000 is authorized; Greenwich, Conn., is referred to as a place of 3,800 population, where \$90,000 is authorized; and Orlando, Fla., is referred to as a place of 3,800 population, where \$60,000 is authorized; and then the question is asked, "Why the difference in the cost of these various buildings?" The figures are not quoted correctly with reference to these three cities. While Rockville, Conn., has a population of 7,977, the postal receipts for the last fiscal year amounted to only \$18,671, whereas Greenwich, Conn., as shown by the last census, instead of having a population of only 3,800, had a population of 16,463, and the postal receipts for the last fiscal year amounted to \$40,856. While it is true that the last census gives Orlando, Fla., a population of only 3,894, that place to-day easily has a population of more than 6,000 people, and the postal receipts for the last fiscal year amounted to \$28,687. Each of these places already had a site, and when you consider the difference in postal receipts you will at once see that there has been no discrimination.

Las Cruces, N. Mex., while having, according to the last census, 3,836 population, it must be remembered that terms of the Federal court are held there, and that the United States land office is located there.

At Willows, Cal., in addition to the post office, officials in the Forest Service and animal industry had to be housed.

At Glenwood Springs, Colo., in addition to the post office, there is the United States land office and officials in the Forest Service for whom quarters must be provided.

At Leominster, Mass., the postal receipts for the last fiscal year amounted to \$37,242, and at Bad Axe, Mich., the postal receipts for the last fiscal year amounted to \$1,079.67. The bill carries \$90,000 for the purchase of a site and the construction of a building for a post office at Leominster and \$55,000 for the purchase of a site and the construction of a post-office building at Bad Axe; and both these items are clearly within the rule, and are therefore justifiable.

While Bellefourche, S. Dak., is a comparatively small town, the United States land office is located there and officials in the Reclamation Service are located there.

At Norton, Va., in addition to the post office, is a mine-rescue station.

At Burlington, Wis., the postal receipts for the last fiscal year amounted to \$11,993, and the authorization of \$70,000, being for the purchase of a site and the construction of a building, is well within the rule under which the committee has acted for many years.

Objection to the bill is made because it carries an authorization for the purchase of sites at \$5,000 each at Nephi, Utah, and Newcastle, Wyo. Both of these are small places, but at the former place, in addition to the post office, is located a branch of the Forest Service; while at the latter place, in addition to the post office, it is a county site and the trading place of a vast territory, and is growing at a remarkable rate. This place, Newcastle, may be taken as typical of the few places which do not come strictly within the rule. While the last census showed a population of only 975 persons for Newcastle, the committee had indisputable testimony that the present population was fully 1,900, and the postal receipts for the past two quarters showed such gains as clearly indicated that the minimum of receipts which would entitle the town to a building would be reached long before another public-buildings bill will be presented to Congress. In fact, Mr. Speaker, in every case where a site was authorized at a town which did not come up to the rule in the matter of postal receipts, the committee was convinced by proper testimony that the limit would be reached before, in the usual course, Congress could be called upon to provide for a building. Gentlemen must understand that while the Committee on Public Buildings and Grounds in framing an omnibus public buildings bill considers

the question of population that is not the controlling factor. We give more consideration and weight to the amount of business done at the particular place and the number of the branches of the public service to be cared for.

Gentlemen must also remember that in the West and South, where most of the authorizations complained of are situate, the towns as a rule are small and scattered, but that they are generally the center of a large territory, and that therefore it is unfair to count when measuring their importance only those people who happen to live within the corporate limits of such towns. Gentlemen should also remember that in the West and South our towns are growing by "leaps and bounds," and they should further keep in mind that the changes in our postal service, and particularly the establishment of the parcel post and the postal savings banks, demand more space and better quarters for the transaction of the public business in this great department of the Government. I desire, also, Mr. Speaker, to remind gentlemen that it has been three years since we have had a public buildings bill; that it will probably be three years before any appreciable percentage of the total amount authorized by this bill will have to be appropriated and that therefore all this talk about this bill being instrumental in creating a deficit is simply "moonshine" and nothing more.

In conclusion, Mr. Speaker, I desire to repudiate the imputation that this is a "pork barrel" bill. Yellow journals and alleged Congressional economists indulge in that kind of talk whenever any legislation is sought or governmental function invoked in the interests of those who do not happen to live in the great cities, but the people understand this, and they are perfectly willing to be taxed in order to have their business conducted decently and in order and in quarters commensurate with the dignity of the greatest country on the earth.

The SPEAKER. The time of the gentleman has expired.

Mr. BURNETT. Will the gentleman use some of his time?

Mr. HARDWICK. We have used 13 minutes.

Mr. BURNETT. I yield three minutes to the gentleman from Kentucky [Mr. CANTRILL].

Mr. CANTRILL. Mr. Speaker, I simply want to answer the criticism of the gentleman from New York in reference to two or three items in Kentucky. He called special attention to Hodgenville and the small population of that town. Hodgenville is the birthplace of Abraham Lincoln, where there has been a magnificent memorial erected, and this committee thought it was but right that a slight token on the part of the Nation in the way of a site in this bill should be made at that point. The people of this Nation donated out of their own pockets a memorial to the birthplace of Abraham Lincoln, and that explains that item.

He called attention to Pikeville and Paintsville; the census of those towns was issued in 1910, and those towns have almost doubled in population since that time. They are in the center of the very richest mineral section in the United States, and railroads within the last year have just gone into that section, and it is the part of economy on the part of this House to donate the small sum of \$5,000 for the purchase of sites at this time in those towns, because within the next two or three years they will be magnificent towns. And furthermore I want to say that these two or three items to which attention has been called are in eastern Kentucky. Eastern Kentucky is represented by two Representatives upon this floor, and in the two districts represented by them there is but \$40,000 carried in this bill. It covers in area one-half of Kentucky, and as the Democratic member on that committee I thought it was but fair that my colleagues should have this small allotment only for the purchase of sites, not for a building, in the richest mineral section in the United States that within the next few years will bring large postal receipts into the Government. I think the gentleman's criticism is unfair and unwarranted and I think that when gentlemen upon this side of the House understand the situation that they will stand by the committee in support of these few little items in the bill. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. BURNETT. I ask the gentleman from New York [Mr. FITZGERALD] to use some of his time.

Mr. FITZGERALD. I have only one speech.

Mr. BURNETT. Then I will yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I appreciate the splendid service that the distinguished gentleman from New York [Mr. FITZGERALD] renders to the country and the House of Representatives as the head of the great Committee on Appropriations in this House, but I deny his right as a Member of this House, on every occasion, in season and out of season, to lecture his colleagues and peers about what they stand for, what they advocate, or how they intend to vote. We are all equals. We are all here with the sincere desire to promote and advance

the best interests of our common country, and I challenge the gentleman's right to lecture his colleagues on either side of the House, calling them to the attention of the country in a spirit that is not fair, to say the least. We are acting here under the same oath that was administered to the gentleman from New York [Mr. FITZGERALD], and we deny his right as the public guardian of the National Treasury to lecture us on every possible occasion in voting for appropriation bills.

Mr. FITZGERALD. I did not expect it would have any effect on the gentleman from Tennessee. His record is too well known.

Mr. AUSTIN. I will let my colleagues on the floor of the House be the judges as to whether my record here is good or bad, and shall not permit the gentleman from New York to pass upon that question as the sole and only judge. I am coming back here by an increased majority every time, and that is an indication that my service is approved and appreciated by the people at home. [Applause.] And if I had as much for my district as the gentleman has for Greater New York in public buildings, harbor improvements, fortifications, and navy yard, I would not have the nerve to criticize my colleagues.

Now, the gentleman has called attention to two items in this bill in the district which I represent. One of them is Jellico, and he failed to give the House the information that the coal mines of that splendid mineral section are situated in that portion of eastern Tennessee and Kentucky, where the Bureau of Mines must locate and house a mine rescue station. At Maryville, on account of the acquisition of the Appalachian Forest Reserve, we need quarters for the officials of that department. In criticizing Norton, Va., in the district so well and faithfully represented by Mr. SLEMP, the gentleman overlooked the fact that a mine rescue station was to be located at that point. There is sufficient reason and justification for every item in this bill, and I say as a Republican Member of this House that a fairer bill was never drawn nor one that was more absolutely just to the minority side. And as compared with the bill reported by the last Republican Congress, this bill is in the line of retrenchment and reform, in spite of the declaration of the gentleman from New York, the leader of the Democratic side in charge of appropriations. [Applause.]

There is not a more conservative or more economical Member of Congress than the gentleman's colleague from New York [Mr. ANDRUS], who resides in Yonkers. He has been prudent and careful and painstaking in every item contained in this bill, and I defend him from the charge of improper motives or a failure to represent the interests of the people in the item in reference to Yonkers.

Mr. FITZGERALD. I did not charge any improper motives against the gentleman.

Mr. AUSTIN. The gentleman's criticism was unjust and unfair to his colleague [Mr. ANDRUS].

Mr. FITZGERALD. It was not unjust.

Mr. AUSTIN. And it is doubly unfair, because he is not here to defend himself as to the item.

Mr. FITZGERALD. I had no knowledge of his absence.

Mr. AUSTIN. The gentleman has good eyesight.

Mr. FITZGERALD. I say to the gentleman from Tennessee that if he were present I would say what I said concerning the Yonkers item in his absence. And I wish to say that the officials of the city of Yonkers are protesting against this item.

Mr. AUSTIN. This is a fair and just bill. It is an easy matter for the gentleman from New York [Mr. FITZGERALD] and others who are opposing this bill to stand here and ask us to vote millions of dollars for river and harbor improvements, for fortifications, for the Army, for the Navy, for reclamation projects; but on this bill they cry economy. [Applause.]

Mr. BURNETT. How much time have I left?

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] has four minutes, and the gentleman from New York [Mr. FITZGERALD] has seven.

Mr. BURNETT. I yield the balance of the time to the gentleman from Georgia [Mr. HARDWICK].

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] is recognized for four minutes.

Mr. HARDWICK. Mr. Speaker and gentlemen of the House, it is no easy matter to oppose a bill of this kind, when one's colleagues, who are his warm personal friends, are deeply interested in the measure. But it seems to me that I would fail to measure up to my own standard of duty, on this occasion, if I did not point out to the Members of this House some objections that induce me to oppose this bill.

I believe honestly and candidly that this is the worst bill of its kind that was ever reported to an American House of Representatives. [Applause.] Gentlemen, I say that without intending to give offense, and yet with the utmost frankness. There are things in this bill that no one can defend.

A MEMBER. What are they?

Mr. HARDWICK. Well, I will tell you: The appropriation of thousands of dollars to buy sites and erect buildings in towns of seven or eight or nine hundred population; the appropriation of other thousands in towns that do not come up to any of the rules and requirements that have ever prevailed on this subject in this House in any preceding Congress.

What have you done? For years every one of us has gone home—every one on both sides of this Chamber—and told our constituents that unless a town had at least \$10,000 postal receipts the Representative would have but little chance to get a public building here. Hereafter none of us will be able to make such a defense against local demands. If any town of a few hundred population and a few thousand postal receipts, in any district, in the North or in the South, in the East or in the West, makes a demand for a public building, the Representative of the district in which that town is situated can make no such reply.

Mr. AUSTIN. Mr. Speaker, will the gentleman name a town of that size that is carried in the bill?

The SPEAKER. Does the gentleman yield?

Mr. HARDWICK. I can not yield, but I will name them soon enough. I can not yield to the gentleman from Tennessee or to anybody else.

The SPEAKER. The gentleman declines to yield.

Mr. HARDWICK. They have already been named by the gentleman from New York [Mr. FITZGERALD]. Two of them have been located in the State of Kentucky, and there are several not much larger in the State of Tennessee.

Mr. AUSTIN. Mr. Speaker—

Mr. HARDWICK. I can not yield.

The SPEAKER. Does the gentleman yield?

Mr. AUSTIN. The gentleman puts me at a disadvantage when he declines to yield and makes a misstatement.

The SPEAKER. Does the gentleman yield?

Mr. HARDWICK. The gentleman should take his seat. I can not yield.

The SPEAKER. The gentleman from Georgia declines to yield.

Mr. HARDWICK. The gentleman from Georgia will not make a misstatement. On the contrary, Mr. Speaker, I repeat the statement I made, that here it is proposed to appropriate in this bill for \$5,000 sites in two towns of less than 1,000 population, and I take it that even the gentleman from Tennessee [Mr. AUSTIN] has got common sense enough to know that the Government of the United States is not going to buy a lot in a town unless it commits itself to the proposition of erecting a building there.

Now, gentlemen, not only that, but there are still other towns where the rental of buildings is a mere bagatelle compared with the interest on the cost of a Government building; where the interest on the cost of a building that you will erect and the cost of the lot largely exceed the rental value of perfectly suitable quarters. You are proposing to spend some of this money in such places.

But I know this bill is destined to pass this House. It is so constructed. It is rock-ribbed, moss-covered, and copper-bound. [Laughter.] There are enough Members on both sides and on all sides and in the middle and in the rear of this Chamber who are well provided for in this bill to carry it. I impute no unworthy motives to them, but they are bound to see that this bill passes.

But, gentlemen, I submit to you that each one of you in your heart of hearts knows that this bill is not right; that instead of being in the interest of the public service and of the people of the United States it is in the interest of the political fortunes of individual Members of Congress on both sides of this big aisle.

What will you be up against? Hereafter when a town of 1,000 or 2,000 people in your district demands that you at least give them a site, even if the total postal receipts are not more than two or three thousand dollars a year, you can no longer tell them that the House of Representatives and the Senate of the United States will not allow it. You have got to promise it, or some aspiring contestant who is rasher and more prodigal as to promises than you are will promise it, and the place that once knew you will know you no longer.

Mr. CLARK of Florida. Will the gentleman let me ask him a question?

Mr. HARDWICK. Not now.

The SPEAKER. The gentleman declines to yield.

Mr. CLARK of Florida. Just one question.

Mr. HARDWICK. All right.

Mr. CLARK of Florida. Did not the gentleman introduce in this House himself a bill to appropriate \$60,000 to purchase a site and put up a building in his own town?

Mr. HARDWICK. Undoubtedly; and I am glad the gentleman asked me the question. My colleague upon the committee, the gentleman from Georgia [Mr. RODDENBERRY], knows full well what the facts are.

Upon information from an unofficial source that the postal receipts of my home city were \$10,000 a year, or in that neighborhood, I introduced such a bill. When it appeared that the receipts were but \$7,600 I went to my colleague, the gentleman from Georgia [Mr. RODDENBERRY], a member of this committee, and said to him, "I do not think I am entitled to it; I had thought the receipts were about \$10,000 a year when I introduced the bill." He then said, "We have gone far below that amount; we have gone away below that, and under any rule that this committee has adopted you are entitled to it."

I was willing to give it up, and I told him if he thought it was right to do it, to go to the chairman and ask him to strike it from the bill. Gentlemen, there are 30 or 40 items, I believe, in this bill that are very much lower than the one you have put in for me.

Mr. ASHBROOK. You are mistaken.

Mr. HARDWICK. A dozen, at least.

Mr. CLARK of Florida. Point them out.

Mr. SABATH. There are more than a dozen.

Mr. HARDWICK. The gentleman from Illinois [Mr. SABATH] says there are more than a dozen. I will now undertake to specify a few of them, at least.

The bill carries an appropriation of \$5,000 for a site at each of the following places, the names, population, and postal receipts of which I give from the official information furnished the Committee on Public Buildings and Grounds by the Post Office Department:

Albertville, Ala.; population, 1,544; postal receipts, \$4,496.
Attalla, Ala.; population, 2,513; postal receipts, \$4,516.
Nogales, Ariz.; population, 3,514; postal receipts, \$6,516.
Brinkley, Ark.; population, 1,740; postal receipts, \$6,284.
Toccoa, Ga.; population, 3,120; postal receipts, \$5,638.
Canton, Ga.; population, 2,002; postal receipts, \$7,573.
Marengo, Iowa; population, 1,786; postal receipts, \$7,086.
Paintsville, Ky.; population, 942; postal receipts, \$3,753.
Pikeville, Ky.; population, 1,280; postal receipts, \$5,120.
Prestonburg, Ky.; population, 1,120; postal receipts, \$2,444.
Murray, Ky.; population, 2,089; postal receipts, \$5,531.
Hodgesville, Ky.; population, 744; postal receipts, \$3,230.
Rutherfordton, N. C.; population, 1,062; postal receipts, \$5,320.
Mount Olive, N. C.; population, 2,789; postal receipts, \$7,361.
Dillon, S. C.; population, 1,757; postal receipts, \$7,436.
Gilmer, Tex.; population, 1,484; postal receipts, \$5,964.
Nephi, Utah; population, 2,759; postal receipts, \$4,407.
Newcastle, Wyo.; population, 975; postal receipts, \$3,973.

Also, the following appropriations for sites:

For Central City, Ky., \$7,500; population, 2,545; receipts, \$5,635.
For Eminence, Ky., \$8,000; population, 1,274; receipts, \$3,659.
For Elizabethtown, Ky., \$7,500; population, 1,970; receipts, \$6,896.
For Centralia, Mo., \$7,500; population, 2,016; receipts, \$6,561.
For Huntingdon, Tenn., \$2,000; population, 1,112; receipts, \$4,304.
For Rogersville, Tenn., \$3,000; population, 1,242; receipts, \$6,757.

So that it seems that there are at least 24 propositions in the bill that are much more indefensible than the one for my own town, Sandersville, Ga., and I have already explained to the House exactly what the facts are in connection with that item and my own conduct with reference to it.

That, however, is not of great importance except to myself. The real important thing is that the demonstration is complete that the bill we are about to pass is about the worst pork bill ever presented to this House. It is not based on the necessities of the public service; it is not based on any sound principle. It embarks us on a policy that will cost this country untold millions, much of it extravagantly and wastefully spent, unless it be checked somewhere.

On the list I have given are 3 villages of less than 1,000 population, 13 others of less than 2,000 population. There are 8 propositions where sites are appropriated for villages whose yearly postal receipts are less than \$5,000 and 24 instances where the yearly postal receipts are less than \$7,600.

Ah, gentlemen, our chickens are bound to come home to roost some day. You can not make these precedents without inviting, yea, urging, every village in every district in the United States to join in a gigantic raid on the Treasury in the years to come. I favor an efficient administration of the Government in its every department. I would not cripple a single department of our great Government by false or foolish economy; but when we know, as we do, that in the cases of these small villages that these public buildings are not necessary and not to be erected in the interest of the public service—for there is hardly a case in which the interest on the money we will spend for sites would not pay the yearly rental of suitable post-office quarters—then I insist the time has come to call a halt.

I can not vote for the bill. Talk is about the cheapest thing I know. I call on some of these gentlemen who for weeks and months have been posing as economists, denouncing battleships, denouncing river and harbor bills, holding up this appropriation bill or that for reasons of "economy," to join us in an effort to defeat this bill, even if we do lose some "pork" for our districts. I dispute the contention of the committee that the Democratic caucus ever instructed us to pass a public-building bill at all; certainly no caucus has ever favored this bill. I dispute the contention that this sort of "job" has been put up on the country before. If so, when? If so, does that justify us in another raid?

I know this bill will pass, but it will not do so except against my vote and over my protest, and I expect to find lined up and voting for it some of the gentlemen on this side who have been loudest in their shouts for economy.

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. HARDWICK. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] has four minutes remaining.

Mr. BURNETT. Mr. Speaker, I ask that all who have spoken on this question be allowed to extend their remarks in the RECORD, and that any member of the committee who has not spoken be given the same privilege.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all gentlemen who have spoken and all members of the committee who have not spoken have the privilege of extending their remarks. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, that would not include other Members of the House outside of the committee?

The SPEAKER. It would not. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LANGLEY. I ask the same privilege.

Mr. SABATH. I ask the same privilege.

Mr. ROBERTS of Massachusetts. I ask the same privilege.

Mr. HUGHES of West Virginia. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to these various requests?

Mr. GOLDFOGLE. I make the same request.

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] asks to be included in this request. Is there objection?

Mr. MANN. I ask for the regular order now.

The SPEAKER. The gentleman from Illinois demands the regular order, which is equivalent to an objection.

Mr. MANN. No; I do not object to the requests which have been made.

The SPEAKER. Is there objection to these requests?

There was no objection.

Mr. RODDENBERY. Mr. Speaker, everybody knows, even Members who did not have towns big enough to get in the bill, that the public buildings bill is not an appropriation bill. It does not appropriate a dollar. It does fix the projects for which the Appropriations Committee may in future appropriate and as the funds in the Treasury will warrant. Last year at two meetings the Democratic caucus directed that this bill be brought in at this session instead of at that session. The Public Buildings Committee, in obedience to that caucus instruction, brought in this bill. Over two-thirds of the House will obey the caucus instruction and pass the bill. It is a bill providing for many needed public improvements that touch millions of our citizens. It is not in the interest of the Steel Trust and other big grafting business. It is for the people. There were items of about \$5,000,000 total which I thought should be deferred, and moved to do so, but the judgment of the committee did not agree with mine.

Mr. LANGLEY. Mr. Speaker, the gentleman from New York [Mr. FITZGERALD] has seen fit to criticize the provision for a site at Paintsville, which is in the district I represent, and the remarks of the gentleman from Georgia [Mr. HARDWICK] were evidently directed in part to the items in the bill for that district. Of course, I accord to these gentlemen and the other

opponents of the bill the utmost good faith in the stand they have taken. They simply do not understand fully the situation, at least so far as my district is concerned. In the first place, there is not a single public building in the district; not even a site for one has heretofore been provided for, nor is there a public work of any kind erected by the Federal Government. It is a mountain district, situated in that wonderful region in eastern Kentucky, which includes the upper valleys of the Big Sandy, Kentucky, and Licking Rivers, so rich in mineral resources, and which has the greatest coal field in the world. As my colleague, Mr. CANTRILL, whose fairness and unselfish aid to that section of the State we all appreciate, has already stated, the Big Sandy Valley, where Pikeville, Paintsville, and Prestonsburg are located, is in the heart of that region which is just now being developed. Hundreds of coal operations have recently started up. Thousands of people have come there from other sections during the past two or three years. Railroad building is progressing on an extensive scale. Millions of capital are being invested. The time is not far distant when the mountains of eastern Kentucky will be the richest and most populous section of the State. Gentlemen have referred in their criticisms to the population as shown by the census reports of 1910. That is no criterion for these cases. An analysis of those reports discloses the fact that the increase in Kentucky's population for the preceding decade was almost wholly in that section, and the increase has been still more rapid there since that census was taken. In some of these places the population has nearly doubled in the past three years, and the amount of business has, of course, increased in like proportion. Why, Mr. Speaker, there is in that section one city that I have in mind with a population of over 2,000, the site of which was covered with forest when the census of 1910 was taken, and two years from now it will probably have a population of 10,000. I could give other instances almost as remarkable. Not only that, Mr. Speaker, but we shall shortly have need for public buildings in that mountain section for many purposes other than post-office work. I expect that in the not distant future we shall have a weather bureau station, and a mine rescue station, and a fish hatchery, and a good many other Government establishments at different points in the mountains. Moreover, the Federal court business is larger there than in any other section of the State and is growing rapidly, and we shall soon have, I trust, sessions of the Federal court at Pikeville. Indeed, Mr. Speaker, this is only a very small installment of the public buildings and other things that we deserve and are going to ask and expect from Uncle Sam. I would like to state some facts, for the benefit of the House, regarding the industries, growth, and prospective importance of the cities to which I have referred, but these data have all been submitted to your committee, and it has unanimously decided that they merit this recognition. I am glad that the National Government is at last beginning to recognize this great section of Kentucky as it deserves.

[MR. BURNETT addressed the House. See Appendix.]

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—184 ayes and 46 nays.

MR. FITZGERALD. I ask for the yeas and nays.

The SPEAKER. The question is on ordering the yeas and nays. All those in favor will rise.

The question was taken, and the Speaker announced that there were 39 in favor, not a sufficient number.

Mr. GOLDFOGLE. Tellers, Mr. Speaker.

Mr. FITZGERALD. Mr. Speaker, the vote on the yeas and nays was so close I ask for tellers.

The question of ordering tellers was taken.

The SPEAKER. Thirty-one gentlemen have arisen, not a sufficient number, and tellers are refused. The ayes have it. Two-thirds having voted in favor thereof, the rules are suspended and the bill is passed.

COLLECTION OF THE MILITARY AND NAVAL RECORDS OF THE REVOLUTIONARY WAR.

Mr. SMALL. Mr. Speaker, I move to suspend the rules and pass the bill (S. 271) to authorize the collection of the military and naval records of the Revolutionary War with a view to their publication.

The Clerk read the title to the bill.

ADJOURNMENT.

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

The motion was agreed to; accordingly (at 6 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 18, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of Agriculture submitting, pursuant to law, report of the operations of the Bureau of Animal Industry for the fiscal year ended June 30, 1912 (H. Doc. No. 953), was taken from the Speaker's table, referred to the Committee on Agriculture, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

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

Mr. CARY, from the Committee on the District of Columbia, to which was referred the joint resolution (H. J. Res. 398) to direct and empower the Commissioners of the District of Columbia to revoke licenses under certain conditions, reported the same with amendment, accompanied by a report (No. 1527), which said bill and report were referred to the House Calendar.

Mr. SABATH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 28718) to authorize the St. Louis Belt, Illinois & Eastern Traction Co. to construct a bridge across the Mississippi River near the mouth of the Missouri River, reported the same with amendment, accompanied by a report (No. 1528), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 28715) to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River near Weldon Springs Landing, in the State of Missouri, reported the same with amendment, accompanied by a report (No. 1529), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 28571) to authorize the Northern Pacific Railway Co. to construct a bridge across the Mississippi River in Minneapolis, Minn., reported the same without amendment, accompanied by a report (No. 1530), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 28073) to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota, reported the same with amendment, accompanied by a report (No. 1531), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. STEENERSON: A bill (H. R. 28774) amending section 932 of chapter 89 of title 2 of the Alaskan Civil Code and Code of Civil Procedure; to the Committee on the Territories.

By Mr. FITZGERALD: A bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. MARTIN of South Dakota: A bill (H. R. 28776) excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves"; to the Committee on the Public Lands.

Also, a bill (H. R. 28777) providing for the issuance of patents to owners of town lots purchased from the United States at auction sales in certain cases; to the Committee on the Public Lands.

Also, a bill (H. R. 28778) to amend an act approved May 30, 1910, entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect"; to the Committee on Indian Affairs.

By Mr. STEPHENS of Texas: A bill (H. R. 28786) to provide for the purchase of a site and the erection of a public building thereon at Childress, State of Texas; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 28787) to provide for the purchase of a site and the erection of a public building thereon at Quanah, State of Texas; to the Committee on Public Buildings and Grounds.

By Mr. AYRES: Resolution (H. Res. 844) requesting the President to transmit information relating to City of Mexico; to the Committee on Foreign Affairs.

By Mr. HAY: Resolution (H. Res. 845) to nonconcur in gross in Senate amendments to H. R. 27941; to the Committee on Rules.

By Mr. SHARP: Joint resolution (H. J. Res. 402) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SLAYDEN: Joint resolution (H. J. Res. 403) to exempt the National Academy of Sciences from the payment of duty on medals imported for presentation by it in recognition of research work; to the Committee on Ways and Means.

By Mr. DUPRÉ: Concurrent resolution (H. Con. Res. 70) for a reprint of the Soil Survey of the New Orleans Area, Louisiana; to the Committee on Printing.

By Mr. ANSBERRY: Memorial of the Legislature of the State of Ohio, requesting the enactment of a Federal law regulating the exportation of food products; to the Committee on Interstate and Foreign Commerce.

Also, a joint resolution of the Senate and House of Representatives of the Legislature of Wyoming, ratifying an amendment to the Constitution of the United States of America granting power to Congress to levy a tax on incomes; to the Committee on Ways and Means.

By Mr. HAYES: Memorial of the Legislature of California, favoring the passage of the Newlands bill for a board of river regulation, etc.; to the Committee on Rivers and Harbors.

By Mr. LAFFERTY: Memorial of the State Legislature of Oregon, favoring an amendment to the Constitution of the United States permitting Congress to pass laws regulating the subject of marriage and divorce throughout the United States; to the Committee on the Judiciary.

Also, memorial of the Legislature of Oregon, favoring the enactment by Congress of a law providing for the closing of certain drawbridges across the Willamette River in the city of Portland, Oreg., between the hours of 7 a. m. and 9 a. m. and 5 p. m. and 7 p. m.; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Oregon, urging Congress to undertake the immediate improvement of Tillamook Bay, Coos Bay, Coquille River, and Port Orford, on the Pacific coast; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Oregon, urging Congress at the present session to appropriate \$1,400,000, to be immediately available, for the completion of the Celilo Canal; to the Committee on Rivers and Harbors.

By Mr. POST: Memorial of the Legislature of the State of Ohio, urging the enactment of a Federal law regulating the exportation of food products; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: Memorial of the Legislature of the State of Ohio, urging the enactment of a Federal law regulating the exportation of food products; to the Committee on Interstate and Foreign Commerce.

By the SPEAKER (by request): Memorial of the Legislature of the State of Ohio, favoring the enactment of law for depositing the funds of the Federal Treasury in banks upon competitive bidding as to interest and upon approved security; to the Committee on Ways and Means.

Also (by request), memorial of the Legislature of the State of Idaho, recommending the passage of the Kenyon-Sheppard bill; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BURLESON (by request): A bill (H. R. 28779) for the relief of Pay Inspector F. T. Arms, United States Navy; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 28780) granting an increase of pension to Laura Fritts; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 28781) for the relief of the legal representatives of H. Mack Whitaker, deceased; to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 28782) granting a pension to Juliet S. White; to the Committee on Pensions.

By Mr. PETERS: A bill (H. R. 28783) granting an increase of pension to Margaret Gallagher; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 28784) to relinquish, release, and quitclaim all right, title, and interest of the United States of America in and to certain lands in the State of Mississippi; to the Committee on the Public Lands.

By Mr. SLOAN: A bill (H. R. 28785) for the relief of Dudley Walton; to the Committee on Military Affairs.

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 the Polish Woman's Alliance of America, Chicago, Ill., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also (by request), petition of the Board of Commerce, Commercial Club, Manufacturers and Producers' Association, and the Tariff Bureau, of Knoxville, Tenn., protesting against the passage of legislation reducing the present tariff on aluminum; to the Committee on Ways and Means.

Also (by request), petition of the National Association of United States Customs Inspectors, favoring the passage of legislation to fix the salaries of the customs inspectors by law; to the Committee on Ways and Means.

By Mr. CARY: Petition of the H. C. Schrunk Co., Milwaukee, Wis., protesting against the passage of legislation to reduce the tariff on finished goods; to the Committee on Ways and Means.

Also, petition of the Federated Trades Council of Milwaukee and vicinity, Milwaukee, Wis., favoring the passage of legislation for an investigation of the conditions of the locomotive boilers and safety appliances and see that the inspection of same is enforced; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New Smyrna Board of Trade, New Smyrna, Fla., favoring the passage of legislation making appropriation to open up for commerce Mosquito Inlet, Fla.; to the Committee on Rivers and Harbors.

By Mr. DENVER: Petition of Albert J. Brown and other citizens of Wilmington, Ohio, favoring the passage of the Jones-Works bill limiting the number of saloons in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DIFENDERFER: Petition of Calvary Baptist Church, Morristown, Pa., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of Andrew Jackson Council, No. 64, Junior Order of United American Mechanics, New York, N. Y., favoring the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of the Chamber of Commerce of the State of New York, favoring the passage of Senate bill 8114, preventing discriminations in the Panama tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of the National Civic Federation, New York, favoring the passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of Andrew Jackson Council, No. 64, Junior Order of United American Mechanics, New York, favoring the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of the Merchants' Association of New York, favoring the passage of legislation for the adoption of a national budget, securing a change in the laws and practices now regulating Federal expenditures; to the Committee on Ways and Means.

By Mr. FULLER: Petition of Charles N. Prouty, New York, protesting against the passage of legislation for the reduction of tariff on leather and shoes; to the Committee on Ways and Means.

Also, petition of the Rockford (Ill.) Germania, G. S., the German Republican League, Rockford, Ill., and Charles K. Johnson, publisher of North Star, New York, N. Y., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Petition of the Lancaster (Pa.) Leaf Tobacco Board of Trade, favoring the passage of legislation for the reduction of tariff on imported wrapper tobacco; to the Committee on Ways and Means.

By Mr. HAYES: Petition of Carma J. Gibson, Morgan Hill, Cal., favoring the passage of the Kenyon "red-light" bill, for the cleaning up of the city of Washington for the inauguration; to the Committee on the District of Columbia.

Also, petition of the California State Board of Forestry, favoring passage of legislation making further appropriations for Federal aid in the protection of forested watersheds of navigable streams; to the Committee on Agriculture.

Also, petition of the Board of Trade of Winston-Salem, N. C., favoring the passage of legislation for immediate reform in the national banking system of the United States; to the Committee on Banking and Currency.

Also, petition of Kirk, Geary & Co., Sacramento, Cal., protesting against the passage of legislation reducing the present tariff on fine and medical chemicals; to the Committee on Ways and Means.

By Mr. HIGGINS: Petition of the Connecticut Public Library Committee, favoring the passage of legislation to extend the parcel post to include books of libraries; to the Committee on the Post Office and Post Roads.

Also, petition of the Socialists of Stonington, Conn., favoring legislation for an investigation of the action of the Department of Justice against the editors of the Appeal to Reason; to the Committee on Expenditures in the Post Office Department.

By Mr. LAFEAN: Papers to accompany bill (H. R. 28516) granting an increase of pension to John Hector; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: Petition of the International Union of Steam Engineers, Local Union No. 372, Portland, Oreg., favoring the passage of legislation for the repeal of the Dick military law, compelling all able-bodied citizens to be subject to serving in the militia; to the Committee on Military Affairs.

By Mr. LEVY: Petition of the Chamber of Commerce of the State of New York, favoring the passage of Senate bill 8114, preventing discrimination in the Panama tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Board of Trade and Business Men's Association, Portsmouth, favoring the passage of legislation adopting the Norfolk Navy Yard as the site for the new dry dock; to the Committee on Naval Affairs.

By Mr. LINDSAY: Petition of the National Civic Federation, New York, N. Y., favoring the passage of the Federal workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Merchants' Association of New York, favoring the passage of legislation for the adoption of a national budget, and for securing a change in the laws and practices regulating Federal expenditures; to the Committee on Ways and Means.

Also, petition of John Kovacs, Brooklyn, N. Y., and Charles K. Johnson, publisher of North Star, New York, N. Y., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of Andrew Jackson Council, No. 64, Junior Order United American Mechanics, New York, favoring the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Petition of the Indiana Sealers' Association, Indianapolis, Ind., favoring the passage of legislation for the establishment of a standard barrel for fruit, vegetables, etc.; to the Committee on Coinage, Weights, and Measures.

Also, petition of Andrew Jackson Council, No. 64, Junior Order United American Mechanics, New York, N. Y., favoring the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of the Italo-American Alliance of the United States of America, Philadelphia, Pa., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. NORRIS: Petition of citizens of Harlan County, Nebr., favoring the passage of legislation to make an investigation of the persecution of the editors of the Appeal to Reason by the Government; to the Committee on Expenditures in the Post Office Department.

By Mr. O'SHAUNESSY: Petition of the Oliphant Club, Middleton, R. I., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. SMITH of New York: Petition of the Chamber of Commerce, Buffalo, N. Y., favoring the passage of Senate bill 6099, to empower the Interstate Commerce Commission to determine a uniform classification of freight rates, and propose suggestions relative to appointment of committee for same; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of California: Petition of the Chamber of Commerce of Los Angeles, Cal., favoring the passage of legislation providing for the building of two battleships instead of one; to the Committee on Naval Affairs.

By Mr. STEPHENS of Texas: Petition of Joe E. Johnston Camp, No. 259, United Confederate Veterans, Childress, Tex., favoring the passage of legislation granting pensions to the remnants of the Confederate veterans; to the Committee on Invalid Pensions.

SENATE.

TUESDAY, February 18, 1913.

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

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Journal of the proceedings of the legislative day of Tuesday, February 11, 1913, was read and approved.

Mr. OLIVER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Pennsylvania suggests the absence of a quorum, and the roll will be called.

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

Ashurst	Dixon	McLean	Shively
Bacon	du Pont	Martin, Va.	Simmons
Bradley	Fall	Martine, N. J.	Smith, Ga.
Brady	Fletcher	Nelson	Smith, Mich.
Brandegee	Gallinger	Newlands	Smith, S. C.
Bristow	Gardner	O'Gorman	Smoot
Brown	Gronna	Oliver	Stephenson
Bryan	Jackson	Overman	Stone
Burton	Johnston, Ala.	Owen	Thomas
Catron	Jones	Page	Thornton
Clark, Wyo.	Kavanaugh	Paynter	Tillman
Clarke, Ark.	Kenyon	Penrose	Townsend
Crawford	La Follette	Percy	Webb
Cullom	Lea	Perkins	Williams
Cummins	Lippitt	Pomerene	
Curtis	Lodge	Richardson	
Dillingham	McCumber	Sheppard	

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. A quorum of the Senate is present.

FINDINGS OF THE COURT OF CLAIMS.

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

The trustees of the Corinth Methodist Episcopal Church South, of Dinwiddie County, Va., *v.* United States (S. Doc. No. 1090); and

G. W. Chipman and W. J. Chipman, sole heirs of Joseph Chipman, deceased, *v.* United States (S. Doc. No. 1091).

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

IMMIGRATION OF ALIENS.

The PRESIDENT pro tempore presented a telegram, in the nature of a petition, from members of the Polish Women's Alliance of America, praying that Congress sustain the President's veto of the immigration bill, which was ordered to lie on the table.

SENATOR FROM NEVADA.

Mr. NEWLANDS. Mr. President, my colleague, Mr. PITTMAN, is present and desires to be sworn in. His credentials are on file.

The PRESIDENT pro tempore. The Senator elect will present himself at the desk for that purpose.

Mr. PITTMAN was escorted to the Vice President's desk by Mr. NEWLANDS, and the oath prescribed by law having been administered to him he took his seat in the Senate.

IMMIGRATION OF ALIENS—VETO MESSAGE.

The PRESIDENT pro tempore. Under the unanimous-consent agreement the message of the President of the United States, returning to the Senate without his approval the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States is now before the Senate for consideration. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. STONE. Mr. President, I arise to speak in support of the President's veto. From the time that this particular bill first came before the Senate I have felt constrained to oppose what is known as the literacy test incorporated in the bill. There were two or three other objectionable provisions in the bill, but generally I have believed that the bill contained so many excellent provisions, calculated greatly to improve our immigration laws and the character of immigrants coming to

this country that I have been reluctant to withhold my assent to it, but to this particular provision, the one which establishes the literacy test, I can not agree. I am as much opposed to it now as when the bill first came before the Senate, and I feel obliged to indorse the strenuous opposition of President Taft and Secretary Nagel to inserting a provision of that nature into our immigration laws.

Mr. President, Mr. Taft does not stand alone as to this policy among our Chief Executives. When Mr. Cleveland was the President a bill embodying substantially the same literacy test incorporated in this bill, and exactly the same as it appeared in the bill as at first presented to the Senate, was passed by Congress and sent to him. Mr. Cleveland vetoed that bill and on substantially the same ground taken by President Taft. I do not know that the opinion of even two Presidents of the United States, although of different political parties, should have any particular influence on the minds or judgment of Senators; in fact, I think Senators should act on their own judgments on all questions; but I think the fact referred to is entitled to most respectful consideration. It shows, at least, that, so far as the Chief Executives of the country to whom this question has been submitted are concerned, and this without regard to party distinction, they have expressed their disapproval of this so-called literacy test. I quote them as I might quote any man of great personal or official prominence whose judgment ought to weigh with us. But aside from what President Cleveland or President Taft may have thought or said, I take the position that this provision of this bill—the literacy test—is a radical and most undesirable departure from the established, traditional policy of this Government. I may, of course, be mistaken, but I regard this change in our policy as bad.

Mr. President, illiteracy is not to be desired; illiteracy, in fact, is a misfortune; but illiteracy is not a test, much less a decisive test, of either bad citizenship or good citizenship. I would rather have a hundred or a thousand illiterate men, women, and children come to this country from abroad with good, honest purposes—that is, with the thought in their minds and the purpose in their hearts of identifying themselves with our civilization and of making good citizens—I would rather have a thousand such, though they did not know a letter of any alphabet, than to have one educated agitator or anarchist, who comes to wave a red flag and who is bent on mischief and the fomenting of public disorder. All these and such as these men and women I would exclude with strong hand. I would shut the door in their faces. Mr. President, it is a fact, and every Senator knows it to be a fact, that it is the smart, half-educated, wild-eyed anarchist we have reason to dread. Who are the people who commit the revolting crimes we shrink from? You find them in the Black Hand, the Camorra, the nihilist organizations; and these, in large measure, are composed of men and women who could easily pass this literacy test. These you would not exclude by this test, and yet these are the people who commit the crimes we protest against as subversive of our ideas of government and likewise subversive of all public order. These are the people who commit the crimes that have disgraced civilization in their native lands, and they are the people who are importing their monstrous criminal practices to our shores.

Mr. President, I read, as I suppose most Senators did, recently, the harrowing, tragic story of a celebrated trial some place in Italy of a band of ruffians who had murdered a noted woman and her husband for some alleged treason to their organization; I believe this was in Naples, or mayhap in some other city of Italy. We read the story of the trial of those criminals before the court and wondered at the scenes enacted there, almost incomprehensible to us. Who were those criminals? They were educated men, of the Camorra, among them being even a priest, pity though it be. They were educated people. Who murdered Garfield? Who assassinated McKinley? Who committed nearly all these frightful crimes that have startled our people and aroused a natural and proper spirit of resentment among them and excited a just demand that all such should be excluded from our shores? Mr. President, there is not one of this class who could not easily and laughingly stand this educational test. An honest man, unhappily illiterate by force of circumstances, would be deported, but such as I speak of would come walking in.

Mr. President, I believe it to be absolutely safe to say that most of the people who come from Europe to the United States come with honest purposes. They frequently come—and this Senators should keep in mind—to give to their children better opportunities than they had at home. Let me read at this point, and in support of this statement, an extract from the letter of Secretary Nagel to the President—the Secretary who