CONFIRMATIONS.

Executive nominations confirmed by the Senate July 29, 1912.

POSTMASTERS.

CONNECTICUT.

Richard P. Smith, Falls Village.
George K. White, East Hampton.

ILLINOIS.

William T. Grimmett, Palmyra.
William L. Seymour, Raymond.

MINNESOTA.

Frank Withrow, Stillwater.

NORTH CAROLINA.

Roy C. Flanagan, Greenville.

OREGON.

J. P. Morelock, Wallowa.

VIRGINIA.

Edmond L. S. Bouton, Vienna.
Gay R. Cochran, The Plains.
Ozias B. Livingston, Falls Church.
Robert M. McClure, Gordonsville.

WEST VIRGINIA.

R. M. Brown, New Cumberland.
Isaiah Stephens, McMechen.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 29, 1912.*

The House met at 12 o'clock noon.

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

Almighty God our heavenly Father, who fillest the heavens with glory and the earth with goodness, humbly we bow in Thy presence and acknowledge our indebtedness to Thee for all things temporal and spiritual. Enrich our minds with wisdom and knowledge and fill our hearts with grace divine, that with all diligence and perseverance we may discharge the obligations resting upon us, private and public. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, July 27, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 21213. An act to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 18041. An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, County of Hawaii, Territory of Hawaii.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7315. An act to authorize the construction of a bridge across the Clearwater River at any point within the corporate limits of the city of Lewiston, Idaho.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 7315. An act to authorize the construction of a bridge across the Clearwater River at any point within the corporate limits of the city of Lewiston, Idaho; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution and bills:

H. J. Res. 340. Joint resolution making appropriation to be used in exterminating the army worm;

H. R. 21480. An act to establish a standard barrel and standard grade for apples when packed in barrels, and for other purposes; and

H. R. 25598. An act granting a pension to Cornelia C. Bragg.

RADIO COMMUNICATION.

The SPEAKER. The Clerk will report the first bill on the Unanimous Consent Calendar.

The first bill on the Calendar for Unanimous Consent was the bill (S. 6412) to regulate radio communication.

The title was read.

Mr. MANN. Mr. Speaker, reserving the right to object, I take it the gentleman from Missouri [Mr. ALEXANDER] does not desire to consume the day on this bill. Of course it has a privileged status.

Mr. ALEXANDER. I do not think it will take more than an hour to dispose of it, unless there is some obstruction to it, which I do not anticipate. There are a number of amendments that I expect to offer to meet conditions which have developed since this bill was originally considered by the committee. Some of them have been suggested by the gentleman from Illinois [Mr. MANN], to which we readily concede. I do not know of anyone else in the House who has studied this question as closely as he, and I do not know of any objection that will come to its consideration from any source.

Mr. MANN. To be frank with the gentleman, I think it would take more than an hour with a long bill like that, with a number of amendments, and a number of things that would possibly be controverted. I think it would run more than an hour in any event. I think the bill can easily be reached later under the status that it has.

Mr. ALEXANDER. Under the special rule, at the present rate we are going, I do not think we would reach it.

Mr. MANN. At the present rate we are going, if we would reach it in October it would be in plenty of time.

Mr. ALEXANDER. I think the gentleman appreciates the importance of this bill. It ought to be considered during the present session and ought to be passed. I think with his cooperation we can get it through in an hour and a half at the outside.

Mr. MANN. I do not know that I shall object, but I will say to the gentleman frankly that there are a large number of bills, in which various gentlemen of the House are interested, that probably can pass by unanimous consent, and would not be reached for consideration in any other way. This day is not a Monday under the rules for unanimous consents or District day, and because of the situation the gentleman from Alabama [Mr. UNDERWOOD] and myself agreed the other day, as far as we were concerned, that this day might be set apart for unanimous consents, in the hope that we would get through with them, and possibly at some time reach the suspension calendar. Now, it is quite certain, if the House takes up bills like this, that will consume an hour or two hours or perhaps three, the purpose of setting aside this day for unanimous consents will not be accomplished. I think the gentleman's bill can easily be reached.

Mr. ALEXANDER. If we can dispose of this bill to-day it will simply open the way to consider two or three other bills that are included in a special rule in which other gentlemen besides myself are interested. The gentleman from Illinois [Mr. MANN] is the author of one of those bills. Another relates to the physical valuation of property of railroads, and there is still another from the Committee of Agriculture, in which all the agricultural districts represented here are vitally interested. I think we can dispose of this bill in a very short time, and unless there is objection I shall plan to dispose of it as quickly as possible.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, there are probably 60 or 70 bills on the Unanimous Consent Calendar. So far as I recall, I did not put any of them on the Unanimous Consent Calendar. I think it would be an entire departure from the theory of the Unanimous Consent Calendar and the diposition of bills in that way to take up a bill that is certain to take up a lot of time, and I would like to suggest to the gentleman that I think the gentleman has already printed the amendments he proposes.

Mr. ALEXANDER. Yes. This is the third time this bill has gone over by request.

The SPEAKER. Is there objection?

Mr. MANN. I think, under the circumstances, Mr. Speaker, I shall have to object.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the bill is stricken from the calendar. The Clerk will report the next one.

MANUFACTURE AND SALE OF PROCESS OR RENOVATED OR ADULTERATED BUTTER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24828) to amend the law relative to manufacture and sale of process or renovated or adulterated butter.

Mr. KINKAID of Nebraska. Mr. Speaker, that bill may go off the Calendar for Unanimous Consent.

The SPEAKER. The Chair knows that, but it can not be got off the Calendar for Unanimous Consent unless somebody objects.

Mr. KINKAID of Nebraska. Then I object.

The SPEAKER. The gentleman from Nebraska [Mr. KINKAID] objects, and the bill is stricken from the calendar. The Clerk will report the next one.

PATENTS TO ENTRYMEN FOR HOMESTEADS UPON RECLAMATION PROJECTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5545) providing for the issuing of patents to entrymen for homesteads upon reclamation projects.

Mr. MANN. Mr. Speaker, I believe the committee has reported a substitute bill.

Mr. TAYLOR of Colorado. Yes, Mr. Speaker, the committee has reported a substitute bill for the Senate bill.

Mr. MANN. I suggest to the gentleman from Colorado that he ask unanimous consent that the substitute be read in lieu of the original bill.

Mr. TAYLOR of Colorado. I ask that that be done, Mr. Speaker.

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] asks unanimous consent that the substitute bill be read in lieu of the Senate bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That any homestead entryman under the act of June 17, 1902, known as the reclamation act, including entrymen on ceded Indian lands, may at any time, after having complied with the provisions of law applicable to such lands as to residence, reclamation, and cultivation, submit proof of such residence, reclamation, and cultivation, which proof, if found regular and satisfactory, shall entitled the entryman to a patent, and all purchasers of water-right certificates on reclamation projects shall be entitled to a final water-right certificate upon proof of the cultivation and reclamation of the land to which the certificate applies to the extent required by the reclamation act for homestead entrymen: *Provided*, That no such patent or certificate shall issue until all sums due the United States on account of such land or water right at the time of issuance of patent or certificate have been paid.

"SEC. 2. That every patent and water-right certificate issued under this act shall expressly reserve to the United States a prior lien on the land patented or for which water right is certified, together with all water rights appurtenant or belonging thereto, superior to all other liens, claims, or demands whatsoever for the payment of all sums due or to become due to the United States or its successors in control of the irrigation project in connection with such lands and water rights.

"Upon default of payment of any amount so due, title to the land shall pass to the United States free of all encumbrance, subject to the right of the defaulting debtor or any mortgage-lien holder, judgment debtor, or subsequent purchaser to redeem the land within one year after the notice of such default shall have been given by payment of all moneys due, with 8 per cent interest and costs. And the United States, at its option, acting through the Secretary of the Interior, may cause land to be sold at any time after such failure to redeem, and from the proceeds of the sale there shall be paid into the reclamation fund all moneys due, with interest as herein provided, and costs. The balance of the proceeds, if any, shall be the property of the defaulting debtor or his assignee: *Provided*, That in case of sale, after failure to redeem under this section, the United States shall be authorized to bid in such land at not more than the amount in default, including interest and costs.

"SEC. 3. Upon full and final payment being made of all amounts due on account of the building and betterment charges to the United States or its successors in control of the project, the United States or its successors, as the case may be, shall issue, upon request, a certificate certifying that payment of the building and betterment charges in full has been made and that the lien upon the land has been so far satisfied and is no longer of any force or effect except the lien for annual charges for operation and maintenance: *Provided*, That no person shall at any one time or in any manner, except as hereinafter otherwise provided, acquire, own, or hold irrigable land for which entry or water-right application shall have been made under the said reclamation act of June 17, 1902, and acts supplementary thereto and amendatory thereof, before final payment in full of all installments of building and betterment charges shall have been made on account of such land in excess of one farm unit as fixed by the Secretary of the Interior as the limit of area per entry of public land or per single ownership of private land for which a water right may be purchased, respectively, nor in any case in excess of 160 acres, nor shall water be furnished under said acts nor a water right sold or recognized for such excess; but any such excess land acquired at any time in good faith by descent, by will, or by foreclosure of any lien may be held for two years and no longer after its acquisition; and every excess holding prohibited as aforesaid shall be forfeited to the United States by proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction; and this proviso shall be recited in every patent and water-right certificate issued by the United States under the provisions of this act.

"SEC. 4. That the Secretary of the Interior is hereby authorized to designate such bonded fiscal agents or officers of the Reclamation Service as he may deem advisable on each reclamation project, to whom shall be paid all sums due on reclamation entries or water rights, and the officials so designated shall keep a record for the information of the public of the sums paid and the amount due at any time on account of any entry made or water right purchased under the reclamation act; and the Secretary of the Interior shall make provision for furnishing copies of duly authenticated records of entries upon payment of reasonable fees, which copies shall be admissible in evidence, as are copies authenticated under section 888 of the Revised Statutes.

"SEC. 5. Jurisdiction of suits by the United States for the enforcement of the provisions of this act is hereby conferred on the United States district courts of the districts in which the lands are situated."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the substitute for the Senate bill.

The question was taken, and the substitute for the Senate bill was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill providing for patents on reclamation entries, and for other purposes."

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote whereby the bill was passed was laid on the table.

TARIFF DUTIES ON WOOL AND WOOLENS AND THE EXCISE BILL.

Mr. UNDERWOOD. Mr. Speaker, I desire to make two privileged reports from the Committee on Ways and Means. I desire to report back to the House the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, with the recommendation that the House disagree to the Senate amendments, and also to report back to the House the bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals and copartnerships, with the recommendation that the House disagree to the Senate amendments.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] reports back the wool bill and the excise bill, with the recommendation that the House disagree to the Senate amendments thereto. The Clerk will report the bills.

The Clerk read the titles of the bills, as follows:

An act (H. R. 22195) to reduce the duties on wool and manufactures of wool. (H. Rept. 1092.)

An act (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations to persons, and to provide revenue for the Government by levying a special tax with respect to doing business by individuals and copartnerships. (H. Rept. 1093.)

Mr. UNDERWOOD. Mr. Speaker, I desire to give notice that to-morrow morning, after the reading of the Journal, I shall move to take up these bills and move that the House disagree to the Senate amendments.

Mr. MANN. Mr. Speaker, I call the attention of the gentleman from Alabama [Mr. UNDERWOOD] to the fact that there is a special order for to-morrow morning immediately after the reading of the Journal, when, it is provided, the Indian appropriation bill is to be disposed of. Probably it will not take very long.

Mr. UNDERWOOD. Well, I would like to take up these bills. I presume under the special order it would take only a few minutes to send these bills to conference. In view of the desire for an early adjournment, I would like to take them up promptly.

Mr. MANN. The gentleman could do that by unanimous consent.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] gives notice that as soon as he can do so to-morrow he will call up these reports and have them disposed of. The gentleman from Texas [Mr. STEPHENS], as I understand it, has obtained an order for consideration of the Indian appropriation bill.

Mr. STEPHENS of Texas. Yes; a special order for the consideration of the Indian appropriation bill.

The SPEAKER. The Chair would have to examine that order in order to see if any conflict would occur between the two as to which would come first. The Chair can not do it now, inasmuch as there is not sufficient time. The special order obtained by the gentleman from Texas [Mr. STEPHENS] is that the Indian appropriation bill shall be taken up imme-

diately after the reading of the Journal to-morrow. In the meantime these reports will be ordered printed and referred to the Committee of the Whole House on the state of the Union. The Clerk will report the next bill on the Calendar for Unanimous Consent.

PATENTS TO SEMINOLE ALLOTTEES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby directed to forthwith deliver all patents or deeds to Seminole allottees covering their respective allotments: *Provided, however*, That the delivery of such patents or deeds shall not in any manner operate to validate any void or voidable titles or add to the weight of evidence required to avoid the same, or serve to remove restrictions that have not heretofore been removed by express act of Congress.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. STEPHENS of Texas. Mr. Speaker, I hope the gentleman will not object, and will permit me to explain this bill.

The SPEAKER. The gentleman from Illinois has already objected.

Mr. STEPHENS of Texas. Will the gentleman withhold his objection?

Mr. MANN. If the gentleman desires, I will reserve the objection for a short time.

Mr. STEPHENS of Texas. If the gentleman will permit me, I will state that this bill applies only to the Seminole Tribe of Indians in Oklahoma, one of the Five Civilized Tribes. The other four tribes—the Choctaws, Chickasaws, Cherokees, and Creeks—have had their patents or deeds delivered to them by the Secretary of the Interior. For some reason, unknown to me and also unknown to the committee that has this matter in charge, the department have been withholding from the Seminoles their evidences of title. Congress passed an act April 21, 1904, whereby it removed the restrictions from the surplus lands of adult freedmen in the Seminole Nation. May 27, 1908, Congress passed another act with reference to removing restrictions upon alienation upon lands of allottees in the Five Civilized Tribes, of which the Seminole Tribe is one. The provisions of that act removed all restrictions upon all allottees who were not Indians by blood, and upon the lands of all allottees who were Indian by blood but who were less than half blood, and upon the surplus allotment of allottees who were one-half blood or more and less than three-fourths Indian by blood. The act also gave the Secretary of the Interior, in his discretion, the right to remove restrictions upon application by the allottee from the lands of either the homestead or surplus allotments of those who are one-half blood or more than one-half blood and up to full blood.

In view of the fact that Congress has passed the acts of April 21, 1904, and May 27, 1908, removing restrictions from certain lands of all allottees in the Seminole Nation and from a portion of allotments from other allottees, the committee believes that the patents or deeds to the lands should be delivered. Up to the date of the report upon this bill there were but a few deeds delivered to these Indians. Before the deeds are delivered the land is not taxable. Seminole County, Okla., in which these Indians are located, has a county government to maintain by taxation, including public schools. Neither the State of Oklahoma or the county of Seminole can levy a tax on these Indian lands for school purposes or any other purposes until these deeds are delivered. By the deeds or patents the title passes from the Indian and the land becomes taxable.

It is a matter of great importance to the people of this county that they be permitted to have their title deeds to the lands on which they are now living and upon which their homes are located. Their evidences of title have been withheld, in one instance since 1906, and in the other instance for more than four years. I think the department should be directed by this bill to do what the law requires them to do; that is, to promptly deliver these deeds. Why they have been so dilatory I can not explain to the House, but I have given the reason why this bill should pass.

Mr. MANN. Mr. Speaker, all the gentleman states may be correct. This is a bill to direct the department to deliver certain patents. I think it is the practice of the committee to send bills of this sort to the department for a report, so that Congress may be informed of the views of the department and the facts within the knowledge of the department. I do not know whether this bill was sent to the department for a report, but I know that if it was and the report was obtained it is not included in the report of the committee. Hence I assume that the department gave some unanswerable reason why the bill should not pass, and for that reason the committee, in reporting, not thinking the reasons given by the department were good, left the report of the department out of the report of the committee. Until the committee can furnish a report from the department I shall object, and therefore I do object.

Mr. BURKE of South Dakota. Mr. Speaker, before the objection is formally made, I will state to the gentleman from Illinois that the gentleman from Oklahoma [Mr. DAVENPORT], who introduced this bill, or who is interested in it, is now absent, and I will ask the gentleman if he will not consent to allow the bill to be passed without prejudice and let it retain its position on the calendar?

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] asks unanimous consent to pass this bill without prejudice.

Mr. MANN. I think I will not object to that, although I believe I have made this same statement on three or four previous occasions, and the gentleman from Texas [Mr. STEPHENS] or some one else has made the same statement which he has just made. It seems to me that if gentlemen intend to ask to pass this bill without prejudice they ought to ask it before we go over this same discussion every time.

Mr. CARTER. I should like to state to the gentleman from Illinois that it does not make a particle of difference whether these patents are delivered, so far as the ability of the allottee to transfer is concerned.

Mr. MANN. Is the gentleman going to discuss the merits of the bill?

Mr. CARTER. Just briefly.

Mr. MANN. Because if the gentleman is going to do that I shall object. If the gentleman wants to discuss the bill when it comes before the House at some future time, I shall have no objection to that.

Mr. CARTER. I do not care anything at all about discussing it now.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota that this bill be passed without prejudice?

There was no objection.

DAMS ACROSS DUCK RIVER, HICKMAN COUNTY, TENN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24197) to authorize Carl J. Kiefer and Laurent Lowenberg to construct two dams across Duck River, in Hickman County, Tenn.

The bill was read, as follows:

Be it enacted, etc., That Carl J. Kiefer and Laurent Lowenberg, their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate two dams across Duck River, in Hickman County, State of Tennessee, at points suitable to the interests of navigation, one about 5 miles east of Centerville, near mouth of Swan Creek, and the other about 4 miles east of first dam, near mouth of Willeys Branch, in the State of Tennessee, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. BATHRICK, Mr. FOSTER, Mr. RAINEY, Mr. FOWLER, and Mr. MOORE of Pennsylvania reserved the right to object.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER], the gentleman from Ohio [Mr. BATHRICK], the gentleman from Illinois [Mr. RAINEY], the gentleman from Illinois [Mr. FOWLER], and the gentleman from Pennsylvania [Mr. MOORE] reserve the right to object. Is there objection?

Mr. FOSTER. I object.

Mr. PADGETT. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. FOSTER. Certainly; I reserve the objection.

Mr. PADGETT. Mr. Speaker, I would like to state to the gentleman that this river at the point where this dam is proposed to be erected is not a navigable stream, and never can be a navigable stream at that point. The people there are anxious to develop the water power there, and I would be very glad if the gentleman could see his way clear not to offer an objection. It is a small stream. The consent of Congress is asked simply out of abundant precaution, so that the men may invest their capital and undertake this enterprise in security and without the hazard of interference hereafter. I would be very glad indeed if the gentleman would withdraw his objection.

Mr. AUSTIN. Mr. Speaker, may I ask the gentleman from Tennessee a question?

Mr. PADGETT. Certainly.

Mr. AUSTIN. Is it not a fact that it is a local company who desires this, made up of residents of the gentleman's own district, and they propose to make this improvement.

Mr. PADGETT. Not alone. There are some men from other places who are cooperating with the local people.

Mr. FOSTER. Mr. Speaker, I would state that I would be perfectly willing to take up this bill to-day if the House sees fit to do so, and to discuss the matter of what ought to be provided in these water-power bills, but I am not willing to do so unless the House so decides to give all the time necessary. I judge that it would take several hours to do that, at least it would take some time to take up the different phases of this question and settle them. I would suggest that if the gentleman who has charge of this bill and the chairman of the Committee on Interstate and Foreign Commerce would be willing to discuss some amendments with reference to imposing a reasonable charge for the use of the water after making due allowance for operating expenses, fixed charges, maintenance, and so forth, and that the proceeds might be used for the improvement of that river or any tributary stream, and also that the Federal Government shall reserve the right to regulate the charges for the use of the water power when in its judgment the State or municipality are not able to do so, and that the parties granted this right should file with the Secretary of War their acceptance of these conditions imposed by the Federal Government, then we might proceed with the consideration of this bill. If the gentleman is willing to take the time and discuss these points I am willing to take it up, but I would not be willing to do it upon a limitation of time in which to discuss the matter.

Mr. ADAMSON. Mr. Speaker, as I am included in the hypothetical or conditional statement the distinguished gentleman from Illinois made, I wish to repeat again what I have said to him time and again, that if he has any amendments to offer to this bill, he should stand up flatfooted and squarely and offer them instead of preventing consideration of the bill by objecting thereto, and he should take his chances with the intelligent Members of this House and offer the amendment and permit the House to vote on the amendment. If this House wants to adopt the amendment, we can not help it, whether we vote for it or against it. The way in which he states the question shows that he knows nothing about the general dam act, nothing about the policy of the Congress for the improvement of water power so as not to interfere with navigation, and if he will listen to the speeches made and the reports made by men who have studied the question instead of reading the statements of irresponsible sensationalists outside, who are theorists instead of practical statesmen, he will come to the conclusion that if I were to agree to the amendment in advance it would not be agreed to by this House. Nine-tenths of this House, in my judgment, would rise up and vote it down, if he and I should agree upon it. Let the gentleman be fair, let him do like we do, submit his proposition, and if he is right this House will adopt his amendments, and I will guarantee if I am on a committee of conference that I shall stand by the action of the House until the lower regions freeze over.

Mr. FOSTER. Mr. Speaker, in the opinion of the gentleman from Georgia I may not know much about this proposition, and with his present idea of the disposition of power sites in this country I think it an honor and a distinction to be so considered by the gentleman who is chairman of the Committee on Interstate and Foreign Commerce. I want to say to him that so far as I am concerned as an individual Member of this House I propose to exercise what little influence and right I may have here to protect the rights of the people of the whole country and in the communities in which these concessions are to be granted. And I propose to stand by that, irrespective of what the gentleman from Georgia or any other man in this House or this country may say. [Applause.] I want to say to him that if he is willing to take up this question to-day or any other day and discuss it along these lines if the House decides against me I am willing, and I will do my duty, because I do not consider that in defeating these bills any little victory I might gain is worth anything to me personally and I care nothing for that; but I propose to stand here and do my duty whether there is another man in this House who stands with me or not. When I have done that, I shall have the consciousness at least of having discharged my duty as a legislator in this body, and representing people who sent me here as I do, and as I believe they want me to do, on the floor of this House. I propose to guard the rights and interests of the people of this country against any monopoly wherever it may be situated, whether it is in the district that I have the honor to represent or the district of any other man, and I care not how good a friend of mine he may be, upon this floor. I propose to stand here and assert my right as an individual Member regardless of the opinion of the gentleman from Georgia or any other man on the floor of this House. This is not a local matter. As I view it, these concessions ought to pay considerable revenue into the National Treasury. [Applause.]

Therefore, Mr. Speaker, I object.

Mr. ADAMSON. Mr. Speaker, I will ask the gentleman to withhold his objection for a moment.

The SPEAKER. Will the gentleman from Illinois withhold his objection?

Mr. FOSTER. I will withhold my objection for a moment.

Mr. ADAMSON. Mr. Speaker, I wish to say that I have no water-power sites, no water-power bills, and I simply happen, by the partiality of my colleagues here, to be honored with the position of chairman of this committee. I have my ideas and the committee has its ideas.

Mr. RAINEY. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. RAINEY. Will the gentleman inform the House if there have been any hearings on this bill?

Mr. ADAMSON. I do not know that there have been any hearings at this session by the committee formally on this bill.

Mr. RAINEY. How much water power can be developed here?

Mr. ADAMSON. I will state, Mr. Speaker, on the general principle of granting this consent under the general dam act, we have had hearings three times since I have been on the committee. We have had a report from the Chief of Engineers upon this bill. As to the details of the locality, I shall have to refer the gentleman to the author of the bill, Mr. PADGETT.

Mr. RAINEY. Has the gentleman acquired any information at all as to how much power can be developed here?

Mr. ADAMSON. Mr. Speaker, I shall have to let the gentleman from Tennessee answer that question.

Mr. PADGETT. I will say to the gentleman that this is a small river, and at certain seasons of the year for several months the quantity of water that flows is very small. My friend from Tennessee [Mr. SIMS] is perfectly familiar with the situation. The river rises in the State and empties in another river in the State, and at this point above Centerville it is not a navigable river for boats; and there are times when the shoals are so shoaly that it prevents the going down of a canoe and they have to drag the canoes over the shoals.

Mr. RAINEY. All of which I did not ask about. Do you know, or does anybody know, how much water power can be developed?

Mr. PADGETT. I do not.

Mr. RAINEY. Does the gentleman know, or does anybody know, anything about the solvency of these people who are asking for this franchise?

Mr. PADGETT. I do not know whether they are solvent; I do not know what their money worth is. I think it is utterly immaterial what they are worth; but the people want this development and need the development and ought to have it.

Mr. RAINEY. If they are asking for this franchise, which is a valuable one, although nobody seems to know how valuable, how does it happen the persons who have asked for it are not important enough in the financial world to even be rated in Bradstreet?

Mr. PADGETT. As I said to the gentleman, it is a small river, and there are many people who go into enterprises of a local character who are not in Bradstreet.

Mr. RAINEY. Not in building a plant costing a million dollars.

Mr. ADAMSON. Mr. Speaker, I will say to the gentleman from Illinois I did not ask Dr. FOSTER to withhold his objection to continue a discussion of the merits of the case, but—I understand he is going to object to it—to reply to a suggestion he made.

Mr. RAINEY. I simply wanted to find out if I could the facts of the financial standing, which nobody seems to know, of these people.

Mr. ADAMSON. That is the part of the case I am endeavoring to express our views on if I can. We simply say if the States are willing for them to build these dams they can build them if they do it under the requirements specified by the Secretary of War. The Secretary of War is charged with seeing that all the necessary conditions are put upon it——

Mr. PADGETT. And built in accordance with the laws of the State of Tennessee.

Mr. ADAMSON. But what I rose to say in reply to the distinguished gentleman, Dr. FOSTER, of Illinois, is this: We have no objection to debating the question ad libitum. I admire his courage and the zeal with which he represents his people and the people of the United States. He is right on so many questions in his patriotism and good judgment that I am inclined to bear with him occasionally when he is wrong, which is very seldom. I do not say he is wrong in wanting to amend these

acts. What I say is he is wrong to interpose any objection to considering the bills instead of being able enough and strong enough to offer his amendment fairly and openly, have it debated before the House, and let the House adopt it or not, and say what is right, regardless of the gentleman or myself.

Among the hallucinations and sensational romances circulated in connection with water power, the following is one specific enough to notice:

One of the uncomfortable charges which opponents of these bills are making relates to the different treatment accorded to various bills. For example, there are some bills to grant municipalities the right to develop local powers for producing city light. These bills, obviously in the public interest, don't get reported; they stick in the committee; while the measures which are more than suspected of representing the Power Trust get out.

Congress has consented to a great many bridge projects to be undertaken at the expense of municipalities and counties, but in no instance, except one, has any city or county applied to Congress through the Committee on Interstate and Foreign Commerce for a bill granting consent to build a dam. In so far as granting the consent of Congress is concerned, the same principle identical applies to both dams and bridges. Congress merely consents that a structure, whether bridge or dam, which might otherwise be an obstruction to navigation, may be constructed if it is done in strict accordance with conditions, specifications, and plans approved and imposed by the Secretary of War, the effect of which is intended to prevent the structure, while useful to promoters, from operating as a substantial obstruction to navigation at all. Bridges without draws can be constructed so as absolutely not to obstruct navigation. Where a draw is requisite, however, it is well nigh impossible to avoid the delay of vessels. In cases of dams it is expected that the ponds or lakes created by the dams will greatly aid and facilitate navigation, in some cases for many miles above the dams over the beds of the streams that but for raising the water by the means of dams would defeat navigation. Of course, locks will cause some delay to vessels in passing, but that obstruction is much more than overbalanced by the benefits already enumerated. It must be apparent that cities and counties may by legislative authority wisely undertake the construction and control of bridges, because the expense thereof is comparatively light while the necessity to facilitate travel by the congested population is great. That, however, is rarely resorted to when by other means and through private enterprise the project can be financed; but the expense of constructing and maintaining dams is so great that cities and counties seldom assume the expense themselves. There is little reason for a county ever to do so. A city would only do so when the great necessity for light and power can not be met by private enterprise. That condition seldom arises, and in only one case has a bill been referred to our committee during this Congress for that purpose; that was where a small town asked Congress to grant it consent to build a dam at the same site on which the committee had already reported a bill granting consent for a private company to build it, which bill had been introduced more than a month earlier and was favorably reported by the Chief of Engineers of the War Department. The bill in favor of the town has not been reported by the War Department. On conference with the author of the bills it was determined that it would look silly to grant the consent to two corporations to build at the same site, and it did not appear that the city involved was specifically authorized by law to undertake that enterprise or that it was necessary for such city to do so with a local company, under control of the laws of the same State, offering to do so, or that the city was willing or ready to do so.

Insinuation that the committee would discriminate against a city in favor of the Water Power Trust is entirely gratuitous and unwarranted.

The Committee on Interstate and Foreign Commerce has directed that the chairman, in case the city of Branson should indicate a desire and manifest preparation and readiness to undertake the enterprise, offer the following committee amendment whenever either the omnibus dam bill or the bill in favor of the Ozark Power & Water Co. (H. R. 25035) shall be taken up for consideration by the House:

On page 5, line 6, after the word "meridian," strike out the period and insert a colon and the following language:

Provided, That this consent shall not become available nor operate to permit the Ozark Power & Water Co. to exercise any rights in conformity with it if within 12 months from the approval of this act the city of Branson, Taney County, Mo., shall officially announce its purpose to construct a dam upon the same site or at any site which would conflict with this grant, and in such event the consent of Congress is on the same terms hereby granted to the city of Branson when authorized by the laws of the State of Missouri to construct, maintain, and operate a dam within 5 miles upstream from the city of Branson. If the said city of Branson shall fail within one year from the approval of this act officially to announce its desire to proceed and file with the Secretary of War for approval the necessary plans and specifications, then the Ozark Power & Water Co. shall be permitted under this consent to proceed, and the limitations of time shall be counted against it from that date instead of from the approval of this act.

If objection is to be made to the consideration of all the water-power bills on the Unanimous Consent Calendar, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? The Chair hears none.

Mr. GALLAGHER. Mr. Speaker——

Mr. FOSTER. I will still reserve my right to object.

Mr. GALLAGHER. Is not the gentleman willing to allow debate?

Mr. ADAMSON. Well, I am willing to debate it forever. I have no limitation to put upon the debate.

Mr. GALLAGHER. Dr. FOSTER asked if the gentleman would allow us to debate the question.

Mr. ADAMSON. I have said a hundred times that if the gentleman will stand flatfooted and offer amendments I am willing the question shall be debated as long as he can hold out, as far as I am concerned. I have no objection; I introduced an omnibus bill for that purpose after the consideration of the individual bills had been prevented by objection. The way to debate and amend them is to consider them.

Mr. FOWLER. Mr. Speaker, I desire to ask the gentleman from Georgia a question.

Mr. ADAMSON. Yes, sir.

Mr. FOWLER. Has the Government of the United States heretofore adopted any policy of any kind concerning the building of these dams for the purpose of improving navigation resulting in the development of water power?

Mr. ADAMSON. It certainly has; and I will set that out in the remarks which I secured permission to extend. I endeavored to state last Thursday in my speech that we adopted a permanent policy nine years ago and amended it two years ago, and we have now ordered hearings with a view of amending it again, if gentlemen who are dissatisfied with that policy will kindly show wherein it ought to be amended.

Mr. FOWLER. I am aware that half a dozen power bills have been passed here for that purpose and certain rights given, and that afterwards Congress has repealed the law giving those rights in some instances.

Mr. ADAMSON. There has not been a case since the general dam act that Congress gave anybody anything. Congress has simply consented that a dam may be placed in a navigable stream if the parties building the dams will submit to the conditions that may be imposed by the Secretary of War, which are intended to prevent, in reality, the apparent obstruction from being a real obstruction, and which are intended to restore the stream after the dam is built to substantially the same condition of navigability as if the dam had not been built there.

Mr. FOWLER. Is it not a fact that there is a great rush after this cheap water power?

Mr. ADAMSON. I do not know. I know of a scope of about a thousand miles square where the people are victimized by two trusts, a railroad trust and a coal trust, and where they are praying and begging for the development of water power that will relieve them from the unjust coal barons and excessive railroad freight, and all that they want is permission to develop this power and they can run the machinery at half the cost that they can under present conditions.

And they can not get money except from people who have money, and they get capital when they can, and organize it when they can; but in every one of those cases the States with which I am familiar have performed their duty as States as to laws regulating charges and practices, and do not come to Congress and ask Congress to do what the State is willing and able to do—control the internal affairs of the people and their operations in that State.

Mr. FOWLER. It is admitted on all hands that this power is going to be a very cheap power, is it not?

Mr. ADAMSON. Of course.

Mr. FOWLER. And if that is true, in the consideration of such bills as you have reported, will you agree that there may be an amendment to these bills giving to the Treasury of the United States 7 per cent of the gross income from that water power?

Mr. ADAMSON. I do not have to agree. If you offer that amendment in this House, and the House adopts it, you will have it.

Mr. FOWLER. I give notice now that as long as I am a Member of this House no public-corporation bill can be passed here without my offering an amendment thereto of this character.

Mr. ADAMSON. I know the Coal Trusts and railroads will be glad to hear that. [Applause.]

Mr. FOWLER. I know, Mr. Speaker, that the people of this country would have been glad long ago to have had somebody stand for their rights and secure to the Treasury of the United States money enough to defray the expenses of this Government, instead of having those vast franchises given away to corporations, whereby they can prey upon the people of this country at will.

Mr. ADAMSON. There are some people in this country, I will say to the gentleman from Illinois [Mr. FOWLER], who understand something about the principles of this Government and the truth of the situation, and they know the difference between sensational agitation on one side and rational interpretation of the law and Constitution on the other.

Mr. FOWLER. Mr. Speaker, I want to say to the gentleman that, while I am young here in this body and do not pretend to have as much learning as the sage from Georgia, yet I do have in my heart a schooling upon the question of right and wrong from my mother and my father and from the common people, a schooling which teaches me to stand by their rights, and I intend to do it as long as I am a Member of this House. [Applause.]

Mr. ADAMSON. I commend the gentleman, and I am glad he called me a sage and not a sager.

Under the leave to extend my remarks in the RECORD, I submit the following letter, in answer to one sent to all Members of Congress to-day:

HOUSE OF REPRESENTATIVES, UNITED STATES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C., July 29, 1912.

Hon. GIFFORD PINCHOT,
Colorado Building, Washington, D. C.

DEAR SIR: I have your favor of the 27th instant, with inclosure as stated, of which certain newspapers had given notice on yesterday. Your inclosure suggests nothing new to this committee. I do not know of any member of the committee who is interested in any development of water power, but they have studied the subject and, in all fairness, they believe, men who pretend to know more about it than they do ought to enlighten them by specific charges and evidence as to the unworthy projects instead of obstructing development and reflections upon the motives of honest Members of Congress and committeemen by meaningless generalities and insinuation.

If, instead of resorting to objecting to the consideration of bills, men who know of any valid objection to any of these projects would come upon the floor of the House or before the committee and offer substantial suggestions and verify them nobody would be more ready or willing than the members of the committee to pursue the proper course in the matter.

The committee nine years ago adopted a general policy, or rather recommended it to Congress and Congress adopted a general policy, for the development of water power without interfering with navigation. The committee made no mistake to the injury of the Government or the people, but safeguarded all of those rights. The difficulty with those who object is they have never studied the scheme nor the subject in its true light. If there is any State unwilling or unable to cope with the control and regulation of corporations, that contingency is amply provided for in the general dam act. The Government certainly has power as a condition of its consent to impose fair conditions. At the insistence of people of your way of thinking, the committee arrested the development of water power for two or three years until it could amend the general dam act in conformity, as we honestly thought, to the views of the objectors, but it appears that the objectors have again become active.

This committee proposes now to begin having hearings and invite all persons who know anything about it to come before us and make suggestions to help us amend that act so as to improve it, if possible, but we have not thought that pending that it was fair to delay the promoters of the projects in question. Therefore, we have suggested on the floor of the House two or three times that such of these bills as can not be shown to be objectionable ought to be passed at this session.

It should always be borne in mind that projects reported by our committee and considered by Congress do not in any sense antagonize any of the reasons or objections urged by the present objectors. Their objections are all misapplied, for the reason that we don't deal with projects undertaken by the Government at all. Every project to which the consent of Congress is granted on our favorable recommendation is one in which all the property rights are in individual citizens of States under the control and regulation primarily of States, Congress neither enlarging nor multiplying those rights; nor do we confer any of them; we merely consent that, provided they are exercised under the direction of the Secretary of War so as not to interfere with navigation, the Government will consent to the structure. If the impotency of any State to prevent injustice to the public should at any time be demonstrated, it would not be necessary to mention the State at all in odious comparison or contrast, but the authorities of the General Government could, in strict compliance with the terms of our consent, proceed to do anything necessary to the protection of the public.

In the general dam act we not only vest the Secretary of War with plenary power to impose all rational conditions and restrictions, but we reserve to Congress expressly the right to revoke, amend, repeal, or modify at any time without liability to anybody therefor. The broader propositions to deal with the public domain, to deal with those projects in which the Government furnishes the money and constructs dams and locks, becoming itself the owner of private property as well as the sovereign in relation thereto, are referred to the Committee on Rivers and Harbors. The water-power bills referred to us, as well as those referred to the Committee on Rivers and Harbors, are all ultimately in the last resort referred to the War Department and the Chief of Engineers for approval of plans, who has it absolutely in his power to operate all the acts in perfect harmony with the promotion of navigation and protection of the interests of the Government and the rights of the public, while at the same time permitting private citizens to enjoy the benefits of their property and improve and utilize the assets which their labor and money have bought.

If trusts and combinations mar the general harmony of these operations, it is no more than usual for avarice and greed in every other avenue and relation of human effort. The way to meet it is for statesmen and publicists to use their brains and study out practical methods and specific remedies instead of indulging in indefinite insinuations and inuendo.

There is a very large scope of our country where there is no coal, and two trusts operating—a railroad trust and a coal trust operated to the oppression and throttling the development where a great and industrious people are anxious to utilize the magnificent elements of prosperity with which Providence has bountifully endowed them, but are retarded or prevented from doing so by the extortions of railroads and the coal combines. To generate horsepower is almost prohibited, at least it renders manufacturing unprofitable, by depriving them of the power to compete with other sections less bountifully blessed by nature. In all of these regions there is abundant water power in streams where the Government finds it too expensive to develop navigation at the cost of the Treasury. All of these States are genuine decent States, with power and disposition to regulate their internal affairs, control public-service corporations, fix prices and practices without aimlessly and senselessly hollering to the Federal Government to exercise arbitrarily imperial power to prevent the conservation of abundant water power in their midst, to protect them from the oppression of the coal and railroad trusts. We believe the true conservationists are the men who urge the liberty of private property owners to develop and use their resources, and not the men who would throttle and prevent in order to promote and perpetuate the merciless grasp of coal and railroad trusts upon a struggling people.

I do not mean to say that is their purpose. I recognize that many of them are honest men with good intentions, and some of them are intelligent men, but you know the Lord once said regretfully, "My people doth not consider." I think many of them would be able to reach the truth and practice justice if they would get out of their minds the original prejudice with which they started, and with which they continue to becloud their reason. The committee does not claim to be wiser nor more honest than anybody else. We are open to conviction if we are wrong, and if any people who insist that we are wrong and that they are right would only come before our committee and show us the reasons and the facts, we would gladly report an amendment to the general dam act.

Yours, very truly,
W. C. ADAMSON.

Mr. RUCKER of Colorado. Mr. Speaker, I want to ask the gentleman a question.

Mr. BUCHANAN. Mr. Speaker, what is the parliamentary situation?

The SPEAKER. The parliamentary situation is that the gentleman from Illinois [Mr. FOSTER] and three or four other Members have reserved the right to object, and they are trying to find out whether they are going to object or not.

Mr. BUCHANAN. Is there any limitation?

The SPEAKER. There is no limitation as long as some gentleman does not demand the regular order.

Mr. LEVER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVER. Is it in order for me to object now?

The SPEAKER. It is in order for anybody to object.

Mr. LEVER. Then I object.

The SPEAKER. The gentleman from South Carolina [Mr. LEVER] objects, and the bill goes off the calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 16518. An act for the relief of the Fifth-Third National Bank of Cincinnati, Ohio.

The message also announced that the Senate had passed the following resolution (S. Res. 368):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President on Thursday, August 1, 1912, to Saturday, August 10, 1912, both inclusive.

PENSIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection.

Mr. SLAYDEN. Mr. Speaker, I object to the consideration of that bill.

The SPEAKER. The gentleman from Texas objects, and the bill goes off the calendar.

The Clerk will report the next bill.

RIGHTS UNDER HOMESTEAD ACTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5309) to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140).

The bill was read, as follows:

Be it enacted, etc., That section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140), be, and the same is hereby, amended by adding thereto the following:

Provided, That any settler upon lands theretofore designated by the Secretary of the Interior as subject to the provisions of sections 1 to 5 of the enlarged homestead acts of February 19, 1909 (35 Stat. L., p. 639), and June 17, 1910 (36 Stat. L., p. 531), shall be entitled to the preference right of entry accorded by this section, provided he shall have plainly marked the exterior boundaries of the lands claimed as his

homestead: *And provided further,* That after the designation by the Secretary of the Interior of public lands for entry under the nonresidence provisions of the enlarged homestead acts of February 19, 1909, and June 17, 1910, any person who shall have plainly marked the exterior boundaries of the lands claimed under said provisions of law and made valuable improvements thereon shall have a preference right to enter the lands so claimed and improved at any time within three months after the date on which such lands become subject to entry; but such right shall forfeit unless the settler or claimant under the provisions of the enlarged homestead acts shall annually cultivate and improve the lands in the form and manner and to the extent therein required following date of initiation of his claim hereunder: *And provided further,* That this act shall apply to all claims, locations, or entries made under the above-mentioned acts, where no adverse claims have intervened.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the amendments.

Mr. MONDELL. 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 SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amend, page 1, line 7, by striking out the word "theretofore."

The amendment was agreed to.

Also the following amendment was read:

On page 2, strike out all on line 24, after the word "hereunder," and lines 1 and 2, on page 3.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill was read the third time and passed.

INVESTIGATION INTO THE HIGH PRICE OF ANTHRACITE COAL.

The next business on the Calendar for Unanimous Consent was House resolution 578, directing the Secretary of Commerce and Labor to ascertain and report to the House of Representatives certain facts regarding the cost of anthracite coal and the increased demand upon the public consumer.

The Clerk read the resolution, as follows:

House resolution 578.

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, directed to obtain and report to the House of Representatives, through the Bureau of Labor, full information concerning the different elements of cost and profit included in the present high price of anthracite coal, specifying as far as practicable how much and in what particulars the coal miners were benefited by the recent strike agreement, and how much and for what reasons and by what means the cost of coal to the general consumers was at the same time increased.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves the right to object——

Mr. MANN (continuing). I think the suggestion was made that this investigation might be made by the Secretary of Commerce and Labor, without requiring that it be done through the Bureau of Labor, so that he might utilize that bureau or other bureaus in the department. Is the gentleman willing to strike out the words "through the Bureau of Labor"?

Mr. DIFENDERFER. I am.

Mr. MANN. I think that suggestion was made by Mr. Neill, the Commissioner of Labor, himself.

Mr. DIFENDERFER. Yes. In that connection, Mr. Speaker, I desire to make a statement. When this matter was up two weeks ago inadvertently the word "bill" slipped into my remarks when it should have been "report," and it places Mr. Neill and myself in a very awkward position, for the reason that Dr. Neill had nothing at all to do with the drafting of the resolution, but he made some suggestions regarding the report. I desire to make this statement in order to be fair with Dr. Neill as well as myself and the House.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to his colleague?

Mr. DIFENDERFER. Yes; I will let him get in.

Mr. MOORE of Pennsylvania. I did not hear what the gentleman said.

The SPEAKER. The gentleman said he would yield.

Mr. MOORE of Pennsylvania. I would like to know whether the gentleman thinks his resolution is broad enough to cover the question of transportation as it affects the price of coal? I think that is a polite question.

Mr. DIFENDERFER. I do think it does.

Mr. MOORE of Pennsylvania. The gentleman does think that it covers that point, so that we may ascertain whether it is cheaper to transport coal by rail or by water? The gentleman thinks his resolution is broad enough to cover that?

Mr. DIFENDERFER. Yes; I do. I will say that I have a communication from the Secretary of the Interstate Commerce Commission, in which Mr. Marble takes the position that the Interstate Commerce Commission could not go into an investigation unless the trade extended beyond a particular State. Now, we in Pennsylvania are suffering more particularly from this increase in the price of coal than possibly the people of any other State, for the reason that our freight charges are greater in proportion from the anthracite region to the city of Philadelphia, for instance, than they are to New York. We find that this increased cost to the consumer has been placed upon the sizes of coal that are used for domestic purposes, and we find great complaint in the vicinity in which I live and the region through which most of this coal in Pennsylvania is distributed.

Mr. CULLOP. Mr. Speaker, I hope this resolution will pass, in view of the statement that was made by the chairman of the Committee on Interstate and Foreign Commerce this morning, when he stated that the railroads were in a trust, and that the coal of the country was in a trust, and that some relief ought to be granted by and through the water powers. Now, if they are turned over to a trust without any restraint whatever, as the effort now seems to be, without collecting anything for the use of this valuable commodity for the benefit of the United States Government, they will have a circle around the people of this country from which there will be no escape, and no relief whatever can be secured.

Now, this resolution proceeds upon the basis——

The SPEAKER. The Chair would state to the gentleman that unanimous consent has not been obtained to consider this resolution. Is there objection? [After a pause.] The Chair hears none. Now the Chair will recognize the gentleman from Indiana, if he desires recognition.

Mr. CULLOP. Yes; for a short time, to complete my statement. Now, if the purpose of this resolution is to investigate this condition—the very condition of which the gentleman from Georgia [Mr. ADAMSON] spoke a moment ago—and if it is passed, it calls upon the Secretary of Commerce and Labor to furnish the information bearing upon the cost of the production of coal and the cost of putting it upon the market all of which necessarily has to be borne by the ultimate consumer. And if the water powers are turned over to the Water-Power Trust of this country, and the timber, which has already practically passed into the hands of the Timber Trust, the people will be without opportunity for fuel and power altogether.

I am heartily in sympathy with the proposition of the gentleman from Illinois, Dr. FOSTER, that not a single right should be granted to any water-power company unless there is affixed to it not only a charge from the time that it begins to operate, payable to the United States Government, but also the power to regulate that charge from time to time so long as used for the power, or as long as it is continued to be used by the company.

If these things are to go on, the people of the country will have the coils of the trusts more strictly and stringently drawn around them, and I hope the resolution of the gentleman from Pennsylvania [Mr. DIFENDERFER] will pass.

Mr. MONDELL. Mr. Speaker, I imagine that there is no objection to the passage of this resolution. But I have been very much edified in listening to the centralizing, Federalizing, bureaucratizing arguments on the Democratic side in connection with the so-called water-power or dam bills.

Mr. ADAMSON. I hope the gentleman does not mean me. I have never followed Hamilton in my life.

The SPEAKER. Does the gentleman yield to the gentleman from Georgia?

Mr. MONDELL. Mr. Speaker, we have assumed that the Democratic Party stood for a constitutional government, as established by the fathers. We think that the Republican Party has always stood fairly and squarely for a constitutional government, as provided by the fathers. But our Democratic friends have, time out of mind, plumed themselves as being the peculiar champions of those wise provisions that were placed in the Constitution of the United States by the fathers, whereby the great majority, the overwhelming bulk, if I may use the word, of the sovereignty of the people rests in the people in the States.

The Federal Government has limited authority in regard to certain matters. Among other things, the Federal Government has control of navigable streams, with regard to their navigability, and for no other purpose under heaven. If any of the gentlemen who are now insisting upon the extension of bureaucracy, upon the centralizing of this Government, can find anything in the Constitution of the United States that gives this Nation any authority or power or dominion or control over the navigable streams further than to control in the matter of

navigation, I hope the gentleman will arise and enlighten us right here and now on the subject.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. MONDELL. I shall be glad to.

Mr. MANN. Does the gentleman doubt that the General Government, which by this resolution is proposing to investigate the cost of coal produced, transported, and consumed wholly within the State of Pennsylvania, has an equal right, when it grants permission to construct a dam across a navigable stream or a bridge over a navigable stream, to grant that right upon conditions, one of those conditions being that a revenue shall be paid, or that the Government shall be allowed to fix the charges?

Mr. MONDELL. The Federal Government can not legally or constitutionally do that indirectly which it can not do directly, and as the Federal Government can not directly shorten the sovereignty of the people within the States in the control over their own domestic corporations and in the use of the water over which the State has dominion and control, the Federal Government can not, by indirection, do that which it can not do directly. It may attempt to do it, but there is no power under the Constitution to do it, and it would be unwise to attempt to do it.

Mr. MANN. Will the gentleman yield?

Mr. MONDELL. I shall be glad to.

Mr. MANN. The gentleman says the General Government can not do indirectly what it is not permitted to do directly. Did not the gentleman vote for the bill to put a heavy tax upon the manufacture of white phosphorus matches and thereby do indirectly what it could not do directly—suppress the manufacture of those matches within the boundaries of a State?

Mr. MONDELL. My recollection is I did not happen to be in the House when the bill passed. If I had been, I should have voted for it, and we did it as directly as though we had struck that particular industry right square between the eyes with our fists.

Mr. MANN. You did not collect any taxes on the matches, so you did not do anything directly.

Mr. MONDELL. We did it directly.

Mr. MANN. You passed a law to put a tax on a certain kind of matches for the purpose of indirectly preventing any manufacture of them, a clear case of doing a thing indirectly which you can not do directly.

Mr. MONDELL. We did it as directly as possible, and put the industry out of business by statute law.

Mr. FOWLER. Mr. Speaker, I desire to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. MONDELL. I shall be glad to.

Mr. FOWLER. I will ask you if on May 2, 1895, the United States Congress did not pass what is known as the lottery law, which resulted in the absolute destruction of the lottery business?

Mr. MONDELL. Congress passed the bill, which was clearly within the power of the Federal Government over postal affairs.

Mr. FOWLER. I will ask you if that was not under the theory of the constitutional power to regulate commerce among the States and with foreign nations and with the Indian tribes?

Mr. MONDELL. I do not know anything about the theory. I am not a constitutional lawyer.

Mr. FOWLER. I say was not the law passed on that theory?

Mr. MONDELL. The law was passed under the power of the Federal Government over post offices and post roads and over interstate commerce. But, Mr. Speaker——

Mr. FOWLER. And did it not result in the destruction of the lottery business instead of regulating the traffic in lottery tickets interstate?

Mr. MONDELL. It was intended to. That was its intent, just as it seems to be the intent of the gentleman from Illinois [Mr. FOWLER] to destroy opportunities to create cheap power, thereby perpetuating the control of the Coal Trusts.

Mr. FOWLER. Was not the lottery law sustained by the Supreme Court of the United States in an able opinion delivered by Mr. Justice Harlan in United States 188, page 321?

Mr. MONDELL. There was an opinion, and it was able, because Justice Harlan's opinions always were able.

Mr. ROBINSON. The power in that case, if the gentleman will permit, was derived from the commerce clause of the Constitution, and it dealt with the matter as a commodity of commerce. The destruction of the business was, of course, a result of prohibiting it being transmitted through the mails.

Mr. MONDELL. I thank my friend, the future governor of Arkansas, who is a constitutional lawyer, and whose mind is always clear on these matters. But I started out to say that it is amazing——

Mr. FOWLER. One further question. I will ask you if that law did not go further than to prohibit the transportation of lottery tickets through the mails and if it did not prohibit them from being sent either through the mails or in any other way from one State to another?

Mr. MONDELL. I do not now recall all the provisions of that act.

Mr. FOWLER. It did.

Mr. MONDELL. It did put an end to the lottery business, thank God. That was its intention, and it was direct legislation, but that has not anything to do with the present centralizing tendencies on the Democratic side, following some gentlemen who have constituted themselves the only and original guardians of the public weal. I would not want to say that these gentlemen are in any way connected with or interested in any great coal enterprise, because I do not know that to be true. I know, however, that every day that the construction of these dams is prevented is that much more water poured on the wheel of the coal companies. I know that the great Pocahontas Coal Co. and other concerns are selling more coal because these dams are not constructed. I know that the great railway companies of the country are hauling a great deal of coal that they would not haul if these dams were constructed. I am not putting the two things together, because I do not know, but I know that if I were a coal magnate, or if I were a railroad magnate, I should be likely to assume the same attitude in regard to these water-power bills that is assumed by a certain organization in the country, and following the views of which organization is assumed by certain gentlemen on the floor of the House.

Mr. AUSTIN. Will my colleague yield for a question?

Mr. MONDELL. I shall be glad to.

Mr. AUSTIN. Can the gentleman tell the House whether the Members who are bitterly fighting these bills represent coal districts or not?

Mr. MONDELL. I do not know, and I would not make the suggestion if I did know, because I have never impugned any man's motives on this floor, directly or indirectly, and I never shall, because I have never found gentlemen on the floor of the House in whom I did not have confidence. I have seen a great many men here sadly misled, and they were often misled by the arguments of interested parties.

Mr. FOWLER. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I shall be glad to.

Mr. FOWLER. I take it for granted that the gentleman does not contend that any man who wants to reserve a portion of the income from developed water power is connected with it in any way. I take it for granted that he does not make that imputation at all.

Mr. MONDELL. The gentleman knows that I do not impute any improper motive to any gentleman on the floor of the House, never have, and never expect to, and certainly not to my friend from Illinois, for he is the most honestly mistaken man——

Mr. FOWLER. No; he is too poor.

Mr. MONDELL. He is the most frequently honestly mistaken man I have the pleasure of knowing.

Mr. FOWLER. Mr. Speaker, I desire to ask my friend further if he thinks it would be a mistake for the United States in granting these developments of water power to reserve to the United States Treasury or to the State treasury a certain percentage of the gross income?

Mr. MONDELL. Mr. Speaker, the gentleman is now getting down to brass tacks. He has finally gotten in the words "or to the State treasury," but the arguments that have been made here have been arguments made in favor of Federal control. The gentleman from Illinois made a suggestion awhile ago that reminds me of an occurrence when I was a boy. He is afraid, unless the Federal Government retains the power to regulate the charges and control these water-power developments, that the people are going to have to pay too much for the power. He proposes to help the people by bringing a large revenue into the Federal Treasury by taxing these water powers. That is his idea. He said that we could fix a charge which would bring much revenue into the Federal Treasury.

He reminds me of an occurrence when I was a boy. We had a little two-burr mill in the neighborhood in which I lived, and we boys used to carry a few sacks of wheat at a time to that old burr mill. The boys would go there of an afternoon and swim in the mill pond and catch sunfish while the old burr mill slowly ground out the grist. Finally a fellow came along from the city, with bear grease in his hair and wearing store clothes. He said to the old farmers that owned the mill, "I want to

have the job of running your mill, and I will make a much better mill of it." "What will you do?" "I shall make the flour better." "The flour is good enough." "Well, I shall make more flour out of a bushel of wheat than you fellows are making." "But that is not very material, because what does not go into the flour goes into feed, and we feed it to our stock, and we need the flour and we need the feed for our stock, so it is not very material." "But"—and now he was getting to the point of the gentleman from Illinois—"But, gentlemen, let me run your mill, and I will make 10 pounds more flour out of every bushel of wheat, and I will leave the bran and the shorts richer." He would thus be saving at both ends. The gentleman from Illinois [Mr. FOWLER] proposed to save to the people in charges upon these powers by turning a large revenue from the powers into the Federal Treasury.

Mr. FOWLER. Mr. Speaker, will the gentleman yield there for a question?

Mr. MONDELL. Certainly.

Mr. FOWLER. I desire to say to the gentleman that the State of Illinois in 1854 reserved to the people of that State 7 per cent of the gross income of the Illinois Central Railroad, and to-day the Illinois Central Railroad competes with every other railroad in that State and pays 7 per cent of the gross income and is one of the best railroads not only in that State but in the United States.

Mr. MONDELL. Mr. Speaker, I am glad to have that splendid argument in favor of State's sovereignty in this discussion. The gentleman from Illinois is not now a member of the Illinois Legislature. He is a Member of Congress. If he were a member of the Legislature of the sovereign State of Illinois—sovereign in its control over these propositions within the State—it would be entirely proper for him to propose exactly what he is proposing with regard to these bills. But he is not. He is a Member of the American Congress, and what he is proposing to do is to shorten the sovereignty of the people who sent him here. There is nothing written in my commission from the people of Wyoming that gives me any authority to take from the sovereign power which they reserved unto themselves when they came into the Federal Union.

Mr. FOWLER. Does not the National Government have control completely over the navigation of navigable rivers; and is it not a further fact that the State could not authorize the building of a dam across such a river without the consent of the National Congress?

Mr. MONDELL. We all know, as I have stated several times, that the Federal Government has control over navigable streams with regard to the matter of navigation, and in that respect alone. These bills contemplate that the State shall authorize its citizens to construct these dams, and all we can do—and all we ought to attempt to do—is to say that in the construction of those dams the navigability of the river shall not be interfered with.

On the Democratic side—and I find I have gotten over on that side of the aisle in my discussion of this question in order to point out to them how wrong some gentlemen are over here—what is proposed to do is to shorten and limit the sovereignty of the people with in the States by placing or retaining or attempting to do, for I do not think it can be done constitutionally, in the hands of the Federal Government the right of control, which it does not and can not and ought not to have under the Constitution. If the Federal Government is to control in the matter of prices, in the matter of how these operations shall be carried on, as to what they shall do with the power, and how much shall be charged for it, then the towns and the cities, the municipalities, the counties, and the States using it are absolutely robbed of any of their power to control. The gentleman would take from the people of his city, from the communities of his State, that sovereign right which the Constitution gives them to control these organizations, and he would vest it with a Federal bureau. He would build up bureaucracy here, and he would take from the people he represents their right to control their affairs and protect themselves.

Mr. Speaker, it will be a sad day for the American Government, it will be a sad day for a self-governing people, when the sovereign States and the people within them must be saved from the extortions of local corporations by the strong arm of the Federal Government. When the time comes that the people within the States are so pusillanimous, are so careless of their rights, and are so derelict in exercising the authority which is theirs that we must be asked to protect them by the strong arm of the Federal Government, that day will mark the decline of the Republic.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. RUCKER of Colorado. The gentleman, I hope, does not include me when he speaks of the Democrats——

Mr. MONDELL. I never include the gentleman from Colorado, nor any man from any irrigation State, in matters of this sort because in that region these questions have been thrashed out and the people clearly understand their power and their authority and their jurisdiction.

Mr. RUCKER of Colorado. I want to say further that the gentleman is too sweeping in his charge against this side of the House.

Mr. MONDELL. I am excepting the gentleman from Colorado and his colleagues.

Mr. RUCKER of Colorado. Would not he make some more exceptions, because the gentleman from Illinois [Mr. FOWLER] this morning stated this proposition broader than I think it has been stated upon this side of the House, namely, that upon nonnavigable streams——

Mr. FOWLER. No, indeed; I desire to be quoted correctly—not on nonnavigable streams but on dams across navigable streams only.

Mr. MONDELL. The gentleman from Illinois only proposes to protect the people partially, then.

Mr. RUCKER of Colorado. I want to say to the gentleman from Wyoming I think his charge is too sweeping. I do not believe that the Democratic House is wedded to the proposition that there shall be levied a tax or a duty upon every locality of every natural resource as a Federal tax. I do not believe that that is the sentiment of the Democratic side of this House.

Mr. MONDELL. I should hope that the Democratic Party had not wandered so far from its ancient moorings, but I have been pained to see a number of gentlemen on the Democratic side who, following self-appointed and self-labeled champions of the people, are rising up and demanding that the authority and control of the Federal Government shall be so extended as to throttle the sovereign people and take from local communities rights which the Constitution guarantees them. Not only does the Constitution guarantee these rights but it is just and right and proper that it should, because the history of the world teaches us that any centralized Government eventually becomes a tyranny when power is taken from the people of the localities to control their own affairs.

Mr. RUCKER of Colorado. Will the gentleman yield for just one question?

Mr. MONDELL. Will the gentleman allow me to finish one sentence?

Mr. RUCKER of Colorado. The gentleman never finishes a sentence.

Mr. MONDELL (continuing). To take from the people the authority to control their own affairs. When you do that you are on the high road to centralized oligarchy.

Mr. RUCKER of Colorado. Now will the gentleman yield? The gentleman does not forget——

Mr. MONDELL. The gentleman must remember my time is limited.

Mr. RUCKER of Colorado. But the gentleman's memory is very good, but he does not forget that the policy that he is inveighing against originated in the Republican Party and originated through the ex-President of the United States, Mr. Roosevelt.

Mr. MONDELL. Well, wherever it originated, it is a dangerous doctrine, and would eventually take from the people the opportunity to protect themselves.

Mr. TAYLOR of Colorado. If the gentleman will permit, I readily coincide with whatever he has said, and I have been pained to have people on this side of the House deny what we believe are rights to the western part of this country, but I am delighted to call the gentleman's attention to that plank of the Democratic platform at Baltimore, which is the most liberal plank toward the development of the western country that has ever been adopted by any political party, and I have the hope and belief that our standard bearer when he is elected, as I believe he will be, will carry out that plank.

Mr. MANN. The gentleman has a disappointment coming.

Mr. MONDELL. I hope the gentleman, while he is calling attention to the Democratic platform, will call attention to the attitude of a considerable number of gentlemen on this side of the aisle in regard to the matter to which I am now referring, and that is a dreadful illustration of how soon a good many members of the party forget their platform.

Mr. MANN. I trust the gentleman will be a little careful in using the expression, "on this side of the aisle," because the gentleman is temporarily on the Democratic side of the aisle.

Mr. MONDELL. No one on either side of the aisle will ever charge me, whatever else I may be charged with, with belonging on this side of the aisle.

Mr. CANNON. On which side is the gentleman now standing?

Mr. MONDELL. On the Democratic side, with a view of calling the attention of gentlemen on the Democratic side to their shortcomings.

Mr. RUCKER of Colorado. And talking Democratic doctrine.

Mr. MONDELL. Why, the good gentleman from Illinois [Mr. FOSTER] wants Federal control on the plea he wants to protect the people of the local communities, and he proposes to do it by taking from them the authority they now have to protect themselves and lodging it in the hands of a Federal bureau at Washington.

If these limitations which he proposes have any force or effect at all, they will take from the communities and the municipalities and the people of the States the right to control their own affairs.

Mr. FOWLER. The same argument was urged against the passage——

The SPEAKER pro tempore (Mr. CURLEY). The gentleman from Wyoming [Mr. MONDELL] has the floor unless he yields to the gentleman from Illinois [Mr. FOWLER].

Mr. MONDELL. I did not yield to the gentleman from New York [Mr. FITZGERALD] a moment ago, and I suppose as a matter of courtesy I ought to yield to him first.

Mr. FITZGERALD. The gentleman has passed the place at which I wished to interrupt him, but I wish to call his attention to the fact that, in view of some of the remarks made on the other side of the aisle the other day, the gentleman from Wyoming did not feel quite at home now.

Mr. MONDELL. "The gentleman from Wyoming" never feels more at home than he does when he is defending a righteous cause.

Mr. FOWLER. I would like to ask the gentleman if it is not true that the Federal Government has control over navigable streams in America?

Mr. MONDELL. I have answered that question, Mr. Speaker, several different and distinct times; and I say again, that for the purposes of navigation, and for those purposes alone, has the Federal Government control over navigable streams. Otherwise they are the property of the people of the sovereign States through which they flow. [Applause.] And all this argument alleged to be on behalf of the people is an argument such as the coal operators would make, or that the railroads would make, in regard to these same matters if they were trying to serve their interests. The effect of what is proposed is to take from the people the sovereignty they have retained unto themselves within themselves and attempt to place it in the hands of a Federal bureau. The world gives us numberless illustrations of the effect of that.

Mr. FOWLER. Will the gentleman yield further?

Mr. MONDELL. Russia to-day is a fair illustration of what comes from placing in the hands of centralized Federal bureaus control over all the operations of localities and over the resources of the people in far distant provinces.

The gentlemen want to argue these power bills, and I hope the opportunity will be offered at some time in the future to argue them, because it will be very easy indeed to show that what the gentlemen propose who propose these limitations and these charges is not the protection of the people, but the taking from the people of their rights, their sovereignty, their jurisdiction, and lodging them in a Federal bureau. It will not relieve from the danger of monopoly. It is a plan of Federal controlled monopoly.

Mr. FOWLER. If you construct a dam across a river, navigable or nonnavigable, would you be in favor of securing then to the State a certain per cent of the gross income of that developed water power?

Mr. MONDELL. Mr. Speaker, the State that I have the honor to represent has declared in its constitution that the people of the State are sovereign in their control over the waters of the State. This Congress is not called upon to reserve to citizens of sovereign States powers they have to make charges and assume control and regulation. If any gentleman out of excess of caution wants to write in the statute a provision that the people have a right to do that which they have the right to do, I do not know that anybody has any objection to that supererogation. It is absolutely unnecessary. There is not a State in the Union where these powers are established, where the State has not the right to control in any and all needful and necessary ways all of the operations which result from the building of these dams. And all we are called upon to do as representatives of the people of the States here in the Capitol of the Federal Government is to give the assent of the Federal Government to place a dam across navigable waters so as not to interfere with navigation. Why, the gentleman does not pretend that Congress has any power of control on nonnavigable streams, in which event we have this extraordinary condition of affairs, that the gentleman claiming to desire to protect the people of his State could not by the same measure give any protection to the people of my State. There is not a drop of water within the confines of the Commonwealth I represent that is navigable, even from the standpoint of the most fevered imagination seeking an appropriation on the river and harbor bill. Were our forefathers so shortsighted that they provided that the people might be protected by the Federal Government so far as navigable streams were concerned and, on the philosophy of the gentleman from Illinois [Mr. FOWLER], left to the tender mercies of combinations of plutocrats, plundering them on the streams that are not navigable? The people have full power to protect themselves against extortion in either case, but they do not depend on the Federal Government for protection. In my opinion the whole affair of endeavoring to stampede Congress by the bugaboo of a power trust into the most extraordinary extension of Federal authority is the most extraordinary ghost dance ever started anywhere on earth. The arguments in favor of it on the floor of this House are, in my humble judgment, scarcely worthy of Representatives who ought to understand the Government under which they serve and the limitations of the great instrument which has made us the greatest self-governing people the sun ever shone upon. [Applause.]

Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN] the balance of my time.

Mr. MANN. Mr. Speaker, the gentleman from Wyoming has yielded the balance of his time to me, and I will yield to the gentleman from Pennsylvania [Mr. DIFENDERFER] for the purpose of offering an amendment to the resolution. Then I hope the gentleman from Pennsylvania will move the previous question, so that we will not spend all day on this resolution.

Mr. ROBINSON. Will the gentleman yield to me?

Mr. MANN. Yes.

Mr. ROBINSON. I was just about to make that motion myself.

Mr. SISSON. Mr. Speaker, I want to say now that if that course is pursued, you will have to get a quorum, because the gentleman from Wyoming [Mr. MONDELL] had an hour, and I desire to address the House. I have taken but little time of the House during this session.

Mr. MANN. The gentleman will pardon me. This is unanimous-consent day. Of course anyone can prevent the consideration of these bills by unanimous consent, either by objecting or by taking time. It is absolutely immaterial to me. If the gentleman from Wyoming [Mr. MONDELL] had not seen fit to close when he did, I should have made a point of order. His whole discussion was out of order. I do not think anyone desires to prevent these unanimous-consent bills being called up. The gentleman from Mississippi [Mr. SISSON] can take his time in general debate at some other time.

Mr. SISSON. Mr. Speaker, I wanted to speak at this time on the question that the gentleman from Wyoming [Mr. MONDELL] was discussing. I do not think it exactly fair for gentlemen to sit still and make no point of order when gentlemen may be consuming an hour, and then when somebody else asks the time of the House to interpose an objection.

I had intended to speak on this question, and it happens to be at a time when, under the unanimous-consent rule, these water-power bills are to be considered.

Mr. MANN. If the gentleman will pardon me, this is not the consideration of a water-power bill, unless there is another water-power bill on the Unanimous Consent Calendar.

Mr. SISSON. It happens to be on the calendar, where they propose, if possible, to pass these bills under a suspension of the rules.

Mr. COOPER. I think the gentleman from Illinois [Mr. MANN] is mistaken. There is another bill on the Unanimous Consent Calendar providing for a dam.

Mr. MANN. There may be.

Mr. FOSTER. There are five or six of them.

Mr. MANN. They all went off the other day.

Mr. FOSTER. But they were all put back.

Mr. SISSON. I want to say, Mr. Speaker, that this is a very important question in which the people of the country generally are very much interested, and I do not know of any question that would be of more general interest to every Member of Congress than the proper solution of this water-power problem.

Mr. MANN. I am quite willing, so far as I am concerned, to have it discussed at any time when we can vote on some proposition relating to it, or in general debate. If gentlemen desire

to destroy unanimous-consent day, it can be done either by raising a point of no quorum or in another way by taking time.

Mr. SISSON. The gentleman from Wyoming [Mr. MONDELL] spoke for an hour without objection, and I would like to have the same treatment accorded to me.

Mr. ROBINSON. Mr. Speaker, if the gentleman will permit me, I want to state to the gentleman from Mississippi [Mr. SISSON], although I believe the suggestion has already been made, that the resolution under consideration has no relation to the discussion that has been proceeding here for some time.

Now, under the special order, bills on the Unanimous Consent Calendar are in order to-day. Objection could have been made by the gentleman from Mississippi [Mr. SISSON] or by myself or by anyone else that the debate on the part of the gentleman from Wyoming [Mr. MONDELL] was not germane, and we could have stopped thereby his discussion of the water-power question and in that way we could have resumed the discussion of the resolution pending. But I did not make that point of order for the same reason that I do not object to the request of my friend from Mississippi.

I make this suggestion now to the gentleman from Mississippi: I am always anxious and eager to hear him, but the further continuance of this discussion may consume the entire day and prevent the consideration of other bills that can not be reached except on the Unanimous Consent Calendar. I shall be glad to have the gentleman from Mississippi [Mr. SISSON] reply to the gentleman from Wyoming [Mr. MONDELL]. If he does not reply, I will do it myself, but if he does it, it will obviate the necessity of my assuming the discharge of that arduous task. I hope, therefore, the gentleman will not make the point of no quorum.

Mr. SISSON. You might sometimes cause the Unanimous Consent Calendar to be destroyed entirely by denying to one gentleman the treatment that he thinks he is entitled to. Now, I had no objection to the gentleman from Wyoming [Mr. MONDELL] discussing this important question. I did not object, and all the Members of the House permitted him to take the time of the House in the discussion of this question. Now, when other gentlemen want to have the same treatment accorded to them I find objection is made. I have no disposition to take any course except that which is a perfectly correct one.

Mr. MANN. Well, Mr. Speaker, I was very glad that the gentleman from Wyoming [Mr. MONDELL] in making his speech demonstrated one fact to the House. On the bill that was considered before this there was a reservation of the right to object. There was some discussion on it, and some of the gentlemen of the House became very impatient, they having bills on the calendar lower down, I presume, because there was some time taken on that under the reservation of the right to object, and they objected to that proceeding, and thereupon objected to the bill. I want to demonstrate to this House, so far as I can, that the proper way, on unanimous-consent day, when you want to have a bill discussed somewhat, is to reserve the right to object, so that it will not start a general debate that will take up the day, because then every Member knows that he can not have an opportunity, because he is speaking all the time subject to the reservation of the right of stopping at any moment.

Now, when this water-power matter comes up and the gentleman wants to make a speech he can do so. I disagree just as much with the gentleman from Wyoming [Mr. MONDELL] as does the gentleman from Mississippi. I want to talk about this subject of water power, and so do 40 other men in the House, but if we undertook to do so now and got through there would be nothing to vote for. So what is the use in doing it?

Mr. SISSON. I want to say, Mr. Speaker, that I have no objection to the gentleman's demonstration. I myself want to make a demonstration, and that is of the fact that when you depart from these rules and do not follow them strictly, as judged by the gentleman from Illinois [Mr. MANN], and have the discussion on the reservation of the right to object, you open the door to the killing of unanimous-consent day. But I still insist that equal and exact justice should be done each and every Member of the House who desires the same right.

Mr. MANN. The only way to get equal justice is to let these gentlemen who have bills on the Calendar for Unanimous Consent have their bills reached if possible.

Mr. SISSON. That takes away from me the right that the gentleman from Wyoming [Mr. MONDELL] exercised.

Mr. MANN. The gentleman from Mississippi desires to take away a right that belongs to some other gentleman. I yield to the gentleman from Pennsylvania [Mr. DIFENDERFER] to offer an amendment to the resolution.

The SPEAKER. The gentleman from Illinois [Mr. MANN] yields to the gentleman from Pennsylvania [Mr. DIFENDERFER] to offer an amendment.

Mr. DIFENDERFER. Mr. Speaker, I am very desirous, of course, to have this resolution passed, as it concerns many of my constituents, as well as many others.

I have had a conference with the secretary of the Interstate Commerce Commission, as well as with Dr. Neill, and also with the minority leader on the Republican side, and the suggestion has been made that in line 3, immediately after the word "representatives," the words "through the Bureau of Labor" be omitted. I offer that amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 3 of the resolution, strike out the words "through the Bureau of Labor."

The amendment was agreed to.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. SISSON] may proceed for 30 minutes.

The SPEAKER. The gentleman from Mississippi has the right to be recognized in his own time.

Mr. SISSON. Mr. Speaker, I am very much obliged to my friend from Georgia [Mr. ADAMSON], but if I take the floor at all to-day I shall insist on taking it in my own right. Mr. Speaker, am I entitled to recognition at this time?

The SPEAKER. Certainly. There is no trouble about it. This bill is being considered in the House, and any gentleman who gets recognition has a right to speak in his own time. The gentleman from Illinois [Mr. MANN], however, did not exhaust his 10 minutes that was yielded to him.

Mr. MANN. I yield my time to the gentleman from Pennsylvania [Mr. DIFENDERFER], hoping that he will move the previous question.

Mr. FITZGERALD. The gentleman from Illinois lost the floor.

The SPEAKER. When the gentleman yielded to the gentleman from Pennsylvania he undoubtedly lost the floor.

Mr. FOWLER. He did not limit the time that he yielded to the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Pennsylvania can yield it back to him if he wants to. The gentleman from Mississippi is recognized for one hour.

Mr. SISSON. Mr. Speaker and gentlemen of the House, I listened with interest to the argument made by the gentleman from Wyoming [Mr. MONDELL], and in many things that the gentleman said I agree with him heartily. I agree with him fully about the right of the State to control her local affairs and concerns. We may differ as to a definition of the powers granted to the Federal Government under the Constitution and those powers to be reserved to the State.

All of these water-power projects may be divided into three classes.

First is the right of the Federal Government to build a dam with Federal money for the purpose of developing the navigability of a stream and, as an incident thereto, the development of water power.

Second, you may grant to a private individual or to a corporation——

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman is not discussing the matter before the House.

The SPEAKER. The point of order is sustained.

Mr. SISSON. Mr. Speaker, if the gentleman insists upon that point of order I shall have to state that I do not desire to discuss the resolution of the gentleman from Pennsylvania at all.

Mr. MANN. As far as I am concerned, if the gentleman wants to make a speech for a short time, I shall not object, but I do not think the House ought to spend all the afternoon in discussing matters that can not be voted upon to-day.

Mr. SISSON. I will state to the gentleman from Illinois that I do not think I will consume more than 25 minutes.

Mr. MANN. There are a number of other gentlemen anxiously waiting for an opportunity to get the floor.

Mr. ROBINSON rose.

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Arkansas?

Mr. SISSON. I do.

Mr. ROBINSON. I just want to make a suggestion to the gentleman from Illinois. I hope that he will not at this time press his point of order, for the reason that I do not want to see the consideration of bills on this calendar prevented, and the gentleman from Mississippi [Mr. SISSON] has plainly——

Mr. MANN. The gentleman and I agree on that, but we disagree as to the method. I am satisfied that if we allow the gentleman from Mississippi [Mr. SISSON] to proceed out of order, nobody will then have the conscience to invoke the rule

against the next gentleman, and I am satisfied that there will be a next gentleman.

Mr. SISSON. I appreciate very fully the situation.

Mr. ROBINSON. I hope the gentleman will not insist.

Mr. MANN. If the gentleman desires a little time, I have no objection to that.

Mr. ADAMSON. Mr. Speaker, the anticipation of this situation prompted me to ask unanimous consent in behalf of the gentleman from Mississippi. I thought this point of order would come, and I am anxious that the gentleman from Mississippi be allowed to speak, and I renew my request.

Mr. FITZGERALD. What is the request?

Mr. ADAMSON. That the gentleman from Mississippi be allowed to proceed for 30 minutes.

The SPEAKER. If anybody had raised the point of order against the gentleman from Wyoming, there would have been the same course that we are going through now and the same rule would have applied. In this kind of a situation, unless the House gives unanimous consent, anybody can compel a Member who has the floor to speak to the question before the House. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the gentleman from Mississippi [Mr. SISSON] have 30 minutes in which to address the House.

Mr. SISSON. Mr. Speaker, I appreciate very much the request of the gentleman from Georgia and the purpose in asking unanimous consent that I may address the House for 30 minutes, but I ask to be permitted to address the House in my own right, as the gentleman from Wyoming did.

The SPEAKER. The Chair recognized the gentleman from Mississippi for one hour, and it was no business of the Chair what he was talking about; but the gentleman from Illinois [Mr. MANN] raised the point of order, and then it became the duty of the Chair to rule on the point of order, which he did.

Mr. SISSON. Mr. Speaker, I simply state that I want to be permitted to speak as the gentleman from Wyoming did, and to discuss the water-power proposition. I have no desire to discuss the resolution of the gentleman from Pennsylvania.

Mr. MANN. The request of the gentleman from Georgia was that the gentleman from Mississippi be permitted to address the House for 30 minutes. Under that request the gentleman would not have to confine himself to the resolution.

Mr. SISSON. "The gentleman from Mississippi" understands that perfectly, but he is endeavoring simply to get from the House exactly the same treatment that the gentleman from Wyoming [Mr. MONDELL] received. That is all I am asking for, and for that reason I am declining the courtesy of my friend from Georgia.

Mr. Speaker, unless I can get unanimous consent to proceed as did the gentleman from Wyoming [Mr. MONDELL] I am ready to have the Chair rule upon the point of order made by the gentleman from Illinois.

Mr. ROBINSON. But the gentleman from Wyoming did not have unanimous consent.

Mr. SISSON. I understand. He talked, however, by unanimous consent, and without objection.

Mr. ROBINSON. But any gentleman could have objected.

Mr. SISSON. That is true.

Mr. MANN. The gentleman from Wyoming was admonished privately before he closed that if he did not close soon he would be taken off the floor by a point of order.

Mr. ROBINSON. And I will state that I was about to say the same thing.

Mr. SISSON. If the gentleman from Illinois had waited on me as long as he did on the gentleman from Wyoming before making the point of order that takes me from the floor, I should have been out of the way by now.

Mr. FITZGERALD. Mr. Speaker, it is useless to waste so much time fooling around trying to determine whether the speeches are to be made. I ask the Speaker to submit the request.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the gentleman from Mississippi [Mr. SISSON] be permitted to address the House for 30 minutes. Is there objection?

There was no objection.

Mr. SISSON. Mr. Speaker, I yield so much of the 30 minutes as he desires to the gentleman from Illinois [Mr. RAINEY].

Mr. SHERLEY. But the gentleman can not do that.

Mr. SISSON. I do not desire to address the House under these conditions.

Mr. MANN. I make the point of order that under the consent granted the gentleman from Mississippi can not yield time.

The SPEAKER. That is true.

Mr. SHERLEY. Mr. Speaker, I move the previous question on the resolution to final passage.

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the previous question was ordered.

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

The question was taken, and the amended resolution was agreed to.

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

BEAM TRAWLING.

The next business on the Calendar for Unanimous Consent was House joint resolution 173, providing for an examination by the Commissioner of Fisheries as to the destructiveness of the method of fishing known as beam trawling.

The Clerk read as follows:

Resolved, etc., That the Commissioner of Fisheries be, and he is hereby, authorized and directed to make an investigation into the method of fishing known as otter and beam trawling and to report to Congress whether or not this method of fishing is destructive to the fish species or is otherwise harmful or undesirable.

SEC. 2. That in the event that the Commissioner of Fisheries finds this method of fishing to be destructive, harmful, or undesirable he shall recommend to Congress such legislation as he may deem necessary.

SEC. 3. That an appropriation not exceeding $7,500 is hereby authorized for carrying into effect the provisions of this resolution.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent that the resolution may be passed over without prejudice.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to pass this resolution over without prejudice. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I suggest this to the gentleman: I do not know whether there is any opposition to this resolution or not, but this item is included as a Senate amendment in the sundry civil appropriation bill.

Mr. GREENE of Massachusetts. I so understand.

Mr. MANN. If there be no objection to the passage of the resolution—and I do not know whether there will be or not—that might be a warrant for the House conferees to agree to that amendment. Otherwise I doubt very much whether they would be warranted in agreeing to it.

Mr. GREENE of Massachusetts. I have no objection to considering it.

Mr. ALEXANDER. Mr. Speaker, I suggest to the gentleman from Massachusetts that this resolution be submitted to the House. I do not think there would be any objection to it. The Senate has added a provision to the sundry civil appropriation bill appropriating $5,000 to make this investigation. This proposition was pending before the Committee on Merchant Marine and Fisheries, and we had hearings upon it at two different dates. Many people from the New England coast who are interested in fisheries were here, and, after the hearings referred to, we concluded that we were not making any headway in the ascertainment of the real facts in the case. Hence it was agreed to by all parties in interest that this matter be referred to the Bureau of Fisheries for investigation and report to Congress, and this resolution authorizing the investigation and expenditure of $7,500 for that purpose was reported to the House by the Committee on the Merchant Marine and Fisheries.

The Senate amendment to the sundry civil appropriation bill carries $5,000. I have had some conference with one of those who may be of the House conferees, and he understands the merits of the proposition. I do not think the conferees will object to the appropriation for this important purpose.

Mr. GREENE of Massachusetts. Very well, Mr. Speaker; I withdraw my request.

Mr. FITZGERALD. Mr. Speaker, if this carries an appropriation, I shall have to object. I do not know that the bureau has not money in some other fund from which to go on with this investigation. I do not know with whom the gentleman from Missouri conferred as one of the prospective conferees.

Mr. ALEXANDER. Mr. Speaker, I conferred with the gentleman from Kentucky [Mr. SHERLEY].

Mr. FITZGERALD. That may be. I would say that it is customary for the chairman of the committee to be one of the conferees.

Mr. ALEXANDER. Mr. Speaker, I would have conferred with the gentleman, but his time is so much occupied that I did not have the opportunity.

Mr. FITZGERALD. Oh, that is hardly justified.

Mr. MANN. Mr. Speaker, I would suggest that we might pass the resolution and entirely strike out section 3, which is the one that carries the appropriation.

Mr. ALEXANDER. I have no objection to that.

Mr. FITZGERALD. I would not object to that, for if there be an appropriation for this purpose I think it ought to be provided in the manner in which we can keep track of it in the regular appropriation bills.

Mr. MANN. Can we not have an understanding that we pass the resolution and strike out section 3?

Mr. FITZGERALD. That is agreeable.

Mr. GREENE of Massachusetts. Then, Mr. Speaker, I withdraw my request.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. SISSON. Mr. Speaker, I object.

The SPEAKER. The gentleman from Mississippi objects and the resolution will be stricken from the Calendar for Unanimous Consent.

COCONINO CATTLE CO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6735) to authorize the exchange with the Coconino Cattle Co. of lands within the Coconino National Forest.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to the Coconino Cattle Co. patent for the following-described 160 acres of land: The east half of the west half of the northwest quarter of the southwest quarter, west half of the east half of the northwest quarter of the southwest quarter, east half of the west half of the southwest quarter of the southwest quarter, east half of the southwest quarter of the southwest quarter, west half of the southeast quarter of the southwest quarter, west half of the east half of the southeast quarter of the southwest quarter of section 15; and the east half of the northwest quarter of the northwest quarter, west half of the west half of the northeast quarter of the northwest quarter, southeast quarter of the southwest quarter of the northeast quarter of the northwest quarter, east half of the southwest quarter of the northwest quarter, west half of the southeast quarter of the northwest quarter, southwest quarter of the northeast quarter of the southeast quarter of the northwest quarter, and west half of the southeast quarter of the southeast quarter of the northwest quarter of section 22, all within township 17 north, range 4 east, Gila and Salt River meridian, in the Coconino National Forest: *Provided*, That before patent shall issue the said Coconino Cattle Co. shall convey to the United States by properly executed and duly recorded deeds, title in fee simple to the following-described land: The northwest quarter of section 3, township 20 north, range 6 east, Gila and Salt River meridian, in the Coconino National Forest: *Provided further*, That no deed or other instrument of conveyance shall be accepted by the United States until the Attorney General of the United States shall certify that a good and sufficient title to such lands is vested in the United States.

SEC. 2. That upon such acceptance by the Secretary of the Interior the lands so conveyed to the United States shall immediately and by force of this act alone be reserved and set apart as national forest land.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, why should the General Government give to this cattle company this land that is particularly desired?

Mr. ROBINSON. Mr. Speaker, it does not do that. The bill simply provides for an exchange within the national forest for lands which the Government desires.

Mr. FITZGERALD. Mr. Speaker, the report makes the same statemnet, but the correspondence hardly justifies it. The report seems to imply that the Government is anxious to secure a certain tract of land and make this exchange in order to obtain it.

The truth is this cattle company has been occupying this tract of land under permit. The cattle company desires it, and the Department of Agriculture believes it would be a good place for a lookout station, if it took some other land not as valuable upon the report of the forester out there. Why could not the lookout station be erected on the land under the permit of the cattle company in the same manner that the cattle company now occupies this land?

Mr. HAYDEN. I will state to the gentleman it is not customary for the United States to build a lookout station or to make any other improvements except upon its own land. Lookout stations are located according to the altitude—that is, they are built on a high point of ground, so that the ranger can look out over the forest and locate forest fires. This land is chiefly valuable to the Government on that account.

Mr. FITZGERALD. It is a point covered with timber, and not valuable at all except for the timber, and the company has a very desirable location of agricultural land, which is proposed to be traded for this land.

Mr. HAYDEN. The amount of land involved is 160 acres in each case and in the same forest reserve.

Mr. ROBINSON. If the gentleman will permit me, the gentleman's conclusion in regard to the correspondence is wrong. I submit it is the reverse of the statement made by the gentleman from New York, and I will read part of it:

In view of the fact that the bill will authorize the exchange of the small described area wholly within a national forest for a like area also within the same forest; that the tract sought to be acquired is apparently desired for use by the Department of Agriculture as an administrative site and particularly as a lookout station for the protection of the national forest from fire, this department has no objection to its enactment.

The same statement is contained in the letter of the Secretary of Agriculture, so that it appears that the exchange is desired by the Department of Agriculture for the reason that has been stated so clearly by the gentleman from Arizona [Mr. HAYDEN].

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, I will read one sentence from another letter which the gentleman did not read:

The tract in the sections described in the bill to which the company desires to acquire has for some time been used by them as a stock ranch under permit from the Forest Service. The company has constructed improvements there which includes fences, cabins, a well, and a windmill. The land is agricultural in character and does not support any valuable timber.

Then, later on, he says:

I am informed by the district forester that the tracts are of equal area and approximately of equal value and that the proposed exchange will not prejudice national-forest interests. I therefore have no objection to the passage of the bill.

If the Department of Agriculture was seeking this legislation, the correspondence upon the bill would be very differently worded; whereas here it says that they would have no objection.

Mr. ROBINSON. That is the form of the language, if the gentleman will permit, that is universally used by this department in reporting the bills referred to it by this committee, and the fact does appear from this statement and from the letter that the gentleman has read that the land is desired by the Agricultural Department for the purpose stated because of its usefulness for this purpose.

Mr. FITZGERALD. They stated it would be a desirable place for a lookout station.

Mr. ROBINSON. I want to suggest, further, to the gentleman from New York that the land being agricultural it can be entered by any homestead settler who obtains it from the Government without any charge whatever. The land which the Government trades has no timber and the Government gets the best of the trade, in my judgment, from the hearings had before the committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBINSON. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The committee amendment was read, as follows:

Page 2, line 21, strike out the period and add the words "by said conveyance."

The question was taken, and the amendment was agreed to.

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. ROBINSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

SEWER PIPE ACROSS FORT RODMAN MILITARY RESERVATION, NEW BEDFORD, MASS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15509) to authorize the construction and maintenance of a sewer pipe upon and across the Fort Rodman Military Reservation at New Bedford, Mass.

The Clerk read as follows

Be it enacted, etc., That the consent of the United States is hereby given to the city of New Bedford, a municipal corporation existing under the laws of the Commonwealth of Massachusetts, to locate, construct, and maintain a sewer pipe upon and across the military reservation of Fort Rodman in said Commonwealth, upon such location and in accordance with such designs and plans as the Secretary of War may approve and under such conditions and regulations as he may prescribe.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. SISSON. Mr. Speaker, reserving the right to object, how far does this sewer go across the reservation?

Mr. GREENE of Massachusetts. I should think possibly 900 or 1,000 feet. The reservation is at the outlet of New Bedford Harbor, and it is impossible for the city to reach the harbor of the bay except through Fort Rodman Reservation.

Mr. SISSON. When you lay sewers across private property in Massachusetts do you pay any compensation for it?

Mr. GREENE of Massachusetts. I think not with public sewers. This is across a military reservation.

Mr. SISSON. I understand that; but in building sewers across private property in the State of Massachusetts do you have to pay anything for it?

Mr. GREENE of Massachusetts. It may be.

Mr. SISSON. Suppose a private individual should object to it, would you have to condemn it?

Mr. GREENE of Massachusetts. I suppose we would have to buy the right.

Mr. MANN. Will the gentleman permit me to suggest that this sewer is already built on an agreement that it may be used by the reservation for sewage purposes under a temporary permit subject to action by Congress.

Mr. SISSON. Does the Government get the free use?

Mr. MANN. It does.

Mr. SISSON. And without expense to the Government but maintained by the city of New Bedford?

Mr. GREENE of Massachusetts. Maintained by the city of New Bedford without expense.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

Mr. SISSON. Mr. Speaker, I object to that; I want the House to go into the Committee of the Whole House on the state of the Union.

Mr. GREENE of Massachusetts. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15509.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15509, with Mr. SISSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 15509, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 15509) to authorize the construction and maintenance of a sewer pipe upon and across the Fort Rodman Military Reservation at New Bedford, Mass.

Mr. HAY. Mr. Chairman, I move that the committee do now rise and report the bill favorably to the House.

Mr. FOSTER. I do not think it has been read.

Mr. HAY. It has been read.

The CHAIRMAN. The Clerk will read the bill.

The bill was again read.

Mr. HAY. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that it be passed.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SISSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15509, and authorized him to report the same to the House with the recommendation that it do pass.

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. GREENE of Massachusetts, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF UNUSED POST-OFFICE SITE AT PERTH AMBOY, N. J.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21888) providing for the sale of the United States unused post-office site at Perth Amboy, N. J.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to sell and convey the United States unused post-office site at Perth Amboy, N. J., at such time and on such terms as he may deem to be to the best interest of the United States, and to deposit the proceeds in the Treasury as a miscellaneous receipt.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. SISSON. Mr. Speaker, I object.

Mr. BURNETT. Then I move, Mr. Speaker, that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21888.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 21888, with Mr. ROBINSON in the chair.

Mr. SISSON rose.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] is recognized.

Mr. SISSON. Mr. Chairman, I had intended to state all of the divisions into which I would divide the water-power projects over which Congress would have control. The first class would be that class where the Government expends the entire amount of money necessary to construct the dam for the purposes of navigation, and as a result thereof water power is developed.

The other is where a private individual has permission from the Federal Government to build a water-power project across a navigable stream, at the expense of a private individual or a corporation. The other is the building or development of water power where the stream is not navigable, but where the water and the land belong to the Government, as, for example, in a military reservation.

In the discussion of this question, with reference to the rights of the State and the rights of the Federal Government, it is well to keep these three classes of cases in our mind. I maintain we do not entrench upon the powers of the State or the rights of the State when the Federal Government expends all of the money in building a dam necessary for the purpose of creating locks in order that navigation of the stream may be perfected; that it is any infringement on the right of the State for the Federal Government to dispose of that water power under such terms as Congress may see fit and proper; and that the proceeds thereof shall be covered into the Federal Treasury——

Mr. MONDELL. Will the gentleman yield?

Mr. SISSON (continuing). Because the people of the United States, as a whole, developed the water power and developed the value. I contend the Federal Government would have the right to give it to a company that would put in the turbine wheel or the necessary machinery, and determine the conditions upon which the private company might operate it.

Now I yield.

Mr. MONDELL. Does the gentleman understand the proposition which he stated is not the proposition I was stating at all?

Mr. SISSON. I do not undertake to say that it is.

Mr. MONDELL. Just a moment. The gentleman has stated the proposition of construction by the Federal Government at Federal expense and the sale of power thus developed. What I was discussing, as the gentleman well knows, was the authority of the Federal Government to place limitations on development of private parties.

Mr. SISSON. The gentleman simply anticipates. If he will possess his soul in patience, I will reach the class of cases the gentleman was discussing. The gentleman from Wyoming, and I presume almost every man in this House, will agree that when the Federal Government spends the money out of the Public Treasury for the purpose of developing the water power the Federal Government would have the right to dispose of that water power as Congress might see fit.

Mr. SHACKLEFORD. I desire to ask the gentleman from Mississippi what authority the United States Government would have to develop water power in the States?

Mr. SISSON. I did not mean water power. It was a misuse of the term. I meant the development of a power for the purpose of protecting or advancing navigation on the streams, and the right to build the dam is the right that the Federal Government has over navigable rivers and over the harbors of the country.

Mr. SHACKLEFORD. Over the improvements of its easement.

Mr. SISSON. Now, as a matter of fact, if the Federal Government has the jurisdiction over the streams and spends its own money there, spends the money of all the people there, for the purpose of developing a navigable stream, which all the people of the country may use, as an incident thereto, it must necessarily and logically follow that the Federal Government ought to prescribe the law whereby people may use that power which has been developed by the expenditure of Federal money in a proper Federal function, because the Federal Government unquestionably has that right, and if, as an incident to building the dam for the purposes of navigation, benefit shall flow in the way of water power from it, it can be no infringement on the rights of the people in that locality to use that water under the rules and regulations laid down by Congress.

Mr. SHACKLEFORD. Mr. Chairman, I would like to ask the gentleman from Mississippi [Mr. SISSON] if it is not one of the rights of a riparian owner to use the water that flows along the border of his land for the purpose of developing water power, subject to the easement of the Government to use the river as a highway?

Mr. SISSON. That is true; that if the Federal Government shall grant to a private individual, under terms, the right to build a dam across a stream, the riparian owner has the right to the reasonable use of it; the riparian owner in the State of a nonnavigable stream has also the right to use the stream, and the riparian owner below him on the stream has no right to complain, provided the use of the stream by the one above him is reasonable. He has absolutely the right to reasonably pollute the stream, but he has not the right to unreasonably pollute the stream. As to sawmills and dye factories and industrial plants and such institutions, the courts have held that where they pollute a stream to the extent that it is unsuitable for the use of man and beast that it is unsuitable for the use of the riparian owner below, and this rule applies in a State to a nonnavigable stream. The rule is the same on the navigable streams.

Mr. SHACKLEFORD. It being the duty of the riparian owner to make a reasonable use of his riparian rights, is it not also the duty of the Federal Government to make a reasonable use of the easement, so as not to obliterate the right of riparian owners and the rights of the State, to which those riparian owners are subject?

Mr. SISSON. I do not agree with the gentleman from Missouri [Mr. SHACKLEFORD] that the only right the Federal Government has to a stream running between States or through States, if it is a navigable stream, is an easement. I believe that the Federal Government is absolute in the control of that river for purposes of navigation. I believe that the Federal Government's right is an absolute right. Now, if the Government shall do any damage to the riparian owner, the Federal Government has always, either by condemnation proceedings or by an agreement between itself and the riparian owners, to respond damages. But the right of the Federal Government is an absolute one. It exercises the right of sovereignty there, because it has the right to condemn private property along the banks for its use. Therefore the Federal Government's right to develop a navigable stream is an absolute right, and one that can not be denied by the State.

Mr. SHACKLEFORD. Mr. Chairman, I do not want to trespass unduly on the gentleman's patience, but I want to ask him one more question. It is this: Would the erection of a dam and the creation of a large body of water above the dam by the Government warrant the Government in exacting payment for the taking of fish in that dam?

Mr. SISSON. No. I do not believe that the Federal Government should be prevented from charging a certain amount for fishing on its own property. If it is a trespass on the Government's property, the Government can regulate the use of the property without endangering the Government's rights to the use of the dam. The Government could not prevent a riparian owner fishing.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. SISSON. Yes.

Mr. HUMPHREYS of Mississippi. The right of the Federal Government is more than the possession of a mere easement. In the case suggested by my colleague from Mississippi [Mr. SISSON], when the Government builds a lock and dam, the Government must become a proprietor and must itself be a riparian owner. It must itself own the land, and the Government can, on the land it owns, prevent anybody from fishing just as much as the riparian owner can.

Mr. SHACKLEFORD. That is not my question at all.

Mr. SISSON. I do not think that is the question. It was not the point I had in mind. There is no question but that a man can control water on his own property, but it is a different question as to whether the Government would have the right to control the fishing in a dam erected at the expense of the Government.

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

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

Mr. SISSON. I yield.

Mr. MANN. I think the gentleman's views and my own are alike in some things. I understand that the gentleman grants the right of the Government to charge for the privilege of use when the Government constructs a dam?

Mr. SISSON. Yes.

Mr. MANN. Does the gentleman say that we have the right and ought to exercise the right when we grant a railroad authority to construct a bridge over a navigable stream?

Mr. SISSON. I see absolutely no reason why the Government should not, under the Constitution, exercise the right of control when it gives a license or privilege that is a valuable grant to a railroad. But I have not given any consideration to that question.

Mr. MANN. I agree with the contention that we have the right to do it, but the question with me is whether, at this time, we ought to exercise the right to charge in the construction of a dam or the right to charge in the construction of a bridge.

Mr. SISSON. I will take up that phase of the question in a moment.

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

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Georgia?

Mr. SISSON. I regret that I can not.

Mr. ADAMSON. I wanted to ask the gentleman from Illinois [Mr. MANN] a question in connection with his remarks.

Mr. SISSON. I must decline, Mr. Chairman, because I want to proceed to the next point in my statement.

Mr. ADAMSON. Just a brief question.

Mr. SISSON. Well, I will yield, if the gentleman will make it very brief.

Mr. ADAMSON. It is this: Whether the gentleman does not think that under the general dam act the Secretary of War can exercise the power suggested by the gentleman from Mississippi?

Mr. MANN. I think the Secretary of War has that power, but that gentleman preferred to talk about it rather than to act.

Mr. SISSON. I have that clause in the general dam act here, marked. It gives in express terms the right to regulate all tolls.

Mr. HUMPHREYS of Mississippi. The provisions of the general dam act do not grant to the railroad an unconditional right to build a bridge across a navigable stream, but to-day the Government does grant the right and privilege to the railroads to build bridges across navigable streams on certain conditions, as set out there, one being that the Government may use the bridge itself, that it can use it as a post road, and carry troops across it; and then the Government imposes numerous conditions on the railroad company when it gives the company the privilege of building the bridge.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman a question.

Mr. SISSON. I will ask the gentleman to be brief, as I want to get through.

Mr. CULLOP. If Congress has the right to authorize a dam to be constructed across a navigable stream, can it fix the terms on which it gives that right?

Mr. SISSON. I was endeavoring to discuss that when I started. That was the first proposition I laid down, that in cases where the Government expends its money in the construction of a dam and as an incident thereto develops water power, the Government has an unquestioned right to control that.

Now, the next clause that I would like to discuss is that where a private individual or corporation comes to the Government or gets permission of the Government under certain conditions to build a dam across a navigable stream. My position is that since the Federal Government has the jurisdiction of the navigable streams, and would have the right to control its own dams, if it built them itself, if it gives the right to another it has the same right to exercise the control not only over the dam, but the right to control, for the benefit of the people of the community and the protection of the public, the manner in which the corporation or individual uses that water.

If that were not true, you would have two separate jurisdictions in this matter. If you should go into the State court, or into the State legislature by a petition, and the legislature should endeavor to act, then the Federal court could intervene if the legislature in any way infringed upon any right or privilege which had been given to the individual or the corporation by the act of Congress. But if the United States should go into the Federal court, then the defendant company would contend that this was a matter over which Congress had taken no jurisdiction, over which it had not exercised its powers; and it being a legislative, governmental function and Congress having failed to act, the court could not.

I know there has been quite a discussion throughout this country about that twilight zone, where the State has a right to go up close to the Federal Government, and the Federal Government has the right to come down close to the State, but there remains a region, exactly how wide we are unable to determine, where the powers of the Federal Government cease and the powers of the State cease, and the lawyers talk about it as the twilight zone between the two jurisdictions.

My contention is that when the Federal Government builds dams of this second class, it ought by general law to prescribe, first the manner in which the dams shall be constructed, and second the maximum charges; because if you wait until all

of these charters have been granted, it will be too late. Suppose, for instance, that the Federal Government should give a New Jersey corporation the right to build a dam across a navigable stream in the State of Arkansas or the State of North Carolina.

Mr. SHACKLEFORD. That can not be done without the consent of that State legislature.

Mr. SISSON. That is true. It can not be done without the consent of the State legislature; but whether the charter be originally a North Carolina one or a New Jersey one, it is absolutely necessary that the rights of the people should be conserved in the act of Congress that gives the right to construct the dam across the navigable stream; and I put no such narrow construction upon the jurisdiction of the United States as is placed there by many people. I do not believe that there is a double power there, or that the Federal Government exercises power over the stream for one purpose and the State for another. I believe the power is just as absolute when it gives the right to a private individual to build a dam as it is when the Government itself builds the dam. If that be true, it becomes the duty of the Federal Government to preserve and protect these valuable rights. I do not believe there is a mind that can now conceive of the enormous value that these water-power privileges will ultimately attain.

Mr. ADAMSON. Will the gentleman yield a moment?

Mr. SISSON. In one moment. Under improved processes of transmission it will be possible to carry across the country the power developed in the mountain fastnesses, and it may be sold to people in distant cities and in other States. Thus it will become subject to the jurisdiction of the Federal Government, not only on account of the power being developed in a navigable stream but because the power so developed will be transmitted from one State to another, and in the sale of this power for the purposes of heat, light, and transportation the regulation of the Federal Government will be required. It may be possible that because of a charter granted on the upper part of a stream, close to a State boundary line, it may be impossible for a State below to exercise its rights, and thereby the people of that State be deprived of the water power, and if it is a navigable stream I say it becomes the duty of the Federal Government to prescribe the maximum charge that shall be made for power. [Applause.] Now I will yield to the gentleman from Georgia.

Mr. ADAMSON. Mr. Chairman, the gentleman has passed on from the place where I sought to interrupt him, but he has come back to a kindred subject. I want to call the gentleman's attention to the fact that in all the bills now pending which provide for a corporation chartered in one State securing the consent of Congress to construct a dam in another State they have been so safeguarded as to provide that it shall be done only when authorized by the State in which the dam is to be located. I desire, further, to suggest to my distinguished and eloquent and learned friend that whenever one of these dams is constructed and proceeds to extend its transmission line across a State boundary into another State, then the transmission from one State into another will give Congress jurisdiction over the charges and practices, regardless of what the States may have done.

Mr. SISSON. I think that is absolutely true, and for that reason it is important for us to consider this matter properly at this time. I do not understand how it is possible for the State government to put proper safeguards around the transmission and sale of power for the purposes of producing light, heat, and transportation in another State, and I do not believe it should be left to an individual State. I believe every individual or corporation that develops water power should be required to develop all the power of which any given stream is capable at that particular point, so that nobody may act as a dog in the manger. But when they have developed the last ounce of water power it is utterly inconceivable to me how it can succeed if one State can prevent another State from selling water power within that State. It seems to me that that is a subject which is essentially within the power of Congress to regulate. My reason for calling attention to these matters at this time is because modern water power is in its incipiency. The wildest imagination of the greatest engineer of the country can not tell what the development of water power may mean to our posterity.

Our Maker has lifted the waters up onto these great mountain heights, and they run down toward the sea. It has been possible for the imagination of man to conceive that every spindle, every drill, and all of the railroad and land transportation companies may be operated and run by virtue of this power; and since it is such a new field, I think Congress should make haste slowly in granting these charters in general terms unless they sufficiently safeguard the rights of the public.

Mr. SIMS. Mr. Speaker, will the gentleman yield?

Mr. SISSON. Certainly.

Mr. SIMS. It is often a question as to what a navigable stream is and what it takes to constitute a navigable stream.

Mr. SISSON. I have no doubt the gentleman will ask me a very hard question if he asks me to define one.

Mr. SIMS. Suppose a company comes to Congress and asks permission to build a dam. It must be upon the theory that the stream is a navigable stream.

Mr. SISSON. Unquestionably.

Mr. SIMS. Can the parties which seek that permission of Congress and who get it be afterwards heard to dispute the power of Congress as to this particular stream? In other words, are they not estopped from raising that question?

Mr. SISSON. I think they would be estopped, and I think the courts would estop them; or if a Representative in the House or in the Senate should introduce a bill at the request of these parties and these parties then take advantage of their rights under that bill and expend money in accordance with the terms of the bill, they would be estopped to deny the jurisdiction thereafter of the United States Government in the premises.

Mr. SIMS. Then, if a dam were built on a navigable stream, as they usually are, with the right reserved to alter, amend, or repeal, could not the Secretary of War, under the power given him by the Constitution, have the dam removed as an obstruction to navigation?

Mr. SISSON. He could not, if there was an injunction against him, until it had been determined whether the party had violated the terms of the contract or agreement with the Federal Government.

Mr. SIMS. Is it not practicable and possible by spending money enough for the Government, by canalizing streams, to make almost any of them navigable?

Mr. SISSON. I think that may be true, but we must deal with the question as it now is, and just exactly how small a boat must be to be called a boat engaged in interstate commerce, and how often it must go up or down the stream to make it navigable, is a very, very difficult question to answer.

Mr. SIMS. It might be rafts or flatboats or anything of that kind, logs. It is all owing to what is meant by navigation.

Mr. SISSON. I think, however, a reasonable definition is about this: That it is such a stream as can be reasonably used during the greater portion of the year for boats sufficiently large to engage in interstate or intrastate commerce, and if it happens to be too small I do not suppose any court would ever declare it to be a navigable stream. There are, however, some who contend now that the Federal Government's right extends to the spring on the hillside, upon the theory that if you are permitted to divert the water from the small stream you thereby injure navigaion in the large stream, and there you find a conflict of jurisdiction again. But I take no such stock in that contention as that I would even give serious consideration to it. because I believe a stream must have a sufficient quantity of water by natural causes to make the stream navigable.

I had not intended to discuss the navigability of streams, I will say to the gentleman, although I had given the subject some thought.

Mr. SIMS. Congress has already passed a bill to buy up the mountain tops in New England and the South in order that they may gather in the clouds, with the hope that they may be condensed and that rain may ensue.

Mr. SISSON. I will state to the gentleman that I opposed that bill, and I do not believe that the Government should have gone into the purchase of the mountain ranges, but that has been done and is now behind us.

Mr. STEVENS of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. SISSON. Yes.

Mr. STEVENS of Minnesota. Is the gentleman familiar with the doctrine laid down by the Supreme Court in what is known as the Rio Grande Navigation case, in which the Supreme Court held that the upper portion of the Rio Grande River in New Mexico, away up in the mountains, was a navigable stream and under the jurisdiction of Congress, under the very doctrine that the gentleman stated.

Mr. SISSON. My own opinion, and my own views, of a great many questions are so far removed sometimes from the decision of the Supreme Court that in the discussion of a question here I am compelled to admit that is the law now, but I am not willing to admit that they have correctly announced the law, because I do not agree to that doctrine at all.

The other class of cases to which I would call attention would be very small, but we do have them here, and we have legislation which affects them. It is where the Federal Govern-

ment owns the land around the stream, as, for instance, at an Army reservation. If the Federal Government owns the stream and owns the bank on either side and the water-power sites, and owns all the watershed on which the water falls, it has, of course, all of the rights that any riparian owner could have, and if it is a navigable stream they could have that additional control of the stream.

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

Mr. SISSON. Certainly.

Mr. COOPER. That is a very interesting question which the gentleman is discussing about the navigability of streams. I want to ask just one question. Suppose that there were four nonnavigable streams, tributaries, that ran together and made a navigable stream. Does not the gentleman believe that Congress, having full power to protect navigable streams, can go to the fountainheads of those tributaries which make it navigable? In other words, must Congress sit by and permit a navigable stream to be destroyed?

Mr. SISSON. The gentleman is asking the very question which I stated would be a difficult thing to answer when the gentleman from Tennessee interrupted. I anticipated the gentleman from Tennessee injecting it into this discussion, but if the Federal Government has any power at all it has simply the right that all riparian owners would have, that those people living on either of those four streams would have, namely, the right to a reasonable diversion, the right to a reasonable use and to a reasonable polluting of that stream. I do not believe that the rights of the Federal Government over the streams can rise superior to the rights of the individual. Therefore, if the people of a State are reasonably using that stream, I do not believe the courts would ever hold that the people of the State or the riparian owners were violating any of the rights the Government would have.

Mr. COOPER. Will the gentleman permit an answer to that in the form of a question?

Mr. SISSON. Certainly.

Mr. COOPER. The gentleman from Mississippi remembers that the Constitution itself declares that the Constitution and all the laws made in pursuance thereof and the treaties shall be the supreme law of the land. Now, then, the Constitution gives the Congress the exclusive jurisdiction over navigable streams.

Mr. SISSON. Yes.

Mr. COOPER. Then the interest of the general public in the navigability of the stream is paramount over the riparian rights.

Mr. SISSON. I do not understand that at all.

Mr. COOPER. The Constitution is the paramount law, and it declares it is.

Mr. SISSON. I deny the proposition absolutely. I would like to have the attention of the gentleman from Wisconsin. The Constitution specifically says the right of the Federal Government over streams shall be an absolute right—that is, over navigable streams. Now, since a navigable stream is made up of many other streams, the Federal Government having the same absolute right to exercise its authority that an individual would to exercise powers over his own land to preserve the navigability of the stream, would have the right to demand—I understand that is all the court held in the case in reference to the headwaters of the Rio Grande, although the people of the country were considerably startled at the extent of that opinion—but I think the only thing the court held in that case was that a reasonable use of the stream was always within the right of the riparian owners of a nonnavigable stream, and if they unreasonably polluted the stream, if they unreasonably diverted, if they took so much water out of it as to interfere with the rights, the sovereign rights, if you please, of the Government, as to affect navigation the Federal Government would have the right to go into court for the purpose of preventing such use of it. That is my construction and my contention of the right that the Federal Government has over the feeders of a navigable stream, and the Federal Government has only the same right that the other individuals have.

To illustrate, if A lives above B, he would have the right to a reasonable use of the water as it passes by his land and by his property, but if he puts it to an unreasonable use, if he unreasonably pollutes it, if he so diverts it that he injures B below, then B would have the right to go into court and stop A from the unreasonable use of the water. And I believe that is all the court intends in the case that has been just cited from the Rio Grande River. The Federal Government has no other right.

Now, as to what may possibly come out of all of this, none but the most poetic imagination can conceive. It is possible that every home may be heated, that our food may be cooked, that our goods may be transported, that our fields may be cultivated, that all of our factories may be run and our industries developed by this water power of the country and coal and other kinds of fuel may finally be superseded except where it is impossible to have the water power generated and be transmitted over the wires. Now, since this is such a very great question, I am unwilling as a Representative of the American people, I am unwilling as a Representative sent here by a constituency, not to legislate alone for that constituency, the fourth congressional district of Mississippi. Thank God, my views are not bounded by my district. I see the gentleman who represents the district in which Niagara Falls is situated—it is just as much my duty to represent his constituents as it is my own. It is just as much my duty to exercise my best judgment in every vote I cast in reference to a matter which affects the people of the Pacific and the Atlantic coasts as it is upon the Gulf coast, where I live, and no man should hold his representation here so narrow that he does not look beyond the boundaries of his own district. A gentleman spoke of these people who were unwilling to let all of this wonderful power pass into the hands of a few people and want it properly safeguarded, and said that it might be well to look into the congressional districts and ascertain how much coal these people had.

Not an ounce of coal is mined in my district. I do not believe there is an ounce of coal in my district. I do not believe there is an ounce of coal, certainly not an ounce that is minable, in the State which I represent in part. I believe my State has as little water power to be developed as any State in the Union. There are very few streams there upon which water power can be developed, but I take no such narrow view of this question that I would be willing for the Federal Government to surrender its rights to corporations in the State of Colorado, in the State of Montana, in the State of Arkansas, or the great Carolinas or Virginia or Tennessee, where they have great water power. I am unwilling that the State should give a charter to an individual or to a corporation, and after the rights of that corporation shall have been established or the rights of the individual shall have been established that that right should be one which could be sold to another corporation engaged in the same line of industry. I am unwilling that this power should be granted so that A owning water power in one State and B in another and C in another that A, B, and C might sell their rights to D. I am unwilling that these rights given to men shall be transferred unless there is a sufficient safeguard to prevent the complete monopolization of all of this power. Why, in some instances in some sections of the country 1 horsepower is worth $40. In another section it is worth $24, and I do not believe I found upon my investigations that a horsepower is worth less than $24 in any section of the country when produced by the cheapest kind of fuel, and yet it is possible to build a dam where the overhead charges per horsepower will be less than a dollar a year and where the labor in order to generate it will not be more than a dollar a year to keep this horsepower in operation for 12 months, and, as the Indians would say, as long as grass grows and water runs, with the most infinitesimal amount of maintenance the mighty resources which belong to all the people will be controlled in the hands of a few stockholders and one of the mightiest power trusts in the world will be created, and, my friends, I am unwilling as an American citizen to see all of these resources squandered. I want them safeguarded with the greatest care. My friend from Wyoming said he would like to see whether or not some gentlemen were not influenced by some overweening power or influence outside of Congress which blinded their judgment.

I want to say to my friend that there is just as much reason to say that the minds and the hearts of people will be influenced by these men who hang around the lobbies of this Capitol and up in the galleries [applause], asking men to vote for these innocent water-power propositions when Congress shall not have had an opportunity to know how much of value they are granting. Why are they so anxious about it? I find here now numbers of gentlemen who are interested in asking me to vote for water-power sites, but, God bless you, I have not found anybody that ever approached me asking me to vote against the bill. [Applause.] If there be influence around this Capitol for the purpose of securing legislation, it is on the part of people who are anxious to get these mighty values. If it was not so valuable, if there was not so much of power in the future—and, by the way, I do not mean water power there, but I mean power that enables them to become financial powers in this country—if it was not so valuable, do you believe that these men would come from their homes, do you believe that they would stay here for weeks and for months endeavoring to get these matters through Congress?

Now, I have no criticism to make of these gentlemen. I think they have the right, so long as they do nothing but argue the proposition, so long as they do nothing but discuss the

proposition, to come in the interest of that legislation that they may desire, and appeal to the good judgment of Congress to pass it. I would not criticize them nor the men who vote in favor of these water-power projects, nor would I criticize the man who conscientiously endeavors to do his duty against the proposition. I do not believe my good friend from Wyoming [Mr. MONDELL] really meant that there was any railroad influence or any coal-mining influence behind these men who are making the fight to conserve the water power of the country.

Mr. CULLOP. I would like to ask the gentleman if he knows that the present Secretary of War has advised concerning a similar bill against its passage because it did not include in it a provision making a charge for compensation to the Government for the granting of the privilege, and also because it did not have a provision in it authorizing the General Government to control the sale of the product or limiting the price after it had been established?

Mr. SISSON. That is my information, I will say to the gentleman.

Mr. CULLOP. I would like to read to the gentleman, if he will permit, what the Secretary of War said on that subject, and it will only take a moment:

> There is no provision in the inclosed bill providing for any compensation to the Federal Government in return for the grant of the privilege, nor is there any provision made to reserve to the Federal Government the right to control the charges for the water-power service to the consumers in default of adequate regulation on the part of local authorities to protect the public interest. I believe that these are important defects in the bill, and without their correction do not recommend its passage.
>
> It is improvident, in my opinion, to allow the entire cost of the future improvement of this river, if made, to fall upon the general taxpayers of the country, when that burden could so easily be reduced by exacting proper compensation for the water-power privileges granted on the river by the Federal Government.

This was a Tennessee dam. Now, I want to say this——

Mr. SISSON. My time is coming rapidly to a close. Make the question short.

Mr. CULLOP. It is stated that the War Department now is invested with this power, and yet here is the Secretary of War disclaiming that it has that power, and asking that it be incorporated in a bill which was up for consideration here some time ago.

Mr. ADAMSON. Will the gentleman yield to me for a question?

Mr. SISSON. Yes; one question.

Mr. ADAMSON. I want to call the gentleman's attention to the fact that the Secretary of War in that letter did not mention the general dam act, and every report of this committee has been that if he would take the general dam act he would find authority for him to do everything he insisted on, and all he had to do was to do it.

Mr. SISSON. Of course, I am not going to settle the controversy between the gentleman from Indiana [Mr. CULLOP] and the gentleman from Georgia [Mr. ADAMSON].

In concluding my remarks, Mr. Chairman, I wish to state that each generation that will come after this will be infinitely more interested in this question than the present one. As the coal and the timber become scarce this water power is going to become necessary, and as it gets more necessary it shall become more valuable. When Congress thought that land in this country was so plentiful there would be too many homes for the people, they were then clamoring to get people to take up homes and live on the land, and now we awake to the fact that all the best lands in the country have gone into the hands of private individuals. Millions of acres belong to men who were building railroads in the West. Millions of acres belong to men who have organized lumber companies, and people are clamoring for lumber out of which to build homes. And the American people find that a few men own the mighty redwood forests of the West.

We find down in my own State that a few men and a few organizations control, from Georgia to Texas, the finest belt of timbered land on this globe. It is in the hands of a few people, and they are dictating the enormous price to the home builders in this country. That land has been squandered because Congress was too anxious, because these galleries have in them men who wanted to develop the mighty West, who wanted to make it great, and now we find the vast domain, over 600,000,000 acres, has been given away to railroad companies. And the result is that the American people now are paying vast sums for these homes. Will Congress take warning? Do not act too hastily.

Let this particular water-power project and all projects of water power be developed slowly. Have a law passed, a general law, providing that every man in the world who wants to bid on this water power can go on the open market and know what he is doing, know what is required of him, and providing that every man may know the maximum price that he may charge to the public for this water. Give every man an opportunity, but in God's name, give your own posterity in this free Republic, give them all an equal chance and an equal opportunity. That is the highest duty that devolves upon a Congressman here, and let us put our hands to the work. [Applause.]

Now, Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. GALLAGHER].

Mr. CULLOP. Mr. Chairman, I desire to ask a question of the gentleman before he sits down.

Mr. SISSON. I promised to yield 10 minutes to the gentleman from Illinois [Mr. GALLAGHER], and I shall do that now, and suggest to the gentleman from Indiana that he can have some time later.

Mr. GALLAGHER. Mr. Chairman, the granting of water-power privileges to private corporations is evidently becoming a very live question. I am considerably interested in and have given some thought to this question; and it is quite apparent, from the interest that is manifested here in the debate and the general difference of opinion as to how these grants should be made, that we ought to go, as I believe, a little slow in granting any of these privileges to private parties.

I do not believe, from the difference of opinion that is apparent, that we are at present ready to grant these immense and valuable franchises to private corporations—corporations that we know little about. We do not know whether they are capable of constructing these great works or not. Some people go so far as to say that in most of the instances the influences that are creating these water powers are the same as those known as the Water Power Trust.

I refrained from taking part in the discussion on House bill 25069 on Thursday last, for the reason that I desired to obtain all the information possible in the matter of that bill, as well as the omnibus bill now before the House and the other bills which have been recommended by the Committee on Interstate and Foreign Commerce.

The seriousness of the conditions that confront us to-day is pointed out in the report of the committee on one of the present bills. On page 8 of the report is the following:

> The Corps of Engineers and the President are not in accord with the Secretary of War in his demands, and the recommendation of the Chief of Engineers is favorable to those eight bills; therefore, we have not seen proper to adopt the recommendation of the Secretary of War, but reported the bills permitting the construction, maintenance, and operation in accordance with the general dam act, as amended in 1910.

It is clear from the reading of this statement that we have here the President of the United States and the Engineering Department differing with the Secretary of War. We have more; we have the uncertainty which is stated by the committee itself, in which they use the following language on the same page:

> While we wish to give effect to the all-powerful arm of the Government in the exercise of its legitimate functions, we wish carefully to guard the exercise of those functions so as to prevent the infliction by such exercise and incident thereto of harm and injury to property rights and the personal rights of the citizens of the country, being careful not to impair activities of the General Government, local responsibility, or local authority.

Here, then, we have in a nutshell a great difference of opinion, as stated by this committee, and the necessity for urgent action here is simply an excuse, as they state there—

> That these matters should not be delayed on account of notions of particular individuals, who have, perhaps, never given the subject that consideration which might lead them to a different conclusion. It is believed that none of them is obnoxious to any of the objections raised; that no alarm need be felt as to granting the consent of Congress pending the consideration of amendments to the general dam act.

Clearly, then, the consideration of these matters is quite germane at this time, and no speedy action should be taken here without a thorough understanding of the conditions that confront us, notwithstanding the suggestions of this committee.

The other day, when we were considering the general maritime law protecting the rights of our mariners, an amendment was proposed by the gentleman from Washington [Mr. HUMPHREY], which exempted the Great Lakes from the application of the law. In that discussion it was brought out that the great interests making this suggestion of exempting the Great Lakes and our inland streams was none other than the powerful influences of the railroads, who owned and controlled, together with the steel company, the larger number of boats operating on the Great Lakes.

Here, if we analyze the people back of these bills and calmly ask ourselves the question, "Why the necessity of speedy action?" the conclusion is irresistible. The same forces that sought to exempt lake navigation from the perilous hazards sought to be remedied are to-day seeking to give away these

rights belonging to the public for their corporate gain, and the argument is used that men are not informed, owing to the arguments and disputes that now exist, concerning where this authority shall be placed, in the State or in the Nation.

All concede the desirability of protecting the public; even the chairman of this committee, Mr. ADAMSON himself, says that there may be a question, but he sees no necessity for embodying certain suggestions made by the Secretary of War.

I am not a lawyer, nor am I versed in the law, but from my experience as a member of the city council in the city of Chicago for a number of years; a member of the school board, and now a member of the Rivers and Harbors Committee of this House, I am frank to say that these bills are not right; they look suspicious to me, and in view of the grave doubts that exist I can see no reason for pushing them at the closing hours of this session of Congress. I believe that a committee should be appointed, not only Members of this House, but also outside authorities, who have studied these problems and are conversant with the present efforts made by certain combinations to take possesion of all the water rights in the Nation.

Mr. Speaker, I have no desire here to question the motives of any man who is a Member of this House, and I am satisfied that he is acting in good faith, yet when I tell the story of conditions in my State and the awful consequences that have followed from it, I am inclined to think that he should be as anxious for delay as I am in this matter. The argument is used in support of this contention, and I call attention to it from the language of this report on page 9, that if the provisos recommended by the Secretary of War were embodied in this bill, "that such provision would produce such uncertainty as to render it impossible to finance an enterprise." This language is sufficient, in my judgment, to say that the parties back of this bill are either fictitious, who desire to get a corporation on paper, or to have this paper corporation backed by the gigantic corporations representing here not less than $40,000,000.

Why the necessity for affording an opportunity to these corporations on paper at the closing hours of this session of Congress to speculate with public properties and domains? I say and repeat there is no occasion for this speed, for this matter must be tied and nothing should be done now.

The matter of the application of the great power companies at Niagara Falls in seeking to obtain an additional flow of water of 4,400 cubic feet per second over the amount now taken by them under our treaty with Great Britain has not been disposed of. This matter is now pending before the Committee on Foreign Affairs; nay more, it was attempted before this same committee to extend the Burton Act to only last May, but upon a full hearing of the matter before this committee, as well also before the committee of the Senate, the Burton Act was extended by the act of both this House and the Senate until May 1 of next year. This was done, as was stated on this floor, in the interests of the United States and its inhabitants, because this body was not sufficiently informed as to wisely pass upon these questions until further information and data could be obtained.

So here a like condition exists, and, it seems to me, with the information before us, and with the matters in dispute as they are, nothing should be done here save alone the appointment of a committee composed not only of Members of Congress, as I have stated, but others qualified to give the information requested, not only from a legal but also from a practical standpoint, and thereby conserve the interests of the inhabitants of the United States irrespective of locality.

CONDITIONS IN ILLINOIS.

In stating conditions in my State, and in submitting the detail as to these conditions, I desire to acknowledge my indebtedness therefor to the Hon. Edward T. Cahill, of the city of Chicago, whose personal efforts to preserve the rights of the inhabitants of the United States have been commended by the Legislature of the State of Illinois, and who, of his own volition, brought the State of Wisconsin into the suit of the State of Illinois to protect for the inhabitants of the United States and their rights in the Illinois Valley. And from this data, so collected by him, I wish to state that the taxpayers of the city of Chicago, through the sanitary district pursuant to acts of the State legislature in 1888 and 1889, have burdened themselves with the expenditure of not less than $65,000,000 to solve the sewage problem in Chicago as well as aid and assist in building a waterway from the Lakes to the Gulf. Upon the completion of this canal and the flow of water therein it was found that a large flow, increased by the diversion of the waters from Lake Michigan, made it possible to use not only this extra flow but the natural flow of the waters that made the Illinois River and its branches, the Des Plaines and Chicago Rivers, one of the most attractive water sites in the world. Chicago, having dug this vast channel at the enormous expenditure mentioned, petitioned the State legislature in 1903 for permission to erect a water plant at the southern extremity of the canal. This permission was granted, and the right to dam the same was given the sanitary district. Following this, the sanitary district at an expense of over $1,000,000 erected a plant, and this plant to-day furnishes illumination not only along the lines of its canal from Chicago to Joliet but also furnishes to the city of Chicago a large portion of light for its arc-light system, as well as to private owners, electric power at greatly reduced rates, and it is the intention of the city of Chicago to utilize this water power in public interests, and to furnish sufficient light and illumination for the Chicago River, its branches, and outer harbor.

Following this application, and the success of this movement being assured, it was further found that between the points of Lockport and Utica, a distance of 61½ miles, there was another fall of water of about 150 feet, making it possible to develop within this stretch a water power aggregating 100,000 electric horsepower, worth approximately $25 per net horsepower, or $2,500,000 per annum. This would constitute an enormous increase in the revenues of our State. This matter was sifted and discussed pro and con. An additional act of the legislature was passed, authorizing the expenditure of $20,000,000 for the extension of the deep waterway for this distance, and also including here the development and the use of this power so to be created.

Our State had then realized, as Congress should now realize, the great opportunity at its own door. Now, what happened?

Precisely the same as here, a corporation sought to grasp the most valuable site within this stretch. It made application through the War Department, and a hearing was granted, and I regret to say that the President of the United States, William H. Taft, then gave expression to a sentiment which is consistent with his present attitude of approval of these bills in that he, as Secretary of War, said he saw no objections to allowing the representatives of the powerful power companies to proceed with the work. How farsighted and farseeing was this act of Secretary Taft is apparent when we come to examine the brief of one Rome G. Brown, Esq., attorney for the Niagara water-power companies, now made a public document, by direction of the Senate, on page 70 and 71 thereof, wherein he argues that the Federal power can have no application here, quoting the language of Secretary Taft, as used by him when he granted permission to carry on the work in the Des Plaines River without Federal restrictions, as a basis for his—Brown's—argument.

What has followed?

By this act of Secretary Taft and the action of the Engineering Corps of the United States, the State of Illinois has been obliged to expend nearly $500,000, and will be obliged to expend much more in the protection of the public interest here, through the carelessness and want of proper knowledge on the part of the then Secretary of War.

In the State of Illinois these gentlemen, claiming to be prompted by public interests, and with a desire to harness these vast forces of nature so created artificially by the diversion of the waters of the lake and in the manner mentioned, proceeded forthwith to procure the boundary line of every portion of this stream, embracing two full counties, and started to erect their plant at Dresden Heights, when the State of Illinois was obliged to stop the erection of this dam and save the waters for the public use.

Following this a kind and obedient public body, known as the Illinois and Michigan Canal commissioners, gave away these valuable vested rights of the public for a period of 20 years, with the right of an option for 20 years more, for a nominal consideration. It was not discovered for some time who was back of this plan, until the deeds had been signed and the rights of the people given away. Then it was found that the parties back of this were the combinations of capital who undoubtedly are now back of the present bills, and this nominal consideration was insignificant for the grant by the State of Illinois as it was found to be a valuable right, extending into vast millions of dollars.

I now call your attention to statements which are incontrovertible, showing how this power company in Illinois was incorporated for $1,000 April 29, 1910. When these rights, presumably granted for public interests, were in their control these same people increased their stock from $1,000 to $6,250,000, and on June 18, 1910, filed in the recorder's office of Lasalle and other counties, including Grundy County, where this proposed power plant was to be erected, a bond of issue of $10,000,000. Can there be any question who is back of this? Can there be any question, in view of this, who is back of the measures now being pressed before Congress?

Can you conceive of a greater and more outrageous act against public interests than these acts, heralded as for the public good? Yet the moment these franchises are obtained they are worth millions upon millions of dollars, and the people are powerless to find relief from these grasping combinations.

Had Secretary of War Taft taken the precautions when he was Secretary of War as is now being taken by Secretary Stimson the present and future would have been provided for and the interests of the public, and not those of private persons and corporations, conserved.

The matter of the Economy Light & Power Co. litigation is now before the Supreme Court of the United States upon an appeal from the State Supreme Court of Illinois, and the same questions are raised there—as to whether or not these matters in dispute are for the State or Nation to determine. The matters now being discussed by us are discussed there, and the real issue will soon be determined and the responsibility will be assumed by the Supreme Court of the United States, who alone can determine these issues. Had we not better await the decision of the Supreme Court, when this case is on its docket, than to hurry and do another wrong to public interest?

The enormity of the act involved in the passage of these bills can only be realized when we stop to consider what I have related transpired in my State and how far-reaching they are and were.

The public press justly raises its voice against the passage of these bills, and I desire to make a part of the RECORD editorials which I shall read, taken from the great Chicago dailies—the Chicago Tribune and the Daily News. They plead for the public. They point out the evil effects of the proposed grants that you are about to pass, giving these private corporations unheard-of powers and the right to accumulate for years to come the future bounty of the inhabitants of the United States.

[From the Chicago Tribune, July 27, 1912.]

Capitalists desiring a power site induce a local community to believe that they must be encouraged to invest and that thereby the community will prosper. Citizens, naturally eager for prompt development of their property and of local resources, do not try to get the best terms, do not look into their own future to see if they may not regret their liberality, as thousands of other communities have, do not consider the rights of later generations. So they are cajoled and bluffed. They urge their Congressman to get the grant, and unless he is exceptionally courageous, disinterested, and farseeing, he obeys them without protest.

That our resources should be developed promptly every conservationist will concede—developed promptly, not recklessly. There is no power company that can not afford to submit to fair regulation of its monopoly. There is no community that has a moral right to waste its present resources for its own benefit, at the cost of the generations to come. We are trustees for them and are bound to use and not to abuse our possessions which are also to be theirs.

But this is a doctrine of the general good and it stands little chance of recognition in that game of congressional politics in which broader considerations of national welfare go down before the profitable alliances of personal interest. Only the strongest leadership, which has aroused public opinion to the greater issues, can check this process.

[From the Chicago Daily News, July 27, 1912.]

GIVING AWAY WATER-POWER SITES.

Reports from Washington indicate that the House of Representatives has taken a step which may seriously embarrass Congress in its future regulation of water-power development on navigable streams and on nonnavigable streams in the public domain. The House, it appears, has approved a grant on too liberal terms to a power company which plans to build a dam across the White River in Arkansas. This grant threatens to open the way to many similar ones, the grantees not having to pay compensation for the benefits obtained nor to submit to adequate regulation.

It is reported that an omnibus bill has been prepared making 16 more grants to various persons or corporations in different parts of the country.

Liberality in fixing terms for the development of hydroelectric power on waters under Government jurisdiction is desirable in order that capital may be thus invested, creating valuable property of lasting benefit to the public. Still Federal officials are agreed that these resources should not be given away, but that if Government supervision and regulation are not maintained control should be delegated to States or local governments.

In his message to Congress, December 6, 1910, President Taft recommended either direct leasing of Government water-power sites for a period not to exceed 50 years upon a proper rental and with a condition fixing rates to be charged, both rental and rates to be subject to revision every 10 years, or grants to the States of the privilege of leasing water powers on similar terms. Kindred recommendations to "protect the interests of the investor and of the public" were made by Secretary Fisher, of the Department of the Interior, in his annual report last year. The former Commissioner of Corporations, Herbert Knox Smith, in a report issued last March, advocated the rental system. This recommendation was strengthened by facts and figures which he gave to show a tendency toward a great monopoly in the hydroelectric field.

That this field should be developed without undue delay will be generally conceded. That the Government should encourage the development is equally plain. But reasonable and fair encouragement hinges upon the adoption by Congress of a fixed policy similar to that outlined by the national administration. Lacking such legislation, Congress would err in making promiscuous and unrestricted grants of water-power sites.

It is apparent from these editorials, the statements made by me showing the conditions in my State, and other conditions pointed out by Members on this floor that we should move with caution here, for the most serious questions are at issue—questions awaiting the decision of the Supreme Court of the United States, questions that no man or set of men can with intelligence determine at this hour—affecting the rights of the people, for which it is conceded on the floor of this House by every Member that his object is the conservation of public interests.

As I said in my opening, we should do nothing at present but seriously consider the appointment of the proper committee or commission to collect the proper information required to make an intelligent disposal of these great and valuable rights and to determine the agency which shall protect the public interest. The question of a reasonable rental or charge for the privileges granted should be considered, and the Government should reserve the right to control the charge for services to the consumer, and should afford to the State and her municipalities the right to use, free of charge, for her public bodies these water powers as it shall elect; but any revenue derived from private use, either through State authorities or Federal control, shall be used solely for the improvement of the stream upon which the dam is situated or its tributaries.

My object and intention is not to restrict but to develop the great possibility of water-power resources, for its usefulness is yet unknown and its possibilities beyond comprehension.

Everyone who has had experience in the councils of our great cities knows what an injustice it is to grant privileges to private corporations without proper compensation and control by the granting parties.

These great power rights are of immense value to the people, and we should consider well this question before giving away to private companies and thus preventing all the people from sharing in this great future possibility.

Mr. SIMS. Mr. Chairman, I am not going to talk an hour simply because I have got the right to do so, but I want to refer to a matter that I wish Members would think about. We are having bills coming before the committee of which I have the honor to be a member with this kind of a representation: "Here is a navigable stream on which there should be an improvement for purposes of navigation." In other words, there is a proper demand for the expenditure of public money to improve a real navigable stream, as in the case of the Keokuk Dam, to which attention was called the other day. Now, the private company or private corporation says, "We will build the improvement that the Government would have to build in aid of navigation. You have to build dams in order to make slack water in aid of navigation on a real navigable stream. But if you will give us the right to improve this river for purposes of navigation, there will incidentally be created a water power, and if you will give us the benefit that will grow out of the water power we will make the improvement of this navigable river under the supervision of the Government through the engineers of the United States Army and will do just what the Government requires us to do."

Now, on the face of it, that looks like a very desirable thing. It looks like something that is in the public interest—to let somebody take their money and improve our rivers for us and not charge us a cent and do it exactly as we authorize and direct it shall be done.

Mr. AUSTIN. Mr. Chairman, if my colleague will permit, I will say to him that one of my bills now, which is included in the omnibus dam bill, makes a case similar to the one the gentleman is discussing.

Mr. SIMS. The gentleman's bill proposes to improve a navigable stream at the expense of a company and save the Government from the expense of improving it and maintaining it——

Mr. AUSTIN. Yes; for all time; expending $3,000,000 for the construction of the locks and pledging itself to the perpetual maintenance thereof at its own expense.

Mr. SIMS. Yes; and giving the company the profit to be derived from all the power developed.

Now, take the case mentioned by my colleague—a case about which I do not know anything personally—where the Government of the United States would be saved the expenditure of $3,000,000 which it otherwise would have to make for the improvement of the navigable stream. But the water-power value, when created there, will be worth $6,000,000. I do not know that that is the case in the instance cited by my colleague, Mr. AUSTIN, but suppose a private corporation or a private party makes an investment of $3,000,000 and thereby saves the Government an expenditure of $3,000,000, or an investment of that amount, and secures to the private party this $6,000,000 benefit?

Now, according to what Congress has done heretofore we have held that wherever the Government improves a navigable stream for the purpose of navigation, and water power results therefrom, the Government is entitled to dispose of that water power for the benefit of the public. The question comes up right there, as stated by my colleague. It is an interesting matter to me, I being on the committee having charge of these

matters. Should the committee create by Government authority an enterprise worth $6,000,000 by relieving the Government from the expenditure of $3,000,000?

The theory used to be—at least I have heard it claimed—that the Government has no interest at all in anything connected with rivers except navigation, and that whatever it does it must do in the interest of navigation, and whatever results from it by way of water power does not go to the Government under any circumstances. But we have got away from that so far as Congress is concerned. We are now selling what the Government has created by an expenditure of money, not made for that purpose, but incidentally growing out of it.

Now, does not that question arise when the gentleman's company comes before our committee and asks to be allowed to improve a real navigable stream for purposes of navigation, and proposing to maintain it for all time to come by giving it the financial benefits growing out of the water-power rights thus created for all time to come? When it appears to us that the water power is worth twice as much as the cost of the improvements, is it or not our duty to make the improvement directly by the Government and thus secure the resulting financial benefits to the Government? That is the question that arises with me often, as a member of the committee, as to what we ought to do.

Is it not wise in such a case to make the improvement by the Government and retain the water-power benefits to the Government rather than exchange the water-power values for the cost of the improvement? It is hardly conceivable that private capital will offer to relieve the Government of the expense of improving the navigable stream in exchange for the water-power benefits unless the water-power benefits exceed in value the cost of improvement.

Mr. HUMPHREYS of Mississippi. Will the gentleman permit me to ask him a question?

Mr. SIMS. I would rather the gentleman would answer one than ask it. I would be glad if he would answer the one I asked.

Mr. HUMPHREYS of Mississippi. It is indirectly relevant to the gentleman's statement. Does the gentleman think that under the procedure of this House we are apt to arrive at any intelligent and definite policy when we have two committees of the House with jurisdiction of the same subject matter?

Now, the gentleman tells of these bills that are referred to his committee, the Committee on Interstate and Foreign Commerce. The gentleman from Tennessee [Mr. AUSTIN], his colleague, wants to improve a river down in Tennessee, and introduces that bill which ought, it seems to me, to go to the one committee in this House that has jurisdiction of the improvement of the navigable streams of the country.

But it depends entirely on just how the bills are worded whether they will go to the Committee on Rivers and Harbors or to the Committee on Interstate and Foreign Commerce. The Committee on Rivers and Harbors takes up the whole subject of the improvement of the rivers in the country by locks and dams, and so forth, and thrashes out that whole matter, and the first thing they know they wake up some bright morning and find that a bill has been reported to the House by another committee of the House proposing to build locks and dams in that river upon perhaps an entirely different scheme of improvement. I do not know that it is entirely pertinent to this discussion, but it occurs to me that if we want ever to have a definite policy in reference to these matters we ought either to abolish the Committee on Rivers and Harbors and let the jurisdiction that they now have go back to the Committee on Interstate and Foreign Commerce, where it originally was, or we ought to take away from the Committee on Interstate and Foreign Commerce the jurisdiction that they now have over navigable streams. I ask the gentleman if he does not think that would make for harmonious and intelligent legislation?

Mr. SIMS. It might result, of course, in bringing the two questions together, as to the improvement of the rivers and the disposition of the financial benefits that might flow therefrom to the Government; but from what I have seen in some instances before the Committee on Rivers and Harbors, I have the fear that persons who want to create water power rather than to improve a navigable stream will come and assail the Committee on Rivers and Harbors and advance as an argument the great benefit that it will be to improve the river for the purposes of navigation, while all the time they will hold back the idea which really moves them, namely, to create water power; and after they get the Committee on Rivers and Harbors thoroughly committed to the improvement for purposes of navigation and everything necessary for navigation purposes has been done, then the gentlemen who have been agitating the thing will come in and say, "Here, you are going to create a water power that will be of vast benefit, and we will make this improvement which you have authorized if you will only agree that we may have the resultant water power." I do not know but that the question of the disposition of the water-power benefit might well go to another committee.

Mr. HUMPHREYS of Mississippi. It occurs to me that if there is danger of the Committee on Rivers and Harbors being bunkoed into doing these things, then the wise thing for Congress to do is to take away from that committee the jurisdiction which it has and send it back to the Committee on Interstate and Foreign Commerce, and let that committee have it all, but not have two separate committees working.

Mr. SIMS. I do not want the gentleman to think for a moment that I said they were bunkoed. They did exactly what they were asked to do in the interest of navigation, but the parties who asked it had something in their minds beyond navigation.

Mr. HUMPHREYS of Mississippi. Then we will not call it "bunkoed."

Mr. SIMS. Your committee are looking only to navigation and are taking the proper view of it from that standpoint.

Mr. HUMPHREYS of Mississippi. For instance, take the water-power proposition, which the Committee on Rivers and Harbors have given a great deal of thought and discussion to, and on which they have had a great many hearings. A bill on that subject is now pending, which, from my point of view, being the author of it, is a very excellent bill. It covers this whole proposition. Now, while we are considering that, here comes in another committee in the House with a lot of private bills and bunches them all in one omnibus bill for reasons that are entirely satisfactory to the committee that did it.

Mr. SIMS. I suppose they are more certain to have them defeated by having the opposition to all the bills concentrated against the one bill.

Mr. HUMPHREYS of Mississippi. I do not know that the defeat of the bill could be any more certain than it is. I think it is absolutely certain to be defeated.

Mr. SIMS. Either all together or one at a time; it looks that way to me now.

Mr. HUMPHREYS of Mississippi. I think that is true. Now, it does occur to me that in the interest of accurate and harmonious and proper legislation this subject ought to go to some one committee of the House. The chairman of the Committee on Interstate and Foreign Commerce stated here on the floor of the House recently that that committee are now having hearings, and that it is their intention——

Mr. BURNETT. Mr. Chairman, I make the point of order that the discussion is not pertinent to the bill which is under consideration.

Mr. HUMPHREYS of Mississippi. We are under general debate, and everything in the world is in order.

The CHAIRMAN. The point of order is overruled.

Mr. SIMS. I only expected to say a few words. I am waiting for the gentleman from Mississippi [Mr. HUMPHREYS] to ask me a question in reference to the consolidating of the two committees.

Mr. HUMPHREYS of Mississippi. It was not entirely a question. I thought the gentleman had an hour, and that he did not intend to use it all.

Mr. SIMS. I only want to call attention to the fact that these difficulties arise, and there are a great many of them, and we are all trying to act in good faith and have no other motive in view.

Mr. CONNELL. Mr. Chairman, I was very much interested in the gentleman's very lucid statement of this matter, and his illustration of the $3,000,000 improvement to navigation, which is afterwards taken up by those who get a $6,000,000 power franchise which results from it. Is that a supposititious case, or are there any actual cases in point where that has occurred?

Mr. SIMS. The $3,000,000 cost was stated by my colleague, and I only used the other as a supposititious case. I do not know that there would be any resulting benefit. They might lose money from it.

Mr. CONNELL. Has such a thing really occurred?

Mr. SIMS. It was charged the other day that in the Keokuk matter, where the Government charged nothing for the water-power privilege, the resulting water power is worth many times the entire cost of the improvement. Personally, I do not know how that is. It was charged in debate. In other words, it was stated that the income from the water power would very greatly exceed the interest on the investment.

Mr. CONNELL. The point is this, that after Congress has voted the money to build this dam, has it ever occurred to those finding out this power would result from it to go to the Government and say that they would stand the $3,000,000 expense and do it and then get the $6,000,000 result?

Mr. SIMS. We have authorized a number of improvements by private persons or corporations where the Government would have to make some improvement in the interest of navigation, and the thought of the committee in doing so was good—that is, to save the Government paying out anything, because the Government did not know, and could not know, that there would result any financial benefit in the way I mentioned.

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

Mr. SIMS. Certainly.

Mr. HOWARD. I want to ask the gentleman how you can develop a stream for navigation by building a dam without developing water power, and how you can develop water power by building a dam without affecting naviagtion?

Mr. SIMS. I think the question answers itself.

Mr. AUSTIN. You can build a dam without building a lock.

Mr. SIMS. Oh, yes; of course.

Mr. HOWARD. I mean in conformity with the rules and regulations laid down by the War Department. How can you build a dam for the improvement of navigation without developing water power?

Mr. SIMS. You can not do it.

Mr. HUMPHREYS of Mississippi. I think I can answer that question.

Mr. SIMS. I want to say this, that I do think that often gentlemen come and ask Congress to grant permission to make an improvement on a so-called navigable stream which really is not a navigable stream in any beneficial sense, and I would like to see some one of them go along and build the water powers and let the matter go to the courts and have it decided, but it seems to me when they do come to Congress on the theory that it is a navigable stream and get congressional authority to build a dam on an alleged navigable stream, they are at least estopped from denying the authority of Congress to couple conditions with the grant of such power.

Mr. Chairman, I did not intend to use all the time that I had. I now yield the balance of my time to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, when this discussion was precipitated this morning I did not know it would reach the extraordinary limits that it has. I was amazed at the statement of the gentleman from Wyoming [Mr. MONDELL] that to fix a charge for granting a privilege already authorized by the Constitution was invading the sovereignty of the States. Upon what theory he bases his statement I am unable to understand. If Congress has the power to grant the right to build a dam or bridge across a navigable stream, as a natural consequence of that grant, following as a legal proposition, it has the right to fix the terms upon which it shall be granted, and there is no lawyer, I take it, who will deny this proposition. It is very easy for men to rise in their places and say that this or that is unconstitutional, but they ought to furnish the proof in support of their assertion. Nobody to-day denies that authority exists in Congress to regulate the building of these dams and bridges across navigable streams; and if it has that power, then it has the same power under the same authority to fix the terms upon which that right shall be exercised. But the gentleman from Wyoming said that it was the great coal companies that were here insisting on this kind of provision going into these bills. I deny the proposition. But if the coal companies are here fighting to-day, and if the railroad companies are here fighting to-day, they are fighting against the proposition we contend for, because it is money in their pockets to prevent the exercise of the power that we insist upon. Both of these are gigantic combinations, stifling development and absorbing the frugality of the people all over the country, who are compelled to submit to their arbitrary conduct and pay their unreasonable charges for service. Now, if these two allied combinations can secure the water powers of the country their combination will be complete and their opportunity to plunder the people enlarged. Oh, no; the transportation companies and the big coal combines are not in favor of our position, but they heartily indorse the position of the gentleman from Wyoming on this question. There is every reason why they should support his position and oppose the one we take on this matter. Monopolies are always in sympathy with each other.

The gentleman says that the States ought to exercise this right. Applying the doctrine for which we insist does not take away a single right now belonging to any State in this Union. The right to exercise all the power which exists in the State still remains. If anyone is afraid—so much alarmed—about this proposition invading State sovereignty, then it is the great coal and railroad combines of the country and not the individuals who are to be benefited thereby. Why? Do not forget one thing, namely, that every great commercial and industrial institution in this country is controlled by a few men, and before you can develop any large commercial enterprise, whether it is water power, coal properties, or lumber properties, or railroads, you are compelled to get the money from the same individuals to develop one that you would to develop the other. There is a community of interest under the control of the few who manipulate the financing of almost every proposition. The Money Trust controls every large investment made in this country to-day, and, as far as these water powers are developed, they will control them, as they do all of these other propositions, without the Government deriving any revenue therefrom. They will be in the hands of a few financial magnates of this country, who will hold up the people for extortionate charges for any part of the service used. Monopoly looks upon them avariciously as a most favored field for exploitation.

Let me call attention to another fallacious proposition of the gentleman from Wyoming, and that was this: That these streams out in the States ought to be the property of the States. True; they ought to be, but he overlooked the important proposition that Congress is appropriating millions upon millions of the people's money to improve the navigable streams of the country, and every dam built on every stream in any portion of the United States is deflecting a certain amount of water from some navigable stream and requiring the greater outlay of money to make up for the loss to such navigable streams. Whenever, out in any State on a nonnavigable stream, you build a dam you stop the flow of a certain amount of water that would be turned into some great navigable stream. It is prevented from flowing to swell the volume. You are then requiring by that act that much more improvement of that river, and if the Government—the taxpayers of the country—are to be taxed to improve the navigable streams, it is the duty of Congress to prevent the destruction, as much as possible, of the navigability of those streams or have adequate compensation in return therefor. Failure to do so is unfair to the people.

It has been said for the purpose of preventing this proposition from being legislated into any of these bills that already the power belongs to the Government; that it has been conferred on the War Department by the general dam act. I deny it. I deny that to-day there is a single provision of law authorizing the War Department to exact charges for the exercise of this license or privilege, and I will call the attention of the House, as one of the strongest arguments that can be made against that proposition, to the fact that the present Secretary of War, an eminent lawyer, criticizing one of these bills on the 21st day of May of this year, said that the objection to the measure was because it did not have any provision in it by which compensation could be enforced to the Government for the use of the power. It provided for none; and, furthermore, he stated that there ought to be a provision in these bills which would give power to the Federal Government to regulate the charges when the municipal corporations failed to do so, and when they were imposing upon the public, and every reasonable man knows that when they once get control of these great valuable powers they will impose upon the public. The language of the Secretary, to which I refer, is as follows:

> There is no provision made in the inclosed bill providing for any compensation to the Federal Government in return for the grant of the privilege, nor is there any provision made to reserve to the Federal Government the right to control the charges for the water-power service to the consumers in default of adequate regulation on the part of local authorities to protect the public interest. I believe that these are important defects in the bill, and without their correction do not recommend its passage.
>
> It is improvident, in my opinion, to allow the entire cost of the future improvement of this river, if made, to fall upon the general taxpayers of the country, when that burden could so easily be reduced by exacting proper compensation for the water-power privileges granted on the river by the Federal Government.

The principles which should guide the granting of water-power privileges have now been comprehensively laid down in the final report just rendered of the National Waterways Commission. After long hearings and exhaustive study, that commission, composed of Members of both parties in both Houses, has unanimously reported that a grant for water-power development constitutes a special privilege for which the Government is entitled to proper compensation; that the water power developed on waters subject to Federal jurisdiction should be corelated to the development of navigation; and that in view of the growing intimate relations between the hydroelectric business and the interests of navigation, the Federal Government should reserve the right to control, in the public interests, the relation between the operating company and the consumer.

Now Congress has started in this matter upon the same policy with this great valuable property that 50 years ago it adopted in regard to the public domain, when millions upon millions of acres of the best land that ever was found on earth was granted

to railroads to extend their lines or build new ones throughout the country. It became so burdensome to the public, so odious, that Congress had to revoke the policy and forfeited the grants, amounting in round numbers to about 200,000,000 acres, which were restored to the people's heritage, the public domain, so that it could be turned over to the settlers of this country. To-day, if you follow this policy at the behest of the great interests of the country, the special interests, you are giving away a more valuable property than was given away when the public domain was squandered upon the railroad magnates of the country. We ought to take steps now to protect the people's interest, steps that will render revenue for the Public Treasury in payment of valuable franchises, valuable rights which are now being given to these people; and I hope that no bill will be passed upon this subject unless it provides for an adequate remuneration to the people of this country for these valuable properties. It is right and it is proper, and if we are the custodians and are to take care of the rights of the people of this country we ought to exercise the advice that the Secretary of War gives in that letter and protect the people of the country and the interests of this great Republic; and any failure on the part of Congress to properly do that will be a dereliction of duty which we owe to the people of this country. No man, however wise he may be, can figure out approximately the great value of these rights, yet all over the country a very industrious activity seems to have been exercised lately for the purpose of getting these grants from Congress before the people are sufficiently aroused to the importance of the matter and the real value of the grant.

It is not enough to say that they are building up a section of the country, making a needed improvement, and supplying the people with additional facilities. The charge that the Government will require for the use of such property will never stop the investment of a single dollar, not one, for when you consider the profits, the value of these properties, a charge—small, doubtless, it will be in comparison with the value of the property granted—there will be no reason why any of them will cease to make their investments where there is inducement for capital to float the project. Now, Mr. Chairman, it is contended Congress has not declared a policy. The Secretary of War has indicated that a policy ought to be declared. The people want Congress to declare a policy. It ought not to stand idly by and wait, wait until the most valuable of these properties are gone and then declare a policy. It ought to declare it now and it ought to declare it in such terms that it will produce to the Government a revenue, a fair remuneration commensurate with the value of the great property granted. I hope before this session of Congress adjourns that such legislation will be enacted upon this important subject as will enable the Government to derive a revenue from this source and protect the rights not only of the people now but of posterity as it should be in order that monopoly may not get control of these great natural resources of our country without paying for them an adequate compensation, which will contribute in some measure to the relief of an oppressed people, who are now the real owners and who should be the beneficiaries in their disposal. Monopoly looks upon these properties with avaricious eyes, and, with its numerous tentacles reaching out in every direction to gather the dormant resources from an unsuspecting public, it covets none more than these and estimates none of greater value. With these once safely acquired it will have under complete control our transportation, our fuel, and our power facilities, and will be able to dominate upon its own terms our production, our comfort, and our development—a condition every citizen of the Republic would deplore. It is time now to declare a sound policy on this subject and it should be done before any grants are made, a policy which will redound to the welfare of the people of this Republic. [Applause.]

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

Mr. FOSTER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FOSTER. I think we had better read the bill.

The bill was read.

Mr. FOSTER. Mr. Chairman, I want to ask the gentleman from Alabama a question. I understand this provides for sale under such terms as the Secretary of the Treasury may deem best; that he can sell it by bid or private sale?

Mr. BURNETT. Yes; does the gentleman ask a question about it?

Mr. FOSTER. Yes.

Mr. BURNETT. I will state to the gentleman this is an old site which was acquired in 1857 for a customhouse and post office. In 1867 there was another site acquired and the customhouse and post-office building constructed and this was abandoned during all of that time. On March 2, 1867, Congress passed an act authorizing the sale and an effort was made to sell it, but there was no authority given to the Secretary of the Treasury at that time to sell otherwise than by public sale, as I recall. The property is worth about $4,500, and the Secretary of the Treasury recommends if these limitations are withdrawn they will be able to sell the property. It is the bill in which Mr. SCULLY, of New Jersey, is interested, and I have no other interest in it——

Mr. FOSTER. It is the opinion of the gentleman from Alabama that this is the best way to dispose of the property?

Mr. BURNETT. Yes. The Treasury had an upset price and we made inquiry into that and found that proposition would defeat the sale entirely.

The CHAIRMAN. The gentleman from Alabama moves that the committee rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ROBINSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 21888) providing for the sale of United States unused post-office site at Perth Amboy, N. J., and had directed him to report the same back without amendment with the recommendation that the bill do pass.

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

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

LEAVE OF ABSENCE.

The SPEAKER. Mr. SHERLEY, of Kentucky, desired the Chair to ask leave of absence for him for 10 days, on account of death in his family. Is there objection? [After a pause.] The Chair hears none.

By unanimous consent, leave of absence was granted—

To Mr. HUGHES of Georgia, for two days, on account of sickness.

To Mr. RICHARDSON, indefinitely, on account of serious illness.

LOTS FOR FIRE DEPARTMENT, HOT SPRINGS, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5145) authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of the fire department of said city on lot No. 3, block No. 115, in the city of Hot Springs, Ark.

The Clerk read as follows:

Be it enacted, etc., That the exclusive right to use, occupy, and enjoy the possession of lot No. 3, in block No. 115, in the city of Hot Springs, Ark., is by this act granted to the city of Hot Springs, Ark., for the purpose of erecting and maintaining thereon a suitable and sightly building or buildings for the use of the fire department of said city. The rights and privileges granted under this act shall continue as long as the property is used and occupied for the purposes mentioned in this act, subject, however, to the following conditions and limitations, namely, that unless said city of Hot Springs, Ark., shall within five years after the passage of this act erect and equip on said lot a suitable and sightly building or buildings for the purposes above mentioned, or if said city shall at any time hereafter use or permit the premises to be used for any other purpose than that herein granted, then and in either event all the rights, privileges, and powers by this act granted and conferred upon said city shall be forfeited to the United States.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBINSON. Mr. Speaker, I ask that this bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

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

DISPOSITION OF LOTS, HOT SPRINGS RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7251) to confer title in fee and to authorize the disposition of certain lots now situate on Hot Springs Reservation in the State of Arkansas, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That all the estate, right, title, and interest, and all right of reversion of the United States in and to lots Nos. 4 and 5, in block No. 94, situate on Hot Springs Reservation, in the school district of Hot Springs, in the State of Arkansas, be, and is, granted to and vested in said school district of Hot Springs, with full power and authority of the officers of said school district to manage, control, sell, or dispose of the same, or any part thereof, at their discretion, for the use of said school district and the public schools thereof.

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

SEC. 3. That this act shall take effect and be in force from and after its approval.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if my information is correct, if these lots were at one time included in a bunch of lots that were intended to be sold at public auction, and that, at the request of the school authorities or other authorities of Hot Springs, they were reserved from sale for the purpose of having a schoolhouse built upon them?

Mr. ROBINSON. The gentleman's statement is in part correct.

Mr. MANN. Which part is not correct?

Mr. ROBINSON. I was just going to state. The lots were reserved from sale, and at that time there was a bill pending before the Congress granting many other lots, in conjunction with these and in close proximity to them, for a building site. Those lots have since been disposed of. The Department of the Interior agreed with the representatives of the school board that these lots should be granted as in the nature of a bonus, another site having been secured by the city to be built upon. These two lots alone are hardly large enough to provide an adequate building site, and for that reason the lots are granted in fee with power in the school board to dispose of them. The city of Hot Springs, as the report shows—and I am sure the gentleman is familiar with it——

Mr. MANN. I never have had the need of going there.

Mr. ROBINSON. The gentleman would doubtless find it very profitable and pleasant to visit that city at any time his arduous public duties would permit him to do so.

These schools are used by children of persons temporarily residing there, and under that practice almost half, if not quite, that number of pupils who attend the public schools are children of nonresident parents; that is, they are only temporarily residing in the city of Hot Springs. For the reason I have stated the city will not use it as a building site, but if the grant is made it will be in the nature of a bonus to the public schools of Hot Springs. At the time the sale was made it was contemplated that lots on the reservation should be sold, but the representatives of the Interior Department, upon arriving at Hot Springs, found there were a number of lots that were desired and required for local use, some for one purpose and some for another, and they entered into a kind of agreement with the representatives of the city, subject to the approval of the Secretary of the Interior, that these lots, or certain other lots, nearly all of which have been disposed of, should be reserved from the sale in order that the Congress might have an opportunity to make special disposition of them if it so desired. I hope the gentleman will not press any objection to the bill.

Mr. MANN. I would like to get a little further information from the gentleman. I am right in my statement, as I understand, that at a public sale where these lots were originally contemplated to be offered they were to be withheld from sale upon the request of the board of directors of the school district?

Mr. ROBINSON. That is true.

Mr. MANN. Am I right in further assuming that the school board, in making the request, made this statement?

In view of these and of the representations which the board in formal session made to Mr. Ucker, chief clerk of the Interior Department, he, acting under his official authority, withdrew and withheld from the sale of Government lots, lots Nos. 4 and 5, in block 94—

Which are the lots referred to in this bill, and the school board in referring to these lots and asking for a transfer of the title, said that these lots were—

to be devoted to and used forever as a site for a public school building.

Mr. ROBINSON. That statement is correct. It was true at the time the application was made, but, as I have stated, if you will examine further the report it discloses the fact that the superintendent of the reservation and the department took that view of it, and in view of the events which have since transpired, decided it would not be desirable to put limitations in the act. Other buildings will have to be erected to meet the growing demands of the city.

Mr. MANN. Am I right in the understanding that the school board asked to have these particular lots set apart for the site for a schoolhouse, and that now the superintendent says that that is not a suitable site for a schoolhouse?

Mr. ROBINSON. Yes; you are partly right. Buildings have been constructed on other lots near by, which make it desirable to locate the school building somewhere else.

Mr. MANN. I did not see anything about other lots in this request.

Mr. ROBINSON. The request, so far as that statement is concerned, was for a large number of other lots.

Mr. MANN. I saw there were several requests for different lots. We just passed a bill to release a certain lot for fire-house purposes. The school board asks for certain lots, with the statement that they want them to put a schoolhouse on them. The school board ought to be able to tell when a place for a schoolhouse is suitable. Now the gentleman wants us to sell the lots, the proceeds to be used as a part of the current expenses of the school board.

Mr. ROBINSON. It is in the nature of a bonus to the school board at Hot Springs.

Mr. MANN. If we undertake to provide for the bonus, is there any logical reason why next year we should not provide an additional bonus?

Mr. ROBINSON. I do not think there could be any logical reason, but at the same time I do not think there will be any request made for any additional lots. Nearly all of them have already been disposed of.

Mr. MANN. I think if we start in to pay a part of the school expenses of Hot Springs on the ground that they educate children who come there with their parents, we will never stop. Of course they are spending money there, and that is what the town lives on.

Mr. PAYNE. Mr. Speaker, I would like to ask the gentleman a question. It is this: Why should not this money go into the Federal Treasury, the same as the proceeds from the sale of lands at Perth Amboy, N. J.?

Mr. ROBINSON. This bill does not provide for the sale of lots by the Government. It provides for a grant of the lots to the city of Hot Springs. It permits the city to sell the lots and apply the proceeds for school purposes.

Mr. PAYNE. What difference does it make whether you give it away to the city of Hot Springs or for other purposes? We have been doing that at Hot Springs for the past 30 years. We have given away a great deal of land down there, and we have built sewers for the people there, and roads.

Mr. MANN. We are just appropriating money now, large sums, to make a sewer plan—a plan for a sewer that we will have to build for Hot Springs.

Mr. ROBINSON. The gentleman is mistaken when he says that the Government has built a sewerage system at Hot Springs. On the contrary, the city of Hot Springs has maintained a sewerage system, from which not only the citizens there but the Government reservation have had the benefit, without a cent's cost, either for construction or maintenance, since the system was established.

Mr. PAYNE. I think the city of Hot Springs could well do all that and a lot of other things for the Government, and still have a large balance charged against it. In my opinion, if we had sold that reservation down there 30 years ago and got the money for it, we could have let those good people down there take care of themselves, and then they would not be always calling on the Government for help.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. The bill is stricken from the calendar. The Clerk will report the next one.

COUNCIL OF NATIONAL DEFENSE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1309) to establish a council of national defense.

Mr. HAY. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Virginia [Mr. HAY] reserves the right to object.

Mr. HARRISON of Mississippi. Mr. Speaker, the gentleman from Alabama [Mr. HOBSON], who is in charge of this bill, is not in the Chamber, and he left the bill in charge of Gen. ESTOPINAL, the gentleman from Louisiana, who has asked me to have it passed over without prejudice.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] asks that the consideration of the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will report the next one.

GRANT OF CERTAIN LANDS TO THE STATE OF ARIZONA.

The next business on the Calendar for Unanimous Consent was the bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions.

The Clerk read the bill, as follows:

Be it enacted, etc., That all lands, together with the improvements thereon, within that part of the former Fort Grant Military Reservation, in the State of Arizona, situate and being outside the boundaries of the Crook National Forest, be, and the same hereby are, made subject to selection by the State of Arizona in partial satisfaction of the

grant of 100,000 acres made to it for State charitable, penal, and reformatory institutions by section 25 of the act of Congress approved June 20, 1910 (36 Stat. L., 557): *Provided*, That such selection shall be made within three years from the date of approval of this act.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Arizona [Mr. HAYDEN] if, under the enabling act, the State of Arizona has not the entire State from which to select its 100,000 acres of land, where the land has not been already taken or reserved?

Mr. HAYDEN. I will state to the gentleman that the enabling act, admitting Arizona to statehood, granted to the new State over a million acres of land. From such a statement you might be led to believe that the Congress had been very liberal in its donations of land to Arizona, but, as a matter of fact, the State will not receive much that is of value. We are not permitted to make selection from the forest reserves, and these reserves contain the principal areas of unappropriated public lands that are worth having. The lands from which the State can make its selections are mostly of a desert character and are of but little value because of the lack of water. This bill will permit the State to locate its reform school on the outskirts of a national forest.

Mr. MANN. The gentleman refers to a million acres of land. That is one proposition. The 100,000 acres is not in the same reservation?

Mr. ROBINSON. That is an error, a typographical error.

Mr. MANN. I do not see how it can be a typographical error. This is a Senate bill, which passed the distinguished body at the other end of the Capitol. The 100,000 acres is in addition to the million acres, if I am correct.

Mr. HAYDEN. Section 25 of the enabling act grants to the State of Arizona "for State charitable, penal, and reformatory institutions, 100,000 acres."

Mr. MANN. How much land is there in Arizona from which this area could be selected? How many million acres are there in Arizona from which this selection might be made under existing law?

Mr. HAYDEN. There is plenty of land, but there is no water on it. The State desires to locate this school at a place where an irrigated farm can be established.

Mr. MANN. Can the gentleman tell how much unoccupied public domain there is in the gentleman's State?

Mr. HAYDEN. I am sorry to say I can not. I do not happen to have the figures at hand.

Mr. MANN. Can not the gentleman approximate that?

Mr. HAYDEN. I do not see the necessity of approximating it.

Mr. MANN. There may be a necessity if the gentleman wants to pass this bill.

Mr. HAYDEN. Oh, there is plenty of land, but there is no other place where this school can be more properly located.

Mr. MANN. I have heard such rosy statements about Arizona that the gentleman can not make me believe now, so soon after those rosy statements have been made, that there is no place in the Territory with the exception of this one suitable for a reformatory institution.

Mr. HAYDEN. I am referring to the unoccupied public land.

Mr. MANN. We were told by the day and the week and the year about the enormous quantity of land suitable for occupation and how, if we would make it a State, it would soon fill up with people cultivating the soil and carrying on business in all parts of the State.

Mr. HUMPHREYS of Mississippi. The gentleman does not say, does he, that they need a reformatory there?

Mr. MANN. Now, the gentleman says there is no place in the State where they have public domain—Government land thrown open to the public—that is suitable to live on.

Mr. HAYDEN. I said that there was no place in Arizona more suitable for an industrial school than this particular place.

Mr. MANN. This happens to be a military reservation, and I presume that it is good land, and therefore they want it.

Mr. HAYDEN. The State would not want it for this purpose if it was poor, worthless land.

Mr. MANN. Certainly. If there is anything out there that belongs to the Government that is good, they come and ask us for it.

Mr. FITZGERALD. Why are the improvements included in the selection?

Mr. ROBINSON. They have little or no value. They consist of adobe buildings.

Mr. FITZGERALD. No improvements are ever said to have any value when we are asked to give them away.

Mr. HAYDEN. The Fort Grant Military Reservation was established in the time of the Apache wars, but has been abandoned for the past 10 or 12 years. The buildings were constructed of adobe, and have no particular value.

Mr. SLAYDEN. Is not the gentleman mistaken in the statement that Fort Grant has been abandoned for 10 or 12 years? It seems to me that I distinctly remember that it was occupied by an old, experienced veteran officer of the United States Army, on the orders of a Commander in Chief, who exiled him to that place.

Mr. HAYDEN. There have been no troops stationed there for a number of years.

Mr. FITZGERALD. Does the gentleman refer to the case of an officer named Stewart?

Mr. SLAYDEN. Yes.

Mr. FITZGERALD. He was sent to the most desolate place on the face of the earth.

Mr. SLAYDEN. Yes; and I suppose that is why they want it now for a penal institution.

Mr. KAHN. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from California?

Mr. MANN. Yes.

Mr. KAHN. I should like to ask the gentleman from Texas [Mr. SLAYDEN] a question. The gentleman from Texas referred to an officer who was exiled to Fort Grant. I should like to ask him which President exiled that officer to Fort Grant?

Mr. SLAYDEN. I did not use the word "President." I said it was done by a Commander in Chief of the Army of the United States, whose authority to send him there was not questioned.

Mr. FITZGERALD. It was an erstwhile friend of the gentleman from California.

Mr. SLAYDEN. The ex-Commander in Chief.

Mr. MANN. May I ask the gentleman now if this bill should pass, would not the Government be required to survey this land and pay for it out of the Federal Treasury before the State could make its selection?

Mr. HAYDEN. The Secretary of the Interior recommended a special appropriation of $800 for that purpose in his report on this bill, but I do not think it is necessary, because the land from which the State will make its selection is already surveyed. According to the Secretary's letter about 1,900 acres of the reservation has been surveyed. The State does not need the whole 12,000 acres.

Mr. MANN. How much does the State want?

Mr. HAYDEN. Enough land upon which to locate the school properly and to provide a farm where the inmates of the institution may be taught agriculture.

Mr. MANN. How much will that be?

Mr. HAYDEN. I do not know exactly. I understand that the State proposes to again cultivate the old farm land that was used when there was a garrison at the post.

Mr. FITZGERALD. Would it not be well for the gentleman from Arizona to ascertain about that before we pass this bill which permits the State of Arizona to take the entire reservation?

Mr. HAYDEN. The United States has granted to Arizona 100,000 acres of similar land. I do not see that it makes any difference to the United States whether the State of Arizona selects its lands in one place or in another.

Mr. MANN. If the United States have granted to the State of Arizona similar land, why does not the State go and take the similar land. Why do you want to get this land?

Mr. HAYDEN. In the event that this land is not now granted to the State it will be thrown open for settlement, and it can be then selected by the State out of its grant of land under the enabling act.

Mr. MANN. That is a question. There is a law under which it will not be thrown open to settlement without being paid for.

Mr. FITZGERALD. There are in the State of Arizona 12,040,428 acres of surveyed public land which are unappropriated.

Mr. MANN. But the gentleman from Arizona says none of it is fit to live on.

Mr. FITZGERALD. And there are 28,982,455 acres unappropriated and unsurveyed.

Mr. CANNON. My recollection is that Fort Grant Military Reservation is not a great way from the railroad station called Wilcox, on the Southern Pacific Railroad.

Mr. HAYDEN. Yes; that is correct.

Mr. CANNON. Many years ago, in 1885, in connection with a congressional committee of investigation, of which Judge Holman was chairman, I visited Arizona. We got off at Wilcox. Fort Grant was then occupied, and Gen. Shafter was in command. We rode up to the barracks and remained there all

night. The next day we started for the Gila River, going up to the Indian reservation of that name. We found another post on the Gila River.

Mr. HAYDEN. Fort Thomas?

Mr. CANNON. My recollection is that that reservation—and it struck me at the time and was a matter of comment—was worth all of the territory so far as we could see, at least for agricultural purposes, from Fort Grant to the Gila River.

Mr. HAYDEN. Mr. Speaker, I would like to explain the reason why this land was selected by the State of Arizona. The State legislature appointed a commission to relocate the reform school. That commission visited various sections of the State and among others the Fort Grant Military Reservation. The commission decided that this was the best place to locate the school. The matter was taken up with the Department of the Interior by the governor of Arizona and the bill as it passed the Senate was drawn in the department.

Mr. MANN. Mr. Speaker, the department makes a report upon it and recommends something else. We passed recently, I believe—or if not, it is in conference—a proposition to permit the State of Texas to have certain portions of an abandoned military reservation for a tuberculosis sanitarium.

Mr. HAY. This is no longer in a military reservation. It has been turned over to the Interior Department and is a part of the public domain.

Mr. MANN. In the case to which I refer it is proposed that the State of Texas shall pay for the land. Certainly, if anything ought to appeal to Congress on its charity side it would be the establishment of a tuberculosis sanitarium, and if we require Texas to pay for that I can see no reason why we should start in to give the land to Arizona.

Mr. HAYDEN. But the Federal Government did not donate any land to the State of Texas when that State came into the Union.

Mr. MANN. Then Texas has that much more claim on us to have land given to it. I think the gentleman would better ask that this go over and ascertain just what is wanted. This will permit them to take the entire reservation without any cost or paying anything at all.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

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

S. J. Res. 127. Joint resolution authorizing the Secretary of War to supply tents and rations to American citizens compelled to leave Mexico.

AMERICAN REFUGEES FROM MEXICO.

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 127, authorizing the Secretary of War to supply tents and rations to American citizens compelled to leave Mexico, and for its present consideration.

The SPEAKER. The Chair lays before the House Senate joint resolution 127, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized and directed to cause to be supplied, through the proper military officers at El Paso, Tex., all necessary tents, together with temporary rations, for the care and relief of American citizens who have been compelled to remove and are yet removing from threatened danger in the Republic of Mexico and who are seeking refuge in El Paso, Tex., and adjacent portions of the United States.

The SPEAKER. Is there objection?

Mr. HAY. Mr. Speaker, I would like to ask what the reason is for this?

Mr. MANN. What is the request?

The SPEAKER. The request is for unanimous consent for its present consideration.

Mr. FITZGERALD. Mr. Speaker, I reserve the right to object.

Mr. MANN. I reserve the right to object.

Mr. HAY. And I desire to reserve the right to object.

Mr. SMITH of Texas. Mr. Speaker, I would ask that in explanation of the matter that the following telegram be read from the Clerk's desk.

The Clerk read as follows:

EL PASO, TEX., *July 29, 1912.*

Hon. W. R. SMITH,
Member of Congress, Washington, D. C.:

Twenty-five hundred Mormon women and children driven from Mexico to be here within 24 hours; 700 here now; too many for local authorities to care. Col. Steever says resolution of Congress necessary before he can furnish tents and temporary rations. Please have resolution passed at once. Have wired this to Senator FALL.

C. E. KELLY, *Mayor.*
ALBERT S. J. EYLAR, *County Judge.*

Mr. MANN. May I ask the gentleman whether he has consulted with the chairman of the Committee on Appropriations, the chairman of the Committee on Military Affairs, or the minority leader in reference to this matter?

Mr. SMITH of Texas. Mr. Speaker, I have spoken to the chairman of the Committee on Appropriations, but I have not had an opportunity to speak to the others.

Mr. MANN. If the gentleman wants to consider a matter of this nature by unanimous consent, without consulting somebody on this side of the House in advance, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. HAY. Mr. Speaker, I ask that the resolution be referred to the Committee on Military Affairs.

The SPEAKER. The resolution will be referred to the Committee on Military Affairs.

THE BEEF TRUST.

Mr. KINKEAD of New Jersey. Mr. Speaker, on the 16th day of the present month I addressed the House on the subject of the Beef Trust, and on Wednesday, July 24, the following editorial appeared in what is known as the Butchers' Advocate——

The SPEAKER. The gentleman from New Jersey will first have to get consent to make an address.

Mr. KINKEAD of New Jersey. Mr. Speaker, I ask unanimous consent to address the House.

Mr. MANN. But, Mr. Speaker, we have already lost most of unanimous-consent day, and I hope the gentleman will come in with his request to-morrow.

The SPEAKER. Does the gentleman from Illinois object?

Mr. MANN. If the gentleman from New Jersey insists upon making his request and thus interrupting unanimous-consent day, which I hope he will not do, I fear I shall have to object.

Mr. KINKEAD of New Jersey. I do not want a great deal of time and I hope my friend will not object.

Mr. MANN. The gentleman knows that he will be taking the time that should be devoted to some gentleman getting a bill passed which may be of great interest to his constituents.

Mr. KINKEAD of New Jersey. Mr. Speaker, in deference to the explanation and the desires of the gentleman from Illinois, I ask unanimous consent that to-morrow, immediately after the reading of the Journal, I be permitted to address the House for one hour.

Mr. ALEXANDER. Mr. Speaker, to that I shall object.

The SPEAKER. The Chair will state that there is already one special order to be taken up immediately after the reading of the Journal.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from New Jersey that when the gentleman from Alabama [Mr. UNDERWOOD] calls up the tariff bills to-morrow the gentleman can easily get time in which to discuss any proposition that he may desire, and also on Wednesday he can get time.

Mr. KINKEAD of New Jersey. Then I ask unanimous consent that immediately after the reading of the Journal on Wednesday I may be permitted to address the House for one hour on the subject of the Beef Trust.

Mr. BURNETT. Mr. Speaker, I believe that is Calendar Wednesday.

Mr. MANN. I will say to the gentleman from New Jersey that on Calendar Wednesday the House will still be in Committee of the Whole, and if he gets the floor he will be entitled to one hour. I suppose that nobody would object to his address at that time.

Mr. KINKEAD of New Jersey. Mr. Speaker, in view of the conditions that have been outlined by the gentleman from Illinois, I hope he will not press his objection at this time. I will endeavor to conclude in a very short time.

Mr. MANN. Mr. Speaker, I am very anxious to hear what the gentleman has to say, and I know that he can not say in 15 minutes what he ought to say in an hour. I shall therefore object.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will report the next bill on the Calendar for Unanimous Consent.

PATENT TO ENTRYMEN FOR HOMESTEADS UPON RECLAMATION PROJECTS.

Mr. FRENCH. Mr. Speaker, I just want to ask unanimous consent to correct a word in the bill which we passed a little while ago—Senate bill 5545, page 5, line 18.

Mr. ROBINSON. That can be done in conference. The bill has been amended anyhow.

Mr. FRENCH. I think the Senate will probably concur in the House bill, and I want to ask unanimous consent to correct the word "mortgage" so it will read "mortgagee."

Mr. ROBINSON. I shall make no objection.

The SPEAKER. The gentleman asks unanimous consent to make a certain amendment——

Mr. MANN. By adding the letter "e" to the word "mortgage."

The SPEAKER. By changing the word "mortgage" to the word "mortgagee."

Mr. MANN. The gentleman will have to ask unanimous consent to reconsider the vote by which the bill was passed, so as to bring it back to the point where it can be amended.

The SPEAKER. The gentleman from Idaho asks unanimous consent to vacate the proceedings in relation to Senate bill 5545 by which it was ordered to a third reading and passed.

Mr. RAKER. Reserving the right to object, read the sentence to which it applies.

Mr. FRENCH (reading)—

Upon default of payment of any amount so due title to the land shall pass to the United States free of all encumbrance, subject to the right of the defaulting debtor or any mortgage, lien holder, judgment debtor, or subsequent purchaser to redeem the land within one year after the notice of such default shall have been given by payment of all moneys due, with eight per centum interest and cost.

Mr. MANN. It should be mortgagee.

Mr. RAKER. There is no doubt of it.

The SPEAKER. Is there objection to vacating the proceedings on this bill? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 18, change the word "mortgage" to the word "mortgagee."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. FRENCH. The title probably should be corrected to conform to what was done before.

The SPEAKER. Does the gentleman know whether there is anything that requires the title to be changed?

Mr. FRENCH. I do not know, but I simply want to follow the formula adopted before.

The SPEAKER. Without objection, the title will be amended to conform to the text.

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

SALE OF BURNT TIMBER ON THE PUBLIC DOMAIN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24266) to authorize the sale of burnt timber on the public domain.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, under such rules as he may prescribe, to sell and dispose of to the highest bidder at public auction, or through sealed bids, the timber on any lands of the United States, including those embraced in unperfected claims under any of the public-land laws, also upon the ceded Indian lands, that may have been killed or seriously and permanently damaged by forest fires prior to the passage of this act, the proceeds of all such sales to be covered into the Treasury of the United States: *Provided*, That the damaged timber upon any lands embraced in an existing claim shall be disposed of only upon the application or with the written consent of such claimant, and the money received from the sale of damaged timber on any such lands shall be kept in a special fund to await the final determination of such claim.

SEC. 2. That upon the certification of the Secretary of the Interior that any such claim has been finally approved and patented the Secretary of the Treasury is hereby authorized and directed to pay to such claimant, his heirs or legal representatives, the money received from the sale of the damaged timber upon his land, after deducting therefrom the expenses of the sale; and upon the certification of the Secretary of the Interior that any such claim has been finally rejected and canceled the Secretary of the Treasury is hereby authorized and directed to transfer the money derived from the sale of the damaged timber upon the lands embraced in such claim to the general fund in the Treasury derived from the sale of public or ceded Indian lands, as the case may be.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I desire to ask a question in regard to this bill. I would like for the chairman of the Committee on the Public Lands to state if we did not pass a bill early in the present session of this Congress providing for this very purpose?

Mr. ROBINSON. Mr. Chairman, a bill was passed early in the present session, which bill was prepared by representatives of the Department of the Interior and of the Department of Agriculture. That bill was vetoed by the President on the ground that it contained features which would make difficult, if not impracticable, the administration, so far as the proceeds from burnt timber on lands belonging to claimants were concerned. This bill was drawn to meet that objection and relieve it from inconvenience in administration. The present bill provides, where sales are made of burnt or destroyed timber on lands under existing claims, the proceeds shall be held in a special fund until the claim has been determined. If it is determined in favor of the claimant, the proceeds of the sale shall be paid to him, and if it is against him it shall be covered into the Treasury. Now, there is a provision in the bill that no sale shall be made of burnt timber on lands upon which there are existing claims, except upon application of the claimants or after they have consented, which, I think, will meet an objection that has been suggested by the gentleman from Colorado [Mr. RUCKER]. This bill was drafted in the Interior Department to meet the objections which were asserted in the veto message to the other form of the bill.

Mr. MANN. The objection that existed against the other bill would exist against this bill.

Mr. ROBINSON. No; I think not.

Mr. MANN. It is the difference between tweedledum and tweedledee.

Mr. BURKE of South Dakota. The bill, as I understand, reported by the committee with amendment has the approval of the department.

Mr. ROBINSON. It has the approval of the department and was drafted there. And if the gentleman from Illinois will permit me, it not only has the approval of the department, but it was drafted by the department to meet the objection which the department suggested to the President and which caused him to veto the bill. The veto was unquestionably made upon the recommendation of the Secretary of the Interior.

Mr. MANN. And without sufficient information.

Mr. ROBINSON. I think so. I will say frankly I think the veto was unfounded, and I do not think there will be any grave objection made to this bill. I was addressing my remarks to the fact that this bill would relieve from the difficulty that it was claimed would arise under the former bill. Now, under the former bill it was provided after much consideration that such portion of the proceeds of burnt timber from lands upon which there existed claims should be paid over to the claimant as he had earned by residence, and the Interior Department took the view that that was impracticable of operation for this reason, that sometimes a claimant might never perfect his claim by residence, and therefore never become entitled to the proceeds, and in that way he might receive the proceeds of the timber when he should not do so.

Mr. MANN. That was sufficiently guarded in the other bill.

Mr. ROBINSON. I thought so, to be frank with the gentleman.

Mr. BURKE of South Dakota. As a matter of fact, unless you have this legislation the timber that will be sold under the terms of the bill, if it becomes a law, will be lost and——

Mr. ROBINSON. Entirely, and it amounts to a considerable sum.

Mr. MANN. May I ask the gentleman what is covered by the term "ceded Indian lands"?

Mr. ROBINSON. That consists of lands which the Indians have ceded to the United States and which the United States holds in trust for the Indians. The amendment was adopted at my suggestion.

Mr. MANN. I am not speaking about the amendment. I am speaking about the sale of timber upon the ceded Indian lands. What does that cover?

Mr. ROBINSON. There are a number of tracts of land in various Western States which are called "ceded Indian lands." They are now held by the Government in trust for the Indians, and the committee took the view of it that the proceeds of those lands should not be covered into the General Treasury but should be held and disposed of as the act under which the cession was made should require.

Mr. BURKE of South Dakota. In other words, they were authorized to be disposed of in Indian reservations instead of being regarded as public domain, and designated as "ceded Indian lands"?

Mr. ROBINSON. And they are held in trust by the Government for the Indian. It is, therefore, fair that the proceeds of this timber as well as the proceeds of the land go to the Indians. The committee took that view of it, and the Secretary of the Interior approved the same.

Mr. STEPHENS of Texas. Is it not also a fact that in providing for the disposition of the dead and down and injured timber the Indians have the right under the direction of the Secretary of the Interior to do any work that may be necessary to be done toward the marketing of this timber, and sawing it, and putting it into lumber, and so forth?

Mr. ROBINSON. I think so.

Mr. STEPHENS of Texas. The question is, Would the Indian's right to do this work for the purpose of giving him employment be respected by the department if your bill passed?

Mr. ROBINSON. Under the law as it now exists there is no authority for the sale of this timber on these lands, and I think under the statute the Secretary of the Interior would have authority to prescribe rules and regulations concerning the manner of disposal.

Mr. STEPHENS of Texas. I simply wish to call your attention to the fact that the Indians have priority in the work to be done on reservations.

Mr. ROBINSON. The Secretary of the Interior would doubtless recognize that. I call for a vote.

The SPEAKER. It there objection?

Mr. RUCKER of Colorado. I would like to have the gentleman explain this language on page 2:

> That the damaged timber upon any lands embraced in an existing claim shall be disposed of only upon the application or with the written consent of such claimant, and the money received from the sale of damaged timber on any such lands shall be kept in a special fund to await the final determination of such claim.

Now, do I understand from the gentleman that there shall be no sale of the dead timber upon the lands without written consent, or does this language mean there shall be no disposition of the money until the claim is disposed of?

Mr. ROBINSON. This language means exactly what I understand it to say, and that is, that there shall be no sale by the Interior Department of fire-killed or seriously or permanently damaged timber—timber which has been damaged by fire—without the consent of the claimant; that is to say, if you claim, under any of the public-land laws of the United States, 160 acres of land where timber has been injured by fire, and I represent the Interior Department, I can not sell that damaged timber unless you consent to it in writing; and after it has been sold, the proceeds do not go to you for the time being, nor does it go to the Government, but it is held in a special fund to await the determination of your claim. If your claim is adjudicated in your favor, and you are given title to the land by the Government, you get the proceeds of this burned timber, and if you do not, you do not get it.

Mr. RUCKER of Colorado. The gentleman uses the term "160 acres." We have another unit in our country, of 10½ acres—a mining claim. Do you include mining claims or not?

Mr. ROBINSON. It says in all of the public land of the United States. It does not contemplate sales where the area is small and the damaged timber is not appreciable. It is only intended to apply to those large areas where the damage is great and whole communities have been affected.

Mr. RUCKER of Colorado. You certainly are not evading my question?

Mr. ROBINSON. I did not intend to do so.

Mr. RUCKER of Colorado. We have another unit—that is, a mining claim of 10½ acres. But the gentleman goes off and refers to a large area of 160 acres.

Mr. ROBINSON. No; I did not go off.

Mr. RUCKER of Colorado. Does this cover a mining claim of 10½ acres?

Mr. ROBINSON. It covers, according to my construction of it, any claim upon the public domain.

Mr. RUCKER of Colorado. That is all I desire.

Mr. TALCOTT of New York. Does the chairman think this bill will relate to lands in the forest reserves?

Mr. ROBINSON. It is intended to relate to all public lands.

Mr. SHARP. How long ago were these lands burned over?

Mr. ROBINSON. Last fall.

Mr. SHARP. What kind of timber is it—hard or soft?

Mr. ROBINSON. The hearings before the committee disclosed the fact that there is a necessity for prompt legislation. Otherwise worms or weevils will eat into the timber and ruin it and render it practically valueless within a year or two. The character of the timber varies with the locality.

Mr. SHARP. I asked the question because if it is soft wood, pine and hemlock, it would last a good many years. If hardwood, the decay would be very rapid.

Mr. ROBINSON. We went into that very fully with a view of considering it in reference to this legislation, and the Secretary of the Interior and the representative of the Bureau of Forestry, Mr. Potter, in the extended hearings before the committee concerning the matter, said it was desirable that prompt action should be taken, because the deterioration will start in, on a part of the timber, at least, within a short time.

Mr. MANN. Did I understand the gentleman to say that under this bill the Secretary of the Interior would have the right to sell the burned timber on the forest reserves?

Mr. ROBINSON. No. He merely asked that sales be made of the burned timber in the forest reserves. That would be done by the Secretary of Agriculture.

Mr. MANN. It does not apply to the burned timber on the forest reserves?

Mr. ROBINSON. No. The Secretary of Agriculture attends to that.

Mr. RUCKER of Colorado. He already has that authority.

Mr. ROBINSON. It is not contemplated that he should be interfered with as to forest-reserve timber.

Mr. PRAY. Mr. Speaker, I would like to ask the gentleman from Arkansas a question.

The SPEAKER. Does the gentleman from Arkansas yield to the gentleman from Montana?

Mr. ROBINSON. I yield to the gentleman from Montana.

Mr. PRAY. I would like to ask the gentleman if the principal purpose of the bill that we passed last December was not to afford the entrymen on these lands some immediate relief on account of the losses which they had sustained during the great fires that swept over Idaho, Minnesota, Montana, and other sections of the West during the fall of 1910, and if section 3 of the bill that we passed in December last did not adequately provide for that relief, in that it enabled the entrymen, if they had resided on the land and complied with the law, to receive an amount of money from the fund derived from the sale of the timber on their claims commensurate with length of residence? Now, under this bill the entryman is obliged to perfect title to his claim, and the Secretary of the Interior must certify to the Secretary of the Treasury that the title has been earned and a patent issued before he can receive any money at all. This is the difference, is it not?

Mr. ROBINSON. That is the difference. Still I can not concede all of the premises that the gentleman has laid down. It was not the primary purpose of the bill, in my judgment, to favor the settler or claimant. The primary purpose was to prevent waste of timber. It must be clear to all gentlemen that unless some one has the power to sell this burned timber, and unless it is sold within a reasonable time and before it deteriorates, there will be a great waste. I think the total amount burned and damaged was probably 5,000,000,000 feet. The proper purpose of the bill was to prevent waste that would inevitably have occurred otherwise.

Now, we did think it imperative that the settler should receive his share of the proceeds as the sales were made, and I think the bill was adequately safeguarded in that respect. But the President—and I will suggest to the gentleman from Montana that the President is just as much his President as he is mine—took a different view of the matter and vetoed the bill, probably at the suggestion of the Secretary of the Interior, who said that it was difficult, if not impossible, to disburse the funds under the terms of the bill, for the reason that the settler who might be on the land for a part of the time required might never complete his title, and then he would have received funds from land to which he had not perfected his claim. So I think it would be best to let the proceeds be held in a special fund.

Mr. PRAY. The former bill was vetoed on request of the Secretary of the Interior, and in my judgment was a much better bill than this one, although I am not opposed to this one. The former bill, however, was introduced as the result of memorials from State legislatures in the interest of entrymen who lost their property in the forest fires, was it not?

Mr. ROBINSON. Yes. Mr. Speaker, I call for a vote.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TALCOTT of New York. Mr. Speaker, I understand the gentleman from Arkansas to say that this does not authorize the sale of timber in forest reserves?

Mr. ROBINSON. Under the existing law the Secretary of Agriculture has been and is disposing of the burnt timber in the forest reserves. This does not take away from him the power to sell that timber.

Mr. TALCOTT of New York. This does not authorize the sale of timber in forest reserves?

Mr. MANN. Not forest-reserve timber.

Mr. ROBINSON. No.

The SPEAKER. This bill is on the Union Calendar.

Mr. ROBINSON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Arkansas [Mr. ROBINSON] asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

> Page 2, strike out, in lines 19 and 20, the words "from the sale of public or ceded Indian lands, as the case may be," and insert in lieu thereof the following: "from the sale of public lands, unless by legislation the lands from which the timber had been removed had been theretofore appropriated to the benefit of an Indian tribe or otherwise, in which event the net proceeds derived from the sale of the timber shall be transferred to the fund of such tribe or otherwise credited or distributed as by law provided."

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

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the House bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

THE SUGAR TARIFF.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill revising the sugar schedule for the purpose of disagreeing to the Senate amendments.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to take from the Speaker's table the sugar bill, H. R. 21213, disagree to the Senate amendments, and ask for a conference.

Mr. UNDERWOOD. I do not ask for a conference.

Mr. PAYNE. I suggest to the gentleman from Alabama that by unanimous consent we consider a motion to concur in the Senate amendments as pending and let it go over until to-morrow morning and have a vote on it when the gentleman calls up the other tariff bill.

Mr. UNDERWOOD. I will say to the gentleman that that is agreeable; and that if unanimous consent is given to take the bill from the Speaker's table for the purpose of voting on the Senate amendments, I will allow the gentleman from New York to make the motion to concur and then will move to adjourn, with the motion pending, if that is satisfactory.

Mr. PAYNE. Very well.

Mr. MANN. Is the gentleman going to move to adjourn right away?

Mr. UNDERWOOD. Yes. I want to ask unanimous consent to adjourn until 11 o'clock in the morning.

The SPEAKER. What is the agreement?

Mr. UNDERWOOD. Mr. Speaker, the agreement is——

Mr. MANN. You only ask unanimous consent to take the bill from the Speaker's table and to consider it in the House as in Committee of the Whole?

Mr. UNDERWOOD. That is all. I desire, Mr. Speaker, to ask unanimous consent to take the sugar bill from the Speaker's table and consider it in the House as in Committee of the Whole, and will state that if that agreement is ratified I shall not call it up for consideration until to-morrow morning, when I will give the gentleman from New York [Mr. PAYNE] an opportunity to move to concur.

Mr. PAYNE. That is satisfactory, Mr. Speaker.

The SPEAKER. The gentleman from Alabama asks unanimous consent to take from the Speaker's table the sugar bill and to consider the Senate amendments in the House as in Committee of the Whole. Then there is a supplementary agreement, with which the Chair has nothing to do, that the gentleman from New York shall have an opportunity to move to concur.

Mr. PAYNE. I want to reserve that right.

Mr. MANN. The gentleman has the right to make that motion.

The SPEAKER. He has the right, under the agreement, to make a motion to concur. The Chair will suggest to the gentleman from Alabama that there is a special order for to-morrow.

Mr. STEPHENS of Texas. Mr. Speaker, I do not wish the special order to interfere with this bill, but I do desire to have an opportunity to consider it.

Mr. MANN. This would not interfere with that.

Mr. UNDERWOOD. I was going to suggest, to the gentleman from Texas that I desire, if this is granted, to ask unanimous consent that the House meet at 11 o'clock in the morning, and hope to have these matters out of the way in time not to interfere with the special order.

Mr. BURKE of South Dakota. Mr. Speaker, the request for unanimous consent made by the gentleman does not interfere with the special order.

The SPEAKER. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

Mr. MANN. Reserving the right to object, which I shall not do, I suggest to the gentleman that 11 o'clock to-morrow will probably be too early to call up the tariff bill. I think meanwhile, after we meet, we can dispose of the Indian bill, so that by the time gentlemen are here the tariff bill can be taken up.

Mr. UNDERWOOD. If I have an assurance from the gentleman from Texas that he thinks he can dispose of the Indian bill in an hour, or about that time, I have no objection.

Mr. MANN. This bill has the right of way under the rule, anyhow.

Mr. STEPHENS of Texas. I think we can readily dispose of it in an hour.

Mr. RUCKER of Colorado. There is a matter of mine on which I wish to move to nonconcur. I think I ought to have an hour. I have never asked an hour before in this House. I want an hour in which to present that case.

Mr. MANN. I think the gentleman is entitled to it.

Mr. UNDERWOOD. Mr. Speaker, we can arrange that matter in the morning.

Mr. STEPHENS of Texas. We can arrange that to-morrow I think.

Mr. UNDERWOOD. Does the gentleman from New York [Mr. PAYNE] desire to say anything?

Mr. PAYNE. I am anxious that we shall not vote on the tariff bill before 12 o'clock. I have no objection to meeting at 11 o'clock, but I do not want to have the vote taken before people will naturally come in.

Mr. UNDERWOOD. Mr. Speaker, if I have assurances that the Indian bill is not going to occupy the day, so that we can get these tariff bills in conference, I shall have no objection.

Mr. MANN. Oh, the Indian bill will not take very long.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 100. Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming.

SOCIALIST PLATFORM.

Mr. BERGER. Mr. Speaker, I ask unanimous consent to print in the RECORD a statement of the principles of the Socialist Party as contained in the platform adopted at the Socialist national convention, May 12–13, 1912.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to print in the RECORD a statement of the principles of the Socialist Party.

Mr. MANN. How long is it?

Mr. BERGER. Not long.

The SPEAKER. Is there objection?

There was no objection.

The document referred to is as follows:

SOCIALIST PLATFORM ADOPTED AT THE NATIONAL SOCIALIST CONVENTION, MAY 12–13, 1912.

The Socialist Party of the United States declare that the capitalist system has outgrown its historical function, and has become utterly incapable of meeting the problems now confronting society. We denounce this outgrown system as incompetent and corrupt and the source of unspeakable misery and suffering to the whole working class.

Under this system the industrial equipment of the Nation has passed into the absolute control of a plutocracy which exacts an annual tribute of billions of dollars from the producers. Unafraid of any organized resistance, it stretches out its greedy hands over the still undeveloped resources of the Nation—the land, the mines, the forests, and the water powers of every State in the Union.

In spite of the multiplication of labor-saving machines and improved methods in industry which cheapen the cost of production, the share of the producers grows ever less, and the prices of all the necessities of life steadily increase. The boasted prosperity of this Nation is for the owning class alone. To the rest it means only greater hardship and misery. The high cost of living is felt in every home. Millions of wage workers have seen the purchasing power of their wages decrease until life has become a desperate battle for mere existence.

Multitudes of unemployed walk the streets of our cities or trudge from State to State awaiting the will of the masters to move the wheels of industry.

The farmers in every State are plundered by the increasing price exacted for tools and machinery and by extortionate rents, freight rates, and storage charges.

Capitalist concentration is mercilessly crushing the class of small business men and driving its members into the ranks of propertyless wage workers. The overwhelming majority of the people of America are being forced under a yoke of bondage by this soulless industrial despotism.

It is this capitalist system that is responsible for the increasing burden of armaments, the poverty, slums, child labor, most of the insanity, crime, and prostitution, and much of the disease that afflicts mankind.

Under this system the working class is exposed to poisonous conditions, to frightful and needless perils to life and limb, is walled around with court decisions, injunctions, and unjust laws, and is preyed upon incessantly for the benefit of the controlling oligarchy of wealth. Under it also the children of the working class are doomed to ignorance, drudging toil, and darkened lives.

In the face of these evils, so manifest that all thoughtful observers are appalled at them, the legislative representatives of the Republican and Democratic Parties remain the faithful servants of the oppressors. Measures designed to secure to the wage earners of this Nation as humane and just treatment as is already enjoyed by the wage earners of all other civilized nations have been smothered in committee without debate, and laws ostensibly designed to bring relief to the farmers and

general consumers are juggled and transformed into instruments for the exaction of further tribute.

The growing unrest under oppression has driven these two old parties to the enactment of a variety of regulative measures, none of which has limited in any appreciable degree the power of the plutocracy, and some of which have been perverted into means for increasing that power. Antitrust laws, railroad restrictions and regulations, with the prosecutions, indictments, and investigations based upon such legislation, have proved to be utterly futile and ridiculous.

Nor has this plutocracy been seriously restrained or even threatened by any Republican or Democratic Executive. It has continued to grow in power and insolence alike under the administrations of Cleveland, McKinley, Roosevelt, and Taft.

In addition to this legislative juggling and this executive connivance, the courts of America have sanctioned and strengthened the hold of this plutocracy as the Dred Scott and other decisions strengthened the slave power before the Civil War. They have constantly been used as instruments for the oppression of the working class and for the suppression of free speech and free assemblage.

We declare, therefore, that the longer sufferance of these conditions is impossible, and we purpose to end them all. We declare them to be the product of the present system in which industry is carried on for private greed instead of for the welfare of society. We declare, furthermore, that for these evils there will be and can be no remedy and no substantial relief except through Socialism, under which industry will be carried on for the common good and every worker receive the full social value of the wealth he creates.

Society is divided into warring groups and classes, based upon material interests. Fundamentally this struggle is a conflict between the two main classes, one of which, the capitalist class, owns the means of production, and the other, the working class, must use these means of production on terms dictated by the owners.

The capitalist class, though few in numbers, absolutely controls the Government—legislative, executive, and judicial. This class owns the machinery of gathering and disseminating news through its organized press. It subsidizes seats of learning—the colleges and schools—and even religious and moral agencies. It has also the added prestige which established customs gives to any order of society, right or wrong.

The working class, which includes all those who are forced to work for a living, whether by hand or brain, in shop, mine, or on the soil, vastly outnumbers the capitalist class. Lacking effective organization and class solidarity, this class is unable to enforce its will. Given such class solidarity and effective organization, the workers will have the power to make all laws and control all industry in their own interest.

All political parties are the expression of economic class interests. All other parties than the Socialist Party represent one or another group of the ruling capitalist class. Their political conflicts reflect merely superficial rivalries between competing capitalist groups. However they result, these conflicts have no issue of real value to the workers. Whether the Democrats or Republicans win politically, it is the capitalist class that is victorious economically.

The Socialist Party is the political expression of the economic interests of the workers. Its defeats have been their defeats and its victories their victories. It is a party founded on the science and laws of social development. It proposes that, since all social necessities to-day are socially produced, the means of their production and distribution shall be socially owned and democratically controlled.

In the face of the economic and political aggressions of the capitalist class the only reliance left the workers is that of their economic organizations and their political power. By the intelligent and class-conscious use of these, they may resist successfully the capitalist class, break the fetters of wage slavery, and fit themselves for the future society which is to displace the capitalist system. The Socialist Party appreciates the full significance of class organization and urges the wage earners, the working farmers, and all other useful workers everywhere to organize for economic and political action, and we pledge ourselves to support the toilers of the fields as well as those in the shops, factories, and mines of the Nation in their struggle for economic justice.

In the defeat or victory of the working class party in this new struggle for freedom lies the defeat or triumph of the common people of all economic groups, as well as the failure or the triumph of popular government. Thus the Socialist Party is the party of the present-day revolution, which marks the transition from economic individualism to Socialism, from wage slavery to free cooperation, from capitalist oligarchy to industrial democracy.

WORKING PROGRAM.

As measures calculated to strengthen the working class in its fight for the realization of its ultimate aim, the cooperative Commonwealth, and to increase its power of resistance against capitalist oppression, we advocate and pledge ourselves and our elected officers to the following program:

COLLECTIVE OWNERSHIP.

1. The collective ownership and democratic management of railroads, wire and wireless telegraphs and telephones, express services, steamboat lines, and all other social means of transportation and communication and of all large-scale industries.

2. The immediate acquirement by the municipalties, the States, or the Federal Government of all grain elevators, stockyards, storage warehouses, and other distributing agencies, in order to reduce the present extortionate cost of living.

3. The extension of the public domain to include mines, quarries, oil wells, forests, and water power.

4. The further conservation and development of natural resources for the use and benefit of all the people:

(a) By scientific forestation and timber protection.

(b) By the reclamation of arid and swamp tracts.

(c) By the storage of flood waters and the utilization of water power.

(d) By the stoppage of the present extravagant waste of the soil and of the products of mines and oil wells.

(e) By the development of highway and waterway systems.

5. The collective ownership of land wherever practicable, and in cases where such ownership is impracticable, the appropriation by taxation of the annual rental value of all land held for speculation or exploitation.

6. The collective ownership and democratic management of the banking and currency system.

7. The abolition of the monopoly ownership of patents and the substitution of collective ownership, with direct rewards to inventors by premiums or royalties.

UNEMPLOYMENT.

The immediate Government relief of the unemployed by the extension of all useful public works. All persons employed on such works to be engaged directly by the Government under a workday of not more than eight hours and at not less than the prevailing union wages. The Government also to establish employment bureaus, to lend money to States and municipalities without interest for the purpose of carrying on public works, and to take such other measures within its power as will lessen the widespread misery of the workers caused by the misrule of the capitalist class.

INDUSTRIAL DEMANDS.

The conservation of human resources, particularly of the lives and well-being of the workers and their families:

1. By shortening the workday in keeping with the increased productiveness of machinery.

2. By securing to every worker a rest period of not less than a day and a half in each week.

3. By securing a more effective inspection of workshops, factories, and mines.

4. By forbidding the employment of children under 16 years of age.

5. By abolishing the brutal exploitation of convicts under the contract system and substituting the cooperative organization of industries in penitentiaries and workshops, for the benefit of convicts and their dependents.

6. By forbidding the interstate transportation of the products of child labor, of convict labor, and of all uninspected factories and mines.

7. By abolishing the profit system in Government work, and substituting either the direct hire of labor or the awarding of contracts to cooperative groups of workers.

8. By establishing minimum wage scales.

9. By abolishing official charity and substituting a noncontributory system of old-age pensions, a general system of insurance by the State of all its members against unemployment, illness, and invalidism, and a system of compulsory insurance by employers of their workers, without cost to the latter, against industrial diseases, accidents, and death.

POLITICAL DEMANDS.

1. The absolute freedom of press, speech, and assemblage.

2. The adoption of a graduated income tax, the increase of the rates of the present corporation tax, and the extension of inheritance taxes, graduated in proportion to the value of the estate and to nearness of kin—the proceeds of these taxes to be employed in the socialization of industry.

3. Unrestricted and equal suffrage for men and women.

4. The adoption of the initiative, referendum, and recall and of proportional representation, nationally as well as locally.

5. The abolition of the Senate and of the veto power of the President.

6. The election of the President and the Vice President by direct vote of the people.

7. The abolition of the power usurped by the Supreme Court of the United States to pass upon the constitutionality of the legislation enacted by the Congress. National laws to be repealed only by act of Congress or by a referendum vote of the whole people.

8. The abolition of the present restrictions upon the amendment of the Constitution, so that that instrument may be made amendable by a majority of the voters in a majority of the States.

9. The granting of the right of suffrage in the District of Columbia with representation in Congress and a democratic form of municipal government for purely local affairs.

10. The extension of democratic government to all United States territory.

11. The enactment of further measures for general education and particularly for vocational education in useful pursuits. The Bureau of Education to be made a department.

12. The enactment of further measures for the conservation of health. The creation of an independent bureau of health, with such restrictions as will secure the full liberty of all schools of practice.

13. The separation of the present Bureau of Labor from the Department of Commerce and Labor and its elevation to the rank of a department.

14. Abolition of all Federal district courts and the United States circuit courts of appeals. State courts to have jurisdiction in all cases arising between citizens of the several States and foreign corporations. The election of all judges for short terms.

15. The immediate curbing of the power of the courts to issue injunctions.

16. The free administration of justice.

17. The calling of a convention for the revision of the Constitution of the United States.

Such measures of relief as we may be able to force from capitalism are but a preparation of the workers to seize the whole powers of Government, in order that they may thereby lay hold of the whole system of socialized industry and thus come to their rightful inheritance.

ADJOURNMENT.

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

The motion was agreed to; and accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Tuesday, July 30, 1912, at 11 o'clock a. m.

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. HARRISON of New York, from the Committee on Ways and Means, to which was referred the bill (H. R. 25806) to provide for the entry under bond of exhibits of arts, sciences, and industries, reported the same without amendment, accompanied by a report (No. 1091), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENT, from the Committee on the Public Lands, to which was referred the bill (H. R. 11478) to quiet title and possession with respect to a certain unconfirmed and located private-land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict, reported the same with amendment, accompanied by a report

(No. 1094), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNSEND, from the Committee on the Library, to which was referred the bill (H. R. 22594) permitting the State of Pennsylvania to place a bronze tablet in the corridor of the National Capitol at Washington to the memory of the 350 Pennsylvania soldiers who reached Washington on the 18th day of April, 1861, for the defense of the National Capital, reported the same with amendment, accompanied by a report (No. 1111), which said bill and report were referred to the House Calendar.

Mr. PICKETT, from the Committee on the Library, to which was referred the concurrent resolution (H. Con. Res. 58) authorizing Herman Walthauser to make a cast of the head of the statue of John Hancock, now located in Senate wing of the Capitol, reported the same without amendment, accompanied by a report (No. 1112), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MAGUIRE of Nebraska, from the Committee on Claims, to which was referred the bill H. R. 4496, reported in lieu thereof a resolution (H. Res. 651) referring to the Court of Claims the papers in the case of Engene J. O'Connor and J. B. Schweers, accompanied by a report (No. 1095), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 24137) to refund to the National Cartage & Warehouse Co., of New York City, excess duties, reported the same with amendment, accompanied by a report (No. 1096), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 264) for the relief of Hans Peter Guttormsen, reported the same with amendment, accompanied by a report (No. 1097), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 21324) providing for the refund of certain duties incorrectly collected on a certain horse, reported the same without amendment, accompanied by a report (No. 1098), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16449) to reimburse certain employees of the Washington Navy Yard for loss of mechanics' tools by fire, reported the same with amendment, accompanied by a report (No. 1099), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 2628) for the relief of Libbie Arnold, reported the same without amendment, accompanied by a report (No. 1100), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 104) for the relief of Carl Krueger, reported the same with amendment, accompanied by a report (No. 1101), which said bill and report were referred to the Private Calendar.

Mr. FOWLER, from the Committee on Claims, to which was referred the bill (H. R. 25264) for the relief of W. A. Kelly, reported the same without amendment, accompanied by a report (No. 1102), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 14770) for the relief of Martin A. L. Olsen, reported the same without amendment, accompanied by a report (No. 1103), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9125) for the relief of George Hallman, reported the same with amendment, accompanied by a report (No. 1104), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 998) for the relief of Henry G. Roetzel and Paul Chipman, reported the same with amendment, accompanied by a report (No. 1105), which said bill and report were referred to the Private Calendar.

Mr. WOODS of Iowa, from the Committee on Claims, to which was referred the bill (H. R. 6722) for the relief of Stephen Campbell and Isaac Overdorf, reported the same with amendment, accompanied by a report (No. 1106), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16127) for the relief of William Kaiser, reported the same with amendment, accompanied by a report (No. 1107), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 67) for the relief of Capt. Joseph Herring, United States Army, retired, reported the same without amendment, accompanied by a report (No. 1108), which said bill and report were referred to the Private Calendar.

Mr. GREEN of Iowa, from the Committee on Claims, to which was referred the bill (S. 6408) for the relief of Margaret McQuade, reported the same without amendment, accompanied by a report (No. 1109), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (S. 2733) for the relief of the estate of Almon P. Frederick, reported the same without amendment, accompanied by a report (No. 1110), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 25447) for the relief of William J. Beard, and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. McKINLEY: A bill (H. R. 26021) for the purchase of a site and the erection of a public building thereon at Charleston, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. SPARKMAN: A bill (H. R. 26022) to increase the limit of cost for the post-office building heretofore authorized at St. Petersburg, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. MARTIN of Colorado: A bill (H. R. 26023) to amend section 2 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of Pennsylvania: A bill (H. R. 26024) to prohibit corporal punishment in the public schools of the District of Columbia; to the Committee on the District of Columbia.

By Mr. BUCHANAN: A bill (H. R. 26025) to place the secretary or clerk of a deceased Member of Congress on the roll of the House of Representatives until the vacancy has been filled; to the Committee on Accounts.

By Mr. SULLOWAY: Resolution (H. Res. 648) relating to violations of the police regulations controlling the operation of chicken, pigeon, or squab farms, or aviaries in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McCALL: Resolution (H. Res. 649) of inquiry concerning the existence of slavery in Peru; to the Committee on Foreign Affairs.

By Mr. ANDERSON of Minnesota: Resolution (H. Res. 650) asking the Secretary of Agriculture for information relative to the definition of "beer," and the labeling, branding, or misbranding thereof, and for copies of papers relating thereto; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ALLEN: A bill (H. R. 26026) for the relief of William Pool; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 26027) granting an increase of pension to John Wesley Etiner; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 26028) for the relief of the heirs of Frank J. Roth; to the Committee on War Claims.

By Mr. BROWN: A bill (H. R. 26029) granting an increase of pension to Erasmus Ashby; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 26030) for the relief of William Martin; to the Committee on Military Affairs.

Also, a bill (H. R. 26031) for the relief of Henry Marxmiller, alias Henry Miller; to the Committee on Military Affairs.

Also, a bill (H. R. 26032) granting a pension to John Ryan; to the Committee on Invalid Pensions.

By Mr. CRAVENS: A bill (H. R. 26033) granting a patent to Mrs. J. W. Arms to certain lands; to the Committee on the Public Lands.

By Mr. CURLEY: A bill (H. R. 26034) for the relief of Joseph Manning; to the Committee on Claims.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 26035) granting a pension to Alice A. Noble; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 26036) granting a pension to George M. Anderson; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 26037) granting an increase of pension to Joseph Bush; to the Committee on Invalid Pensions.

By Mr. PATTON of Pennsylvania: A bill (H. R. 26038) granting an increase of pension to Charles F. Heichtel; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 26039) granting a pension to Alice C. Kies; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 26040) for the relief of Charles G. Rouse; to the Committee on War Claims.

Also, a bill (H. R. 26041) granting a pension to Lydia A. Hibbard; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 26042) granting a pension to Leslie S. Livermore; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By the SPEAKER: Petition of Washington Camp, No. 131, Patriotic Order Sons of America, favoring the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Petition of the Daughters of Liberty of Brooklyn, N. Y., favoring the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Photo Engravers' Union, No. 1, of New York, and of Humphrey's Homeopathic Medicine Co., of New York, protesting against the passage of the Bourne parcel-post bill (S. 6850); to the Committee on the Post Office and Post Roads.

By Mr. CANNON: Petition of St. Hedwig Society, No. 342, Kankakee, Ill., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FLOYD of Arkansas: Papers to accompany House bill 16235, for the relief of Gordon Stamps; to the Committee on Invalid Pensions.

By Mr. McDERMOTT: Petition of the Chicago Allied Printing Trades' Council and the Chicago Printed-Book Binders and Paper Cutters' Union, No. 8, International Brotherhood of Bookbinders, of Chicago, Ill., against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Petition of the Southern California Wholesale Grocers' Association, protesting against the coinage of the one-half cent pieces; to the Committee on Coinage, Weights, and Measures.

SENATE.

TUESDAY, *July 30, 1912.*

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

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, as we stand before Thee to acknowledge Thy goodness and to ask Thy guidance we remember before Thee the nation whose people mourn the death of their Emperor. Their sorrow is our sorrow, as their loss is our loss, seeing that none of us liveth to himself and none of us dieth to himself, since we are members one of another. Uphold them, we pray Thee, by Thy gracious mercy, and hasten the time when all the peoples of the earth shall acknowledge Thee to be the Lord. And unto Thee, whose kingdom is an everlasting kingdom and whose dominion endureth throughout all generations, be glory and praise, now and forever more. Amen.

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

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 122) providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald.

The message also announced that the House had passed the bill (S. 5545) providing for the issuing of patent to entrymen for homesteads upon reclamation projects with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 18041) granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii.

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

H. R. 5145. An act authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of the fire department of said city on lot No. 3, block No. 115, in the city of Hot Springs, Ark.;

H. R. 6735. An act to authorize the exchange with the Coconino Cattle Co. of lands within the Coconino National Forest;

H. R. 15509. An act to authorize the construction and maintenance of a sewer pipe upon and across the Fort Rodman Military Reservation, at New Bedford, Mass.;

H. R. 21888. An act providing for the sale of the United States unused post-office site at Perth Amboy, N. J.; and

H. R. 24266. An act to authorize the sale of burnt timber on the public domain.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 100) authorizing the Secretary of the Interior to permit the continuation of coal mining operations on certain lands in Wyoming, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. FLETCHER presented resolutions adopted by the Board of Trade of St. Augustine, Fla., favoring the enactment of legislation providing that what is known as the powder-house lot, now abandoned for military purposes, be turned over to the city of St. Augustine as a public park and to be used for park purposes only, which were referred to the Committee on Military Affairs.

He also presented a memorial of the board of directors of the American Forestry Association, remonstrating against the adoption of a proposed amendment to the agricultural appropriation bill relative to the selection, classification, and segregation of all lands within the boundaries of national forests that are suitable for agricultural purposes, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted in behalf of the citrus growers of Florida, favoring a continuance of the work of the Department of Agriculture for the benefit of the citrus industry of that State, which were referred to the Committee on Agriculture and Forestry.

Mr. RAYNER presented a memorial of sundry citizens of Maryland, remonstrating against the passage of the so-called Bourne parcel-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Baltimore, Md., remonstrating against the passage of the so-called Owen bill or any similar medical legislation, which was ordered to lie on the table.

MISSISSIPPI RIVER BRIDGE AT SARTELL, MINN.

Mr. NELSON. From the Committee on Commerce I report back favorably with amendments the bill (S. 7209) to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn., and I submit a report (No. 990) thereon. I ask for the present consideration of the bill.

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

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

The amendments were, in line 3, to strike out "Sartell Bros. Co." and in lieu thereof to insert "village of Sartell, in the county of Stearns and State of Minnesota"; in the same line, before the word "corporation," to insert "municipal"; in lines 4 and 5, to strike out the words "its successors and assigns, be, and it"; and in line 5, after the word "hereby," to strike out the comma, so as to make the bill read:

Be it enacted, etc., That the village of Sartell, in the county of Stearns and State of Minnesota, a municipal corporation organized under the laws of the State of Minnesota, is hereby authorized to construct, maintain, and operate a wagon and foot bridge and approaches thereto across the Mississippi River, at a point suitable to the interests